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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 3 September 2020 at 7.30 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is:

<https://attendee.gotowebinar.com/rt/1538780126279062799>

Webinar ID: 435-140-827

Telephone (listen-only): 0330 221 9922, Telephone Access code: 756-551-215

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Clive Woodbridge (Chair)
Councillor Monica Coleman (Vice-Chair)
Councillor Alex Coley
Councillor Neil Dallen
Councillor David Gulland
Councillor Previn Jagutpal
Councillor Colin Keane

Councillor Jan Mason
Councillor Steven McCormick
Councillor Lucie McIntyre
Councillor Debbie Monksfield
Councillor Peter O'Donovan
Councillor Clive Smitheram

Yours sincerely

A handwritten signature in black ink that reads "J.C. Beldan".

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk.

Public information

Information & Assistance:

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail submit your written statement, then your place may be allocated to those on speakers waiting list. Further information is available by contacting Democratic Services, email: democraticservices@epsom-ewell.gov.uk, tel: 01372 732000.

Deadline for public speaking registration: Noon, 28 August.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 14)

The Committee is asked to confirm as a true record the Minutes of the Special Meeting of the Planning Committee held on the 9 July and the Meeting of the Committee held on 23 July (attached) and authorise the Chairman to sign them.

3. 22-24 DORKING ROAD EPSOM KT18 7LX (Pages 15 - 44)

Demolition of existing houses and erection of a part two, part three storey building with rooms in the roof and basement providing 20 flats. Basement parking for cars and cycles. Bins stores and associated hard and soft landscaping including new boundary walls and railings.

4. ASHLEY HOUSE HOWELL HILL CHEAM ROAD EWELL SM2 7LQ (Pages 45 - 68)

Demolition of the existing building; erection of a three storey residential development comprising nine flats; provision of ten parking spaces, cycle and refuse storage facilities and new access onto Cheam Road.

5. 15 BEECH ROAD, EPSOM, SURREY, KT17 4NH (Pages 69 - 80)

Proposed ground and first floor rear extension, ground and first floor side extension and internal alterations.

6. 7 CEDAR HILL EPSOM SURREY KT18 7BP (Pages 81 - 88)

Retention of timber fence located along the western flank boundary, and erection of timber decking located to the rear (north) of the dwelling.

7. 32 COURTLANDS DRIVE, EWELL (Pages 89 - 94)

Demolition of existing conservatory and then creating a new extension across the rear of the house in line of existing conservatory.

8. 119 LONGDOWN LANE SOUTH, EPSOM, KT17 4JL (Pages 95 - 102)

The application seeks planning permission for the erection of a carport to the front of the property. The property is located within the Metropolitan Green Belt.

9. MONTHLY REPORT ON PLANNING APPEAL DECISIONS (Pages 103 - 104)

The Planning Service has received the following Appeal decisions from 1 June 2020 to 10 August 2020.

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Minutes of the Meeting of the PLANNING COMMITTEE held on 9 July 2020

PRESENT -

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair); Councillors Alex Coley, Nigel Collin (as nominated substitute for Councillor Clive Smitheram), Neil Dallen, David Gulland, Previn Jagutpal, Colin Keane, Jan Mason, Steven McCormick, Lucie McIntyre, Debbie Monksfield and Peter O'Donovan

Absent: Councillor Clive Smitheram

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Steven Lewis (Planning Development Manager), Danny Surowiak (Principal Solicitor), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

11 DECLARATIONS OF INTEREST

The following declarations of interest were made to the agenda item on the Wells Social Centre, Spa Drive, Epsom:

Councillor Clive Woodbridge, Other Interest: In the interests of openness and transparency Councillor Clive Woodbridge declared his previous involvement in relation to the site as it was owned by the Council. Councillor Woodbridge also declared he had received a number of emails from members of the public and Ward Councillors objecting to the application. He stated he had come to the meeting without any predetermination and would act with impartiality.

Councillor David Gulland, Other Interest: In the interests of openness and transparency Councillor David Gulland declared that he had also received a number of emails in objection and that he had come to the meeting with an open mind.

Councillor Debbie Monksfield, Other Interest: In the interests of openness and transparency Councillor Debbie Monksfield declared she had received a number of emails from members of the public objecting to the application. She stated that she had come to the meeting with an open mind.

Councillor Jan Mason, Other Interest: In the interests of openness and transparency Councillor Jan Mason declared her previous involvement with the site as it was owned by the Council. She had also received a number of emails in objection and that he had come to the meeting with an open mind.

Councillor Lucie McIntyre, Other Interest: In the interests of openness and transparency Councillor Lucie McIntyre declared that she had come to the meeting with an open mind.

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency Councillor Neil Dallen declared his previous involvement with the site as it was owned by the Council. He stated he had come to the meeting without any predetermination and would act with impartiality. Councillor Dallen also declared that he is a member of the Epsom Civic Society.

Councillor Peter O'Donovan, Other Interest: In the interests of openness and transparency Councillor Peter O'Donovan declared his previous involvement with site as it was owned by the Council. He had also received a number of emails in objection and that he had come to the meeting with an open mind.

Councillor Previn Jagutpal, Other Interest: In the interests of openness and transparency Councillor Previn Jagutpal declared he had received a number of emails from members of the public and Ward Councillors in objection to this item. He stated that he had come to the meeting with an open mind.

Councillor Steven McCormick, Other Interest: In the interests of openness and transparency Councillor Steven McCormick declared he had received a number of emails from members of the public in objection to this item. He stated that he had come to the meeting with an open mind. Councillor McCormick also declared that he is a member of the Epsom Civic Society.

12 WELLS SOCIAL CENTRE, SPA DRIVE, EPSOM, KT18 7LR

Description

The redevelopment of the existing site to provide 23 residential units comprising a mix of 5 x 1 bed, 15 x 2 bed and 3 bed properties (40% affordable), a new community hall, playground and associated car parking and landscaping following demolition of the existing building.

Decision

The Committee noted a presentation from the Planning Development Manager.

The Committee were also addressed by Ward Councillor, Bernie Muir who spoke in objection to the application. The Committee also heard from two objectors and also from those representing the Applicant.

The following items were raised by the Committee:

Parking facilities: Members noted the number of proposed car parking spaces for the residential units, and raised concerns regarding the impact this may have on the local area. It was noted that emergency vehicles may be delayed in attending the site due to a lack of turning space to non-domestic vehicles, and

that it may be a possibility to fit approved British-standard sprinkler systems in lieu of potential delays from the Fire Brigade in emergencies. Members noted the 26 proposed cycle spaces on the development, which would mitigate the need for some car ownership.

Privacy to neighbouring residents: Members noted concerns regarding the proposed redevelopment of the community centre and the loss in private amenity space that this may cause to residents on Wells Way. Members highlighted that part of the proposal includes plans to plant trees to offer some privacy to residents on Wells Way.

Affordable housing: Members noted the shortage of housing within the Borough and how the proposed development would be of benefit in fulfilling need. Members noted the number of units being offered as affordable housing and spoke about the possibility of this number being increased.

Character of building: Members noted concerns regarding the proposed residential element of the scheme. It was noted that the materials and detailing were important factors and required careful handling.

The Vice-Chair, Councillor Monica Coleman proposed a deferral. This was seconded by Councillor Neil Dallen. The reason for this deferral was to give Officers the opportunity to discuss the concerns raised by the Committee. These include:

- Highways and parking
- Housing mix
- Privacy to neighbouring residents
- Style and siting of proposed development

Following consideration, the Committee resolved with 10 Members voting for, 2 Members voting against and the Chairman not voting that:

The Application be **DEFERRED** and brought back to the Committee once all the additional information is available.

The meeting began at 7.30 pm and ended at 9.58 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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Minutes of the Meeting of the PLANNING COMMITTEE held on 23 July 2020

PRESENT -

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair); Councillors Alex Coley, Neil Dallen, David Gulland, Previn Jagutpal, Colin Keane, Jan Mason, Steven McCormick, Lucie McIntyre, Debbie Monksfield, Peter O'Donovan and Clive Smitheram

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Virginia Johnson (Planner), Danny Surowiak (Principal Solicitor) and Sarah Keeble (Democratic Services Officer)

13 DECLARATIONS OF INTEREST

The following declarations were made in relation to the agenda item on Woodcote Grove, Ashley Road, Epsom, Surrey:

Councillor Clive Woodbridge, Other Interest: In the interest of openness and transparency, Councillor Clive Woodbridge declared on behalf of all Members of the Committee that all Members had received an email from an objector on the first Agenda item, but all came to the meeting with an open mind.

Councillor Neil Dallen, Other Interest: In the interest of openness and transparency, Councillor Neil Dallen declared that he is a member of the Epsom Civic Society, and that he came to the meeting with an open mind.

Councillor Steven McCormick, Other Interest: In the interest of openness and transparency, Councillor Steven McCormick declared that he is a member of the Epsom Civic Society, Woodcote Epsom Residents Society, and the Epsom and Ewell Tree Advisory Board. He stated he came to the meeting with a clear and open mind, and is not predetermined or predisposed.

14 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting on 18 June 2020 were agreed as a true record and the Committee authorised the Chair to sign them subject to the following correction:

Declarations of interest:

Councillor Steven McCormick is a member of the Woodcote Residents Society and not the 'Racing Society' as stated in the draft minutes.

- 15 WOODCOTE GROVE, ASHLEY ROAD, EPSOM, SURREY, KT18 5BW - 19/00999/FUL

Description

Demolition of existing office buildings and redevelopment of Application Site to provide 98 apartments/dwellings, including conversion of the Grade II* Listed Woodcote Grove and Grade II Listed Stable Block, with parking, access, landscaping and other associated works.

Decision

The Committee noted a presentation from the Planning Development Officer.

The Committee was addressed by Ward Councillor, Liz Frost who spoke in objection to the Application. The Committee also heard from an objector and following connection problems, a statement was read out on behalf of the Applicant.

The following points were raised by the Committee:

Parking: Members spoke about the number of proposed car parking spaces, and noted that this number is reflective of the Government's guidance on the encouraged use of alternative modes of transport. The Committee noted the importance of making it clear that not all dwellings would benefit from their own parking space. It was noted that the proposed site is situated with easy access to public transport for cyclists and pedestrians, and would also host a car club in order to promote sustainable means of travel. Members raised concerns as to the ability of all potential residents to make use of non-car based methods of transport.

Amenity space: Members spoke about the private and shared amenity space for the proposed flats and dwellings. It was noted that not all of the proposed housing units would meet the standard of amenity space, but a number would exceed it. Members highlighted the nearest park being a five minute walk away, and the possibility of the proposed development incorporating amenity space for children to play.

Restoration of buildings: Members noted that the proposed development would allow for the restoration and maintenance of the listed buildings at no cost to the Council or other local agencies. It was highlighted that many of these buildings may deteriorate without investment.

Style of buildings: Members noted how the application details the proposed development of modern buildings around the redevelopment of existing listed buildings. It was highlighted that this was thought about carefully to alleviate the possibility of diminishing the setting of the original historic structures.

Affordable housing: Members noted the need for socially-rented accommodation within the Borough; and how the split was formed through viability negotiations in terms of what the site could offer.

Trees: Members noted how the Applicant agreed to enter into a Landscape Ecology Management Plan, which would put the responsibility of tree management on the owner. This would ensure maintenance and offer a long-term management strategy to the site.

Councillor Steven McCormick proposed a deferral. This was seconded by Councillor Neil Dallen. The reason for this deferral was to secure additional information relating to:

- Highways and parking
- Amenity space including playground
- Housing mix
- Tree management

Following consideration, the Committee resolved unanimously that:

The Application be **DEFERRED** and brought back to the Committee once all the additional information is available.

- 16** WOODCOTE GROVE, ASHLEY ROAD, EPSOM, SURREY, KT18 5BW - 19/00998/LBA

Description

Development of 98 apartments/dwellings, including conversion of the Grade II* Listed Woodcote Grove and Grade II Listed Stable Block, with parking, access, landscaping and other associated works, following the demolition of the existing reprographics centre and conference centre (Listed Building Consent).

Decision

Councillor Neil Dallen proposed a deferral. This was seconded by Councillor David Gulland. This reason for this deferral was to keep the application in line with the previous item on the agenda.

Following consideration, the Committee resolved unanimously that:

The Application is **DEFERRED**.

The meeting began at 7.30 pm and ended at 10.12 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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Ward:	Woodcote Ward
Site:	22-24 Dorking Road, Epsom, KT18 7LX
Application For:	Demolition of existing houses and erection of a part two, part three storey building with rooms in the roof and basement providing 20 flats. Basement parking for cars and cycles. Bins stores and associated hard and soft landscaping including new boundary walls and railings.
Contact Officer:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZQCF3GYGB500>

2 Summary

- 2.1 This application seeks permission for the demolition of two detached dwellings and the erection of a part two storey/part three storey building (with roof accommodation) comprising 20 flat units and associated parking and external works.
- 2.2 The proposal is considered to comply with residential policies contained in the Development Management Policies Document 2015.
- 2.3 **The application is therefore recommended for conditional permission subject to the completion of a S106 agreement**

3 Site description

- 3.1 The 0.12ha application site is located on the northern side of Dorking Road, on the eastern junction of White Horse Drive. The ground level falls from the northern (rear) boundary to the Dorking Road highway boundary by around 1.8m.

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- 3.2 The site is currently occupied by Nos 22 and 24 Dorking Road, two detached houses with detached garages at the rear. No. 22 is accessed from Dorking Road onto a hard-landscaped driveway, whilst access to No. 24 is gained from a driveway on White Horse Drive, adjacent to gardens and outbuildings.
- 3.3 The site is bounded to the east by No 20 Dorking Road, a detached inter-war period house, and to the rear (north) by No 2A White Horse Drive, a detached “chalet” bungalow.
- 3.4 The Site does not fall under any statutory heritage designations, however, it is within proximity to four statutorily listed buildings. These are Tamerisk Cottage (Grade II - 60m to the north west), The Hylands (Grade II* - 32m to the south west), 67-69 Dorking Road (Grade II – located 20m to the south), and the White Horse Public House (Grade II – located 25m to the south).
- 3.5 The site is located approximately 120m to the south west of the Woodcote Conservation Area.

4 Revisions

- 4.1 Improvements have been secured during the course of the application following negotiations between officers and the applicant regarding the scale and massing of the scheme. The scheme has been amended as follows:
- (a) The general roofline of the proposal has been lowered by 300mm.
 - (b) The roof design has been changed from one with projecting eaves to one with a parapet and roof set back behind,
 - (c) The roof profile to the north has been reduced.
 - (d) The window pattern and elevational treatment has been rationalised, including: moving the dormers from the front wall position to a position set back in the roof; the expression of the front entrance on the south elevation to Dorking Road has been improved; and the omission of the railings at roof parapet level between the bays to White Horse Drive.
 - (e) The massing of the west elevation to White Horse Drive has been reduced, by reducing the height of both projecting bays.
 - (f) The flat mix has been changed from 3 x studio flats, 1 x one bed, 8 x two bed and 8 x three bed; to 3 x studio flats, 2 x one bed, 10 x two bed and 5 x three bed flats.

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- 4.2 Overall, these amendments are welcomed, as they would reduce the actual and perceived mass of the building in views from both Dorking Road and White Horse Drive. The reduced roof profile would allow the proposal to step down earlier and more comfortably in relation to 2A White Horse Drive, and the reduction in the height of the projecting bays on the west elevation would ensure that the principal volume of the building would be viewed as set further back, and not as a dominating element in the streetscene.

5 Proposal

- 5.1 This application seeks permission for the demolition of two detached houses (Nos 22 and 24 Dorking Road) and the erection of a part two storey/part three storey building (with roof accommodation) comprising 20 flat units (3 studio, 2 one bed, 10 two bed and 5 three bed) and associated parking and external works.
- 5.2 The building would have a broadly square footprint, measuring 21m (w) x 17m (w), with a 10m x 10m two storey projection to the rear. In response to the site levels, the building would have a lower ground floor comprising an undercroft parking area and 2 two bed flats.
- 5.3 The ground floor would be accessed from Dorking Road via a “bridge” over the garden serving the ground floor flats below. It would have crowned hipped roof set behind a parapet, with a parapet height of between 8.28m and 10.95m along Dorking Road, and between 8.72m and 5.92m along White Horse Drive. It would have an overall height of around 13.22m. The building would maintain the established building lines.
- 5.4 Each flat would comply with national space standards in regards to overall gross internal area (GIA) and individual habitable rooms. A mix of private (balconies and terraces) and communal amenity space for the units would be provided.
- 5.5 The proposed building would be of a contemporary design, with stock brick elevations, a crowned hipped roof set behind a prominent parapet, articulated by projecting bays and dormer windows. It would step down to meet its lower height to both the north east on Dorking Road and the north-west on White Horse Drive.
- 5.6 Undercroft parking for 15 vehicles would be accessed via a ramp along the (northern) rear boundary, served by a widened crossover off White Horse Drive. Refuse storage would be provided at ground level, accessed off the pedestrian “bridge” on Dorking Road. Cycle storage for 28 cycles would be located at lower ground floor level.

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6 Comments from third parties

6.1 The application was advertised by means of letters of notification to 49 neighbouring properties, a site and press notice. By (03.06.2020) 37 letters of objection had been received regarding:

- Highway safety
- Parking issues
- Out of Character
- Overdevelopment
- Loss of light
- Overbearing
- Overlooking
- Inappropriate design
- Inadequate amenity space

6.2 Following submission of an amended scheme on 06.05.2020, a second consultation period began on 18.06.2020, and expired on 09.07.2020. 32 letters of objection were received, and are summarised as follows :

- Highway safety
- Parking issues
- Out of character
- Loss of light
- Overlooking/loss of privacy
- Overdevelopment
- Inappropriate design
- Excavation of basement (*Officer Comment: This falls within the remit of the Health and Safety Executive and the Construction (Design and Management) 2015*)

7 Consultations

7.1 Design and Conservation Officer: The proposal is considered as causing less than substantial harm as per paragraph 196 of the NPPF in terms of its impact on the listed buildings on the opposite side of the road. The benefits of the additional housing are considered to outweigh this lower level harm.

7.2 Tree Officer: No objections

7.3 Highways Officer: No objections. Conditions to be imposed on any permission granted

7.4 Surrey County Council Sustainable Drainage and Consenting Team: No objection subject to conditions

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8 Relevant planning history

Application number	Decision date	Application detail	Decision
16/01484/FUL	01.03.2017	Proposed erection of a 2 bedroom detached bungalow on land to rear of 22 & 24 Dorking Road.	REFUSED

9 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development
Paragraphs 8 – 12 and 14

Chapter 5 Delivering a sufficient supply of homes
Paragraphs 59- 61, 68

Chapter 9 Promoting sustainable transport
Paragraphs 105-106, 108-111

Chapter 11 Making effective use of land
Paragraphs 118, 122, 123

Chapter 12 Achieving well-designed places
Paragraphs 127, 130 and 131

Chapter 15 Conserving and enhancing the natural environment
Paragraphs 170,174, 175, 177, 178, 180, 182 and 183

Chapter16 Conserving and enhancing the historic environment
Paragraphs 189 - 197

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Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable housing and meeting Housing Needs
Policy CS16	Managing transport and travel

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM8	Heritage Assets
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM13	Building Heights
Policy DM12	Housing Standards
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM22	Housing Mix
Policy DM37	Parking Standards

10 Planning considerations

Previous Application

- 10.1 An application (16/01484/FUL) for the proposed erection of a 2 bedroom detached bungalow on land to rear of 22 & 24 Dorking Road was refused under delegated authority in March 2017 on the following grounds:

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1. The proposed development, by reason of its scale and massing, its location within the plot and loss of green infrastructure would result in an inappropriate form of backland development which would have an overbearing impact on 2A Whitehorse Road and would result in the unacceptable loss of garden space for 24 Dorking Road, contrary to the local character of the area and therefore failing to comply with policy DM16 of the Development Management Policies Document 2015.

2. The proposed development, by reason of its scale, massing, external appearance including lack of landscaping, would result in an overly prominent building in a harsh, urbanized setting which fails to incorporate the principles of good design such as respecting plot width and format, the space between buildings, layout and massing of the dwelling including soft landscaping and choice of materials. The proposal therefore fails to make a positive contribution to the borough's visual character and local distinctiveness of this area and does not comply with policies DM9 and DM10 of the Development Management Policies Document 2015 and Supplementary Guidance on Single Plot/Residential Infill Development 2003.

Principle of Development

- 10.2 The National Planning Policy Framework, referred to hereon as 'the framework' at paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.3 Paragraph 68 of the Framework encourages the promotion of small and medium sized sites – giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 10.4 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change...
- 10.5 The Government's standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 695 through the imposition of a 20% buffer since the Council did not pass the latest housing delivery test as published on 20th February 2019.

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- 10.6 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 10.7 Paragraph 11d of the framework is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a 5 year supply. The practical application and consequence of this is that unless the site is located in an area or 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 demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 10.8 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

Impact on a Heritage Asset

- 10.9 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State, as relevant, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.
- 10.10 Paragraph 190 of the Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.11 Paragraph 193 of the framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It emphasises that the weight given to an asset's conservation should be proportionate to its significance, and notes that this great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.12 Paragraph 196 states that 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.

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- 10.13 Policy DM8 Heritage Assets, set outs the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states 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 (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 10.14 The Site does not fall under any statutory heritage designations, however, it is located within proximity to four statutorily listed buildings. This includes Tamerisk Cottage (Grade II - 60m to the north west), The Hylands (Grade II* - 32m to the south west), 67-69 Dorking Road (Grade II – located 20m to the south), and the White Horse Public House (Grade II – located 25m to the south).
- 10.15 A Heritage Statement has been prepared and submitted by the applicant in support of this application.
- 10.16 The report has undertaken a full assessment of the site and the surrounding townscape characteristics, and an assessment of the significance of nearby heritage assets and their settings. The report also considered the appropriateness of the design of the proposed development in its context and its potential effects on the significance of heritage assets in the local area.
- 10.17 The report states that

Most of the heritage assets in the vicinity of the site are on the south side of Dorking Road and form a linear, if fragmented, group which contrasts with the greater uniformity of 1930s development on the opposite side of Dorking Road. By building a taller building on the corner of White Horse Drive and Dorking Road, opposite the group of heritage assets, the proposal produces a more prominent point of interest in the streetscape as the viewer enters Epsom from the south-west and to a limited degree alters the setting to the group of listed buildings.

By comparison of the scale and width of Dorking Road, the small scale and low density 1930s residential buildings on the north side of Dorking Road are out of proportion, especially when taking in account the larger buildings to the surrounding area such as The Hylands and the public buildings to the East. The proposed development is considered to respond better to the scale and width of the road and contributes an architecture of quality to an area that otherwise has little of interest other than the heritage assets opposite to the south.

In creating this new setting, the proposal will not detract from the significance of the heritage assets either individually or as a linear

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group on the route into Epsom, nor will it affect the viewer's appreciation of the significance of those assets. It will be read as a new contemporary element of high quality, stylistically complementing the developments in its immediate context.

10.18 The report concludes that the 1930s houses on the site

do not hold any special architectural or historic interest and are not listed, locally listed or located within a conservation area. The proposed development is of high quality and responds to both the corner condition and the characteristics of surrounding development. In doing so, it is considered to make a positive contribution to the townscape. Whilst the proposed development will create a new setting to the surrounding designated heritage assets nearby, the proposal will not detract from the significance of the heritage assets either individually or as a linear group on the route into Epsom, nor will it affect the viewer's appreciation of the significance of those assets. It will be read as a new contemporary element of high quality stylistically complementing the developments in its immediate context.

10.19 Officers agree that the existing dwellings do not warrant retention on grounds of historical significance or architectural merit. However, the proposal would represent a change in the setting of the listed properties on the (opposite) south side of Dorking Road. There are concerns regarding the perceived scale of the proposal in relation to these heritage buildings and clearly, the proposed development would more prominent building than the existing 1930s houses opposite by virtue of their height and, site coverage. The Council's Conservation officer has assessed the amended scheme and considers that the development would lead to a less than significant harm to the setting of the nearby listed buildings by view of their context.

10.20 Officers consider that the (amended) proposal has been carefully designed to respond to its position on the corner site and to contribute positively to the townscape experience, including the setting of the listed building opposite.

10.21 The proposed development would result in an increase from two to 20 new dwelling units, which is a significant increase, given the Council's need for housing and the lack of provision in the borough and represents a clear and tangible public benefit. In addition other public benefits from economic and social facets are also considered to weight positively in this regard.

10.22 In accordance with the tests set out in paragraph 196 of the Framework 2019, Officers conclude that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.

10.23 The proposal would therefore comply with the NPPF and Policy DM8, DM9 and DM10.

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Visual impact

- 10.24 Chapter 12 of the Framework refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 10.25 Paragraph 130 of the Framework sets out 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 and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 10.26 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state 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.
- 10.27 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development
- 10.28 The area around the site is not of a uniform character, as acknowledged in Epsom & Ewell's Environmental Character Study (ECS) in 2008. The ECS identified the part of Dorking Road within which the site is located, as falling within Character Area 35. This was described as *"an area of very mixed built form, a result of its proximity to the town centre, busy road thoroughfares, large institutional land uses and the railway as neighbouring areas. Overall, the area has a busy character - both in terms of activity but also in terms of mixed visual characteristics. A succession of small scale infill and replacement development from a wide range of periods has eroded a sense of uniformity in the area - mostly from small scale cul de sac development. Whilst some localised areas are of a uniform character which can be described (see sub areas), the lack of a predominant style or form within other parts of the character area defy a summary description"*.

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- 10.29 The lack of uniformity, identified in the ECS, is owing in part to a variety of architectural styles, eras and materials used. The area is, as the ECS states, “*of very mixed built form, height, scale and plot sizes*”. There are a number of detached and semi-detached houses, however, a secondary school is located to the north west, Epsom General Hospital is to the south east, and a public house is located to the south. There is greater residential uniformity to the north on White Horse Drive, as acknowledged in the ECS
- 10.30 The design approach would be contemporary, with brick elevations, and articulated in both plan and elevation by features such as projecting bays, recessed and projecting balconies, and a distinctive hipped roof profile incorporating dormers, set back behind a prominent parapet.
- 10.31 It would respond to the site’s topography by the incorporation of a lower ground floor, which would accommodate undercroft parking, two flats and associated amenity space.
- 10.32 The building would step up from two storeys on the immediate boundary with No 2A White Horse Drive and No 20 Dorking Road respectively, to become a three storey (with roof accommodation) building with a varied roofline. The roof, set back behind a strong parapet line, and the projecting bay elements would break up the mass of the elevations effectively. The quality of design would be enhanced with simple but effective detailing including distinctive dormers, generous windows, deep reveals and a combination of integral brick balconies and cantilever balconies.
- 10.33 The undercroft parking would ensure that the frontage of the building, and views along Dorking Road and White Horse Drive, would not be dominated by parked vehicles.
- 10.34 In summary, it is concluded that the proposal, both in terms of layout, scale and appearance, would achieve a high quality development which would be a positive addition to streetscene and the character of the wider area. It would therefore accord with the Framework and Policies DM8, DM9 and DM10 of the Local Plan

Residential Amenity

- 10.35 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 10.36 The siting of the proposed building has taken into account the positioning of adjacent dwellings and ensures that the proposal will not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.

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- 10.37 The upper floor windows and balconies in the northern (rear) elevation of the proposed scheme would face the flank elevation of No 2a White Horse at a distance of between 7.37m and 12.89m, and its rear garden at a distance of some 15.8m. The windows and balconies in the east (flank) elevation would face no 20 Dorking Road at a distance of 11m. These distances are considered adequate to avoid significant loss of privacy/overlooking to the affected properties.
- 10.38 Flat No 15 on the second floor and flat No 19 on the third floor would have access to roof terraces facing No 20 Dorking Road. A safeguarding condition requiring details of privacy screens to be erected along the perimeter of the terraces, as well as to the balconies serving flat No 9 and 20, is recommended to be imposed which would prevent any material overlooking of the garden of the affected adjoining property.
- 10.39 The new building would not conflict with a 45 degree outlook angle taken from the nearest rear facing window of No 20 Dorking Road, and would step down in height towards its neighbour in White Horse Drive. This would ensure that there would not be unacceptable impacts on the amenity of these neighbours in terms of overshadowing and being overbearing in their outlook.
- 10.40 In conclusion ,given the juxtaposition of these neighbouring properties and the separation distances involved, the proposal is not considered to give rise to unacceptable impacts on the amenity of these neighbours in terms of overshadowing, overbearing or overlooking.
- 10.41 In this respect, the proposal would comply with Policy DM 10.

Housing Space Standards

- 10.42 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m² and a double bedroom should be no smaller than 11.5 m². All new units should be designed in accordance with the National Space Standards.
- 10.43 The proposed 3 bed (4 person) flats would have a Gross Internal Area of between 74m² and 98.7m², the 2 bed (3 person) flats an area between 63.9m² and 79.6m², the 1 bed (2 person) flats an area between 55.2m²and 58.4m² and the studio flats (1 person) an area of 37m².
- 10.44 Each flat would comply with the appropriate Nationally Described Space Standard technical requirements (74m², 61m², 50m² and 37m² respectively) in compliance with Policy DM12

Amenity Space

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10.45 Policy DM12 refers to housing standards and requires amenity space to be private, functional, safe and bio-diverse, easily accessible from living areas, oriented to take account of sunlight and shading, of sufficient size to meet the needs of the likely number of occupiers and provide for the needs of families with young children. The lower ground floor flats would have access to private amenity space and the other flats (apart from flat No 16) would have a balcony or roof terrace. All flats would have access to communal amenity space to the rear of the building. Overall, this would be adequate in terms of both size and quality to suit the needs of small and larger family accommodation, and would therefore comply with policy DM12's requirement for amenity space for flatted developments.

Car parking and Access

10.46 Chapter 9 of the Framework relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.47 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.48 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions

Access

10.49 The car parking spaces would be located at basement level and would be accessed via a vehicular ramp that forms a dropped kerb crossover access in broadly the same location as the existing access onto White Horse Drive for No 24 Dorking Road. The existing access to No 22 Dorking Road would become redundant although the dropped kerb would be retained to assist bin collections from the Dorking Road

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10.50 The access would be two-way at the top of the ramp to enable a car to pull clear of White Horse Drive and the adjacent footway. The access ramp would then narrow to a two-directional single lane width to the basement. The ramp would operate with traffic signal and barrier controls at the top and bottom.

10.51 The Highway Authority has raised no objection to the proposed access in terms of visibility and meeting the relevant highway standards.

Waste Collection

10.52 Two bin stores would be located at ground level, along the frontage of Dorking, all within 10 metres of the kerbside.

10.53 The Council's Transport and Waste Services Manager has raised no objections to the refuse/recycling arrangements.

Sustainability of the Site

10.54 The site is sustainably located within acceptable walking distances of both bus and rail services and is situated in proximity to local retail, employment and leisure opportunities. Consequently, it is considered that residents would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.

10.55 Measures to encourage sustainable transport are recommended by the Highway Authority and are secured by planning conditions.

Parking

10.56 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units and 1.5 spaces for 3+ bed units.

10.57 Within the site, 15 car parking spaces would be provided at basement level, which equates to an overall parking ratio of 0.75 spaces/unit. Two of the spaces would be designed for use by disabled drivers and would be located within the proximity of the main lift core. With reference to the SPD standards, the car parking provision would be 8 spaces below the minimum required provision.

10.58 Provision for the storage of 28 cycles is included within the proposal, a condition is recommended to secure the provision of this prior to occupation.

10.59 The site and White Horse Drive do not fall within a Controlled Parking Zone, and it is considered that due to parking restrictions within the surrounding area, any on street car parking associated with the proposed development would be prevented from occurring in a location likely to cause a highways safety and/or amenity problem.

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- 10.60 The application is supported by a Transport Assessment, which reviewed the existing car ownership levels within the Woodcote Ward, using the latest data from obtained from the Office of National Statistics (ONS), to establish the appropriateness of the proposed car parking provision. The applicant prepared report states that based on the 2011 Census data, it can be seen that the likely level of unrestrained car ownership for the proposed residential use would be 0.57 cars per dwelling for up to 2 bed flats, and 1.02 cars per 3 bed flat. Applying the car ownership data to the proposed schedule results in an anticipated parking demand of 14 cars for the overall development. Therefore, the applicant contends that the actual demand for spaces is likely to be met by the provision on site, meaning there would be little likelihood of overspill parking taking place on the local road network.
- 10.61 As the census is undertaken every 10 years, Officers are in agreement that this is the latest data available, and this has been confirmed by the Highway Authority. As the data is specific to the location, type and tenure of development, it is considered to provide an accurate representation of the likely unrestrained level of car ownership for the proposed scheme.
- 10.62 The Highway Authority will only raise objections regarding parking if there is a shortfall that would lead to danger on the adjoining highway. Extensive on street parking restrictions within the vicinity of the application site (including at junctions, outside the school and outside Epsom Hospital) will prevent any on street car parking associated with the proposed development from occurring in a location likely to cause a highways safety problem. Having reviewed the application and supporting information submitted it is not considered by the Highway Authority that a shortfall of 8 car parking spaces would cause a highway safety issue in this case.
- 10.63 The Highway Authority do recommended a condition that requires a Car Parking Management Plan be submitted to ensure the car park spaces are appropriately allocated and the car park system managed suitably.
- 10.64 Residents have commented that Whitehorse Drive is a busy road, which already suffers from road congestion due to the use by Rosebery and St Joseph's School, and parking congestion and significant levels of anti-social parking due to the schools along with (Epsom) hospital staff and visitors, and that overspill parking from the proposal would add to parking stress.
- 10.65 Any potential impact on amenity arising from the shortfall in parking is therefore a matter for the Council to consider in this instance in light of its own parking policy and the level of perceived impact

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- 10.66 The amenity impact of the shortfall in this case is identified by Officers as minor adverse and should be considered together with the need to optimise the site, the evidence of likely car ownership provided by the applicant, the sustainable location of the site, with access to a range of non-car modes of transport and measures which are to be put in place to encourage sustainable modes. The negative impact is not considered by Officers to be a sufficient reason to refuse permission in its own right and should be weighed against the proposal in the final planning balance.
- 10.67 It is concluded that the proposal would strike an acceptable balance between parking on site and sustainable modes of transport and would be acceptable in respect of its parking provision and impact on the highway and therefore complies with policies DM10 and DM37 of the Development Management Policies Document 2015

Ecology/Biodiversity

- 10.68 Chapter 15 of the Framework relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 10.69 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 10.70 The application is supported by a Preliminary Ecological Appraisal and Bat Survey which set out the following:
- The habitats on site are typical of suburban residential buildings and gardens, and are of low ecological value. One building, 22 Dorking Road, was considered to have low potential to support roosting bats, due to surrounding habitats, slipped tiles, and suitable roost features within the roof void. There was also potential breeding bird habitat present on site. A bat emergence survey was carried out on the 19th June 2019 of 22 Dorking Road. No bats were seen emerging from the property and are considered to be likely absent. Subsequently, no further surveys or mitigation measures for roosting bats are required. A bat was recording commuting between 22 Dorking Road and the neighbouring property to the east. Recommendations for bats have been made, including, the retention of the identified commuting route, a sympathetic building and lighting scheme and a late discovery protocol for bats. Various habitat enhancements are also recommended, including a native planting scheme, grassland planting, bird and insect boxes*
- 10.71 Overall, these findings are agreed and a condition will be imposed to secure the recommendations for construction practice and mitigation set out in the main survey.

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10.72 Subject to the appropriate conditions, it is considered that the proposed scheme would comply with Policy DM4

Trees/Landscaping

10.73 Chapter 15 of the Framework concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

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

- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

10.75 The application was accompanied by an arboricultural report, which states that the proposed development would require the removal of a single Ornamental Cypress tree. An Ash Tree in the garden of No 20 Dorking Road would be retained and protected during the construction period.

10.76 Indicative proposals for replacement tree and landscape planting have been submitted. Scope for replacement tree planting will be limited to some degree by the layout of the site (and the need to ensure a sustainable long term relationship between vegetation and the proposed building). However the proposed layout makes provision for areas of meaningful landscaping along the frontage with Dorking Road (including some scope for hedge planting along the flank and rear boundaries) and areas of soft landscaping within the site. It is recommended that a landscaping condition to secure details of proposed landscaping and planting is imposed.

10.77 The proposal is therefore considered to comply with Policy DM5

Affordable Housing

10.78 Paragraph 64 of the Framework states that

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“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, 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. Exemptions to this 10% requirement should also be made where the site or proposed development:

a) provides solely Build to Rent homes;

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”

10.79 Policy CS9 deals with affordable housing requirements. The policy seeks 40% affordable housing on sites of 15 dwellings and above. The Council will seek to ensure that the affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions or a planning obligation.

10.80 In this regard the proposal would be required to provide 8 affordable units.

10.81 Paragraph 3.12.11 goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.

10.82 The applicant submitted a Viability Report which stated that there is insufficient value in the proposal to support an affordable housing contribution

10.83 This evidence has been scrutinised by the Council’s independent valuer who is in agreement that the scheme is unable to support a fully policy compliant affordable housing provision.

10.84 Following discussions with the applicant, a financial contribution towards affordable housing in lieu of a provision on site has been agreed. The agreed amount is a commuted sum of £145,000 in lieu of the expectation of 10% of units to be affordable homes as required by the NPPF Paragraph 64. (The contribution in lieu has been calculated as two of the units at discount market sale, with a 25% discount to OMV, which would be £580,000 x 25% equating to £145,000. This contribution would be secured by a legal agreement)

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10.85 Notwithstanding the above contribution, Officers recommend the implementation of a review mechanism, which would allow the Council to benefit from any improvements in scheme viability over the development period.

10.86 The viability review mechanism to be included in the S.106 agreement would require the submission of a revised Viability Statement

Sustainability

10.87 Core Strategy policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.

10.88 An appropriate planning condition is recommended, should the proposal be acceptable, to secure their inclusion.

Planning Balance and Conclusion

10.89 The tilted balance in paragraph 11 of the Framework 2019 is engaged because the Council cannot demonstrate a five-year supply of deliverable housing sites.

10.90 The provision of 20 units (an additional 18 residential units) would provide a significant public benefit which weighs in favour of the scheme. The proposal is held to be a sustainable development which will contribute positively, Paragraph 59 of the Framework 2019 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.

10.91 At paragraph 10.19 and 10.20 of this report, it is concluded that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.

10.92 Balanced against the identified conflict, officers must also give some weight to the provision the secured a commuted sum of £145,000 towards affordable housing.

10.93 The amenity impact of the shortfall in the parking provision is given limited weight against the scheme, due to the sustainable location of the site, with access to a range of non-car modes of transport and measures which are to be put in place to encourage sustainable modes. Increasing on-site parking would not optimise the residential use of the site, an important objective in view of housing need.

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10.94 In addition, other benefits must also be identified, these being economic from the construction project and CIL and others secured by planning conditions such as biodiversity enhancement and sustainability improvements.

10.95 Taking all of these matters into account, including all other material considerations, it is found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole and that the proposal represents sustainable development.

Community Infrastructure Levy

10.96 The scheme would be CIL liable

11 Recommendation

Part A

11.1 Subject to a legal agreement being completed and signed by the 30th December 2020 to secure the following heads of terms :

- A commuted sum of £145,000 in lieu of the on-site provision of affordable housing
- The submission of a revised Viability Statement.

The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below.

Part B

11.2 In the event that the section 106 Agreement referred to in Part A is not completed by 4th September 2020 the Head of Planning be 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 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of a commuted sum in lieu of the on-site provision of affordable housing.

Condition(s):

- (1) **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

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- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

DRE-A2 01 B PROPOSED LOWER GROUND FLOOR

DRE-A2 02 E PROPOSED GROUND FLOOR

DRE-A2 03 C PROPOSED FIRST FLOOR

DRE-A2 04 B PROPOSED SECOND FLOOR

DRE-A2 05 C PROPOSED THIRD FLOOR

DRE-A2 06 C PROPOSED ROOF

DRE-A3 01 A PROPOSED WEST & SOUTH ELEVATION

DRE-A3 02 A PROPOSED NORTH & EAST ELEVATION

DRE-A3 03 A PROPOSED SECTIONS A-A' & B-B'

DRE-A3 04 A PROPOSED CONTEXTUAL ELEVATIONS

DRE-A3 05 - PROPOSED SECTION C-C' PARKING RAMP

DRE-A3 06 - PROPOSED SECTION D-D' PARKING ACCESS BARRIER

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) Prior to the commencement of development, details and samples of the 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 DM9 and DM10 of the Development Management Policies 2015.

- (4) No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained.

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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 DM9 and DM10 of the Development Management Policies 2015.

- (5) **Prior to commencement of works section drawings through parapets, reveals, soffits, lintel and cills at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.**

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 DM9 and DM10 of the Development Management Policies 2015.

- (6) **Notwithstanding the approved drawings and prior to the commencement of the development, a drawing to a scale of 1:20 showing the proposed privacy screen along the flank and front edge of the terraces to Flat 15 and 19, to the flank edges of the balcony to Flat 9, and to the front edge of the balcony to Flat 20, shall be submitted to, and approved in writing by the Local Planning Authority. It is expected that the privacy screen compromise either a wing wall, frosted glazing, perforated metal, or combination of the three, at a height of at least 1.8m and frosted to a minimum of level 3 of the Pilkington Scale. The screen shall be implemented prior to the first use of the terrace/balcony, and shall be built in accordance with the approved details and thereafter maintained in situ.**

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (7) **The window in the flank elevation of Flat No 14 of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.**

Reason: To safeguard the privacy of the occupants of adjoining properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (8) **No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted**

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to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (9) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme 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.

- (10) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number DPA-7071-03A in the Arboricultural Method Statement dated August 2019 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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.

- (11) The development hereby approved shall not be first occupied unless and until the existing access from the site to Whitehorse Drive have been permanently closed and any kerbs, verge, or footway fully reinstated, and on street redundant access protection markings removed.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (12) The development hereby approved shall not be first occupied unless and until the existing access from the site to Dorking Road has been

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reduced in width to 1.5m to accommodate waste collection only, with any redundant kerbs, verge, footway, fully reinstated.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (13) **No part of the development shall be first occupied unless and until the proposed vehicular access to Whitehorse Drive has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.**

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (14) **The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Whitehorse Drive, the depth measured from the back of the footway and the widths outwards from the position of an emerging vehicle. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.**

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (15) **The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans P1856 TRK01 for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.**

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (16) **The development shall not be occupied until a Car Parking Management Plan setting out provisions for the management and use of the proposed parking has been submitted to and agreed in writing by the Local Planning Authority. These details shall be submitted for approval by the Local Planning Authority and only the approved details shall be implemented and retained as approved unless otherwise agreed.**

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Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (17) No development shall commence until a Construction Transport Management Plan, to include details of:**
- (a) parking for vehicles of site personnel, operatives and visitors**
 - (b) loading and unloading of plant and materials**
 - (c) storage of plant and materials**
 - (d) provision of boundary hoarding behind any visibility zones**
 - (e) HGV deliveries and hours of operation**
 - (f) measures to prevent the deposit of materials on the highway**
 - (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused**
 - (h) no HGV movements to or from the site shall take place between the hours of 8.00 and 9.15 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Whitehorse Drive, Dudley Grove, Elm Grove and Dorking Road during these times has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (18) The development hereby approved shall not be first occupied unless and until the following facilities/measures have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:**
- (a) The secure parking of bicycles within the development site,**
 - (b) Information sign to be displayed in the car parking area regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs, and thereafter the said approved sign shall be provided, retained and maintained to the satisfaction of the Local Planning Authority**

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Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019 and Policy DM36 of the Development Management Policies Document 2015

- (19) The development hereby approved shall not be occupied unless and until each of the proposed car parking spaces are provided with a fast charge socket (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 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019 and Policy DM36 of the Development Management Policies Document 2015

- (20) The development hereby permitted shall not commence 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 Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:**

a) Detailed drawings showing the green roof and permeable paving

b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.4 l/s.

c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

d) 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.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with Policy CS6 of the Core Strategy 2007

- (21) **Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the 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).**

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Policy CS6 of the Core Strategy 2007

- (22) **Prior to the commencement of the development hereby permitted, details of bird and insect boxes and swift bricks shall be submitted to and approved in writing by the local planning authority. The enclosures shall be erected in accordance with the approved details and shall be retained, free of obstruction, in perpetuity thereafter.**

Reason: To safeguard and enhance biodiversity in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies Document (2015).

- (23) **Prior to the commencement of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, 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)

- (24) **No development shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.**

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

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.**

- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course.
More information and the charging schedule are available online: <http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>**

- (3) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 8:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays**

- (4) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:**

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<http://www.surreycc.gov.uk/roads-and-transport/road-permits-andlicences/the-traffic-management-permit-scheme>

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see:

www.surreycc.gov.uk/people-and-community/emergency-planningand-community-safety/floodingadvice

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Ward:	Nonsuch
Site:	Ashley House Howell Hill Cheam Road Ewell SM2 7LQ
Application for:	Demolition of the existing building; erection of a three storey residential development comprising nine flats; provision of ten parking spaces, cycle and refuse storage facilities and new access onto Cheam Road
Contact Officer:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q45O1YGYGY000>

2 Summary

- 2.1 The application has been referred to Committee for consideration at the request of the Ward Councillor Christine Howells.
- 2.2 This application seeks permission for the demolition of a detached dwelling and the erection of a three storey residential development comprising nine flats; provision of ten parking spaces, cycle and refuse storage facilities and the formation of a new access onto Cheam Road.
- 2.3 The development is considered to make good use of a previously developed site, without appearing cramped or overdeveloped and would not harm the character of the area. .
- 2.4 No objection has been raised by the County Highway Authority with regards to the level of parking, or in respect of matters of highway safety or operation.

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- 2.5 The proposal is not considered to give rise to any adverse amenity impacts for neighbour given the scale/layout of buildings and separation distances to neighbouring properties
- 2.6 The proposal would make good use of a previously developed site and would make a positive contribution towards local housing requirements, by providing an additional 8 dwelling units. The proposal would also generate CIL contributions.
- 2.7 **The application is therefore recommended for conditional permission.**

3 Site description

- 3.1 The application site comprises a rectangular plot of land, located on the north side of Howell Hill. The site has a frontage onto Howell Hill of 29.8m and it is 47m deep. The site has a net area of approximately 0.147ha.
- 3.2 The site is currently occupied by a detached dwelling known as “Ashley House”. Levels change significantly over the site so the dwelling is part two storey and has roof accommodation. The dwelling sits on a plateau above the street level with a levels difference of just under 4m. There is a vehicular access to the east of the plot, which is a shared access with “Skerryvore” the neighbouring dwelling to the east. It lies lower than the application site by approximately 1m.
- 3.3 In addition to a significant levels change from south to north, there is also a significant change from east to west. Levels across the plot frontage change by approximately 3.4m, rising to the west up Howell Hill. Levels keep on rising past No.2 Wotton Way to the west.
- 3.4 No 2 Wotton Way is in a cul-de-sac accessed off Gomshall Road to the north. The property lies at an angle of 45 degrees to Ashley House and its rear elevation faces towards Ashley House and Howell Hill. It stands on ground that is approximately 4m higher than the application site.
- 3.5 Lying to the rear of the site is a bungalow known as The Meads. This backland development is accessed from further along Howell Hill. The land on which this property stands is about 4m higher than the current ground finished floor level of Ashley House.
- 3.6 The site falls within an area predominately residential in character. The built form is suburban in character, with more open agricultural land on the south side of Howell Hill. Development heights range from single storey bungalows to large two storey dwellings with roof accommodation. Plot sizes are varied, and there is no uniformity in the scale, mass or arrangement of dwellings within the plots.

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4 Proposal

- 4.1 This application seeks permission for the demolition of a detached house and the erection of a three storey building (with part roof accommodation) comprising 9 flat units (three 2-bed 3-person flats and six 2-bed 4-person flats) together with a new pedestrian and vehicular access to a parking courtyard .
- 4.2 The footprint of the building would comprise two intersecting rectangles at 90 degrees to each other, measuring 12.54m (w) x 9.57m (d), (Western element) and 10.37m (w) x 16.3m (d) (Eastern element). In response to the site levels, the building would have a “split” floorplate, with the right side part of the building (Western element), set lower than the left side. The main pedestrian entrance (between the two elements) would lead into a circulation space with through access to the rear communal garden.
- 4.3 The building would have crowned hipped roof, with projecting hipped roofed elements, with a varying eaves height of between 7.9m and 6.9m dropping down to 7m (to the east). The building would maintain the established building line.
- 4.4 Each flat would comply with national space standards in regards to overall gross internal area (GIA) and individual habitable rooms. A mix of private (balconies) and communal amenity space for the units would be provided.
- 4.5 The proposed building would be of a traditional “neo Edwardian” design, with part rendered/part brick elevations, under a crowned, hipped pan-tiled roof with varying eaves and ridgelines, articulated by projecting bays and in-set dormer windows. It would step down to meet its lower height along the boundary to the east.
- 4.6 Parking for 10 vehicles would be provided in a paved forecourt served by a new access of Cheam Road. Cycle storage would be located in the rear garden, and a refuse store adjacent to the vehicular entrance to the site

5 Revisions

- 5.1 Improvements have been secured during the course of the application following negotiations between officers and the applicant regarding the scale and massing of the scheme. The scheme has been amended as follows:
- 5.2 The building has been reduced in height by between 2m and 2.7m overall
- 5.3 The architectural language has been revised and refined.

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- 5.4 Overall, these amendments are welcomed, as they would materially reduce the actual and perceived mass of the building in views from Cheam Road and neighbouring properties. The “stepped” floorplate and reduced roof profile would allow the proposal to relate more comfortably in relation to the neighbour to the east, “Skerryvore”. The refined architectural style would relate better to that of other buildings in the street as the original scheme was an incoherent mix of post-modernist vernacular/art and crafts elements and it did not follow the mid-twentieth century precedents of the area, nor was of a more innovative or contemporary design.

6 Comments from third parties

Original Application

- 6.1 The original application was advertised by means of letters of notification to 23 neighbouring properties on the 31.01.2020. By the closing date 21.02.2020 13 letters of objection were received, and are summarised as follows:

- Highway safety
- Out of character
- Overshadowing and loss of light
- Loss of privacy
- Inadequate parking provision

Revised Application

- 6.2 Following submission of an amended scheme on 15.04.2020, a second consultation period began on 17.04.2020, and expired on 08.05.2020. 11 letters of objection were received, and are summarised as follows:

- Two previous refusals for development of flats on Cheam Road, east of the railway bridge. These two previous refusals establish a very strong precedent to refuse the current application which if otherwise approved would lead to other properties being demolished for the sole purpose of building blocks of flats which would irrevocably and significantly change the character of the area.
- Contravenes Policy DM11-Density and DM13- Building Heights (*Officer comment: Paragraph 123 of the NPPF states “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.” The aforementioned policies would restrict the optimisation of the use of the site, and therefore do not accord with the Framework. They are accordingly out of date.*)

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- Contravenes DM16-Backland Development (*Officer Comment: The proposed development is not backland development as it fronts the highway*)
- Out of character
- Highway safety
- Lack of parking
- Overshadowing
- Loss of privacy

7 Consultations

7.1 **Highways:** No objections. Conditions to be imposed on any permission granted

7.2 **Tree Officer:** No objections

7.3 **Design and Conservation Officer:** No objection subject to conditions.

8 Relevant planning history

8.1 None relevant upon this site

In proximity to the site:

06/01044/FUL: Erection of 14 No. 2 bedroomed flats with parking: REFUSED

09/01256/FUL: The conversion of part of ground floor of the existing dwelling into two self-contained studio flats: REFUSED

9 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development
Paragraphs 8 – 12 and 14

Chapter 5 Delivering a sufficient supply of homes
Paragraphs 59- 61, 68

Chapter 11 Making effective use of land
Paragraphs 118, 122, 123

Chapter 12 Achieving well-designed places
Paragraphs 127, 130 and 131

Chapter 15 Conserving and enhancing the natural environment

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Paragraphs 170,174, 175, 177, 178, 180, 182 and 183

Chapter16 Conserving and enhancing the historic environment
Paragraphs 189 - 197

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable housing and meeting Housing Needs

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM8	Heritage Assets
Policy DM5	Trees and Landscape
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 DM22	Housing Mix
Policy DM37	Parking Standards

Supplementary Planning Document 2015

Parking Standards for Residential Development

10 Planning considerations

Principle of Development

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- 10.1 The site is located within the built up area, and does not affect any assets of particular importance such as SSSI, AONB, European or national ecological designations, green belt or any other given additional weight by The National Planning Policy Framework 2019 (the Framework). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.
- 10.2 The Framework was republished in February 2019. It is a key consideration in relation to this application and is a material consideration. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. That is a very positive aim.
- 10.3 Paragraphs 7 and 8 of the Framework states there are three dimensions to sustainable development: economic, social and environmental.
- 10.4 The Social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
- 10.5 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the Environmental objective is making efficient and effective use of land and improve the environment.
- 10.6 Development proposals that accord with an up-to-date Development Plans should be approved and where a planning application conflicts with an up to-date Development Plan, permission should not usually be granted (Framework Paragraph 12).
- 10.7 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change
- 10.8 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Framework para 11d and footnote 7)

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- 10.9 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework 2018 and its reissue in 2019. Due weight should be given to them according to their degree of consistency with the policies of the Framework (Paragraph 213). The Framework is therefore an important material consideration that may over-ride Development Plan policies which were adopted prior to the publication of the Framework and are not consistent with it.
- 10.10 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 10.11 Policy CS7 of the Core Strategy is considered out of date under the terms of the Framework. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 10.12 The Epsom & Ewell Core Strategy pre-dates the Framework and in accordance with para 213 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of old housing targets within CS7, no weight should be given to it.
- 10.13 The Government standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five-year housing land supply, this has been increased to 695 under the housing delivery test as published on 13 February 2020. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years Housing Land Supply
- 10.14 Paragraph 11d of the Framework is engaged via footnote 7 in circumstances where local planning authorities cannot demonstrate a 5-year supply. The practical application and consequence of this is that unless the site is located in an area or involves 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 demonstrably outweigh the benefits when assessed against the Framework as a whole.
- 10.15 In March 2008, an application 06/01044/FUL for the erection of 14 two-bedroomed flats at 47-49 Cheam Road (600m to the west of the application site) was dismissed on appeal under reference APP/P3610/A/07/2046209/NWF.

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- 10.16 In his decision the Inspector commented that the proposed building would be significantly higher and wider than other dwellings in that part of Cheam Road, and concluded that it would harm the character and appearance of the surrounding area contrary to Policies HSG11, and BE1 of the Epsom and Ewell District Wide Local Plan 2000
- 10.17 In February 2011, an application 09/01256/FUL for the conversion of part of ground floor of the existing dwelling at 57 Cheam Road, into two self-contained studio flats, was dismissed on appeal under reference APP/P3610/A/10/2139301/NWF.
- 10.18 In his decision, the Inspector concluded that the proposed development would provide unacceptable living conditions for the prospective occupants by way of the level and quality of outlook, daylight, inadequate internal space and general amenity, in conflict with the requirements of Policy DC1 of the Epsom and Ewell District-Wide Local Plan 2000, and Policy CS1 of the Core Strategy 2007.
- 10.19 The previous planning applications and appeal decisions from 2008 and 2011 are a material consideration. However, the weight attached to those appeals is affected by changes to the development plan, guidance, and other material considerations.
- 10.20 Subsequent to the aforementioned appeals there have been significant changes to the development plan, national planning policy and other material considerations:
- The South East Plan was revoked in March 2013,
 - The publication of The National Planning Policy Framework in 2012 and subsequent updates in 2018 and 2019,
 - The publication of the National Planning Practice Guidance (NPPG),
 - The Development Management Plan Document adopted in 2015, and
 - In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was based on the policies restricting opportunities for growth in the Borough.
- 10.21 It is clear that Policies HSG11, BE11 and DC1 are not consistent with Policies in the Framework, and limited weight is attached to their relevance in determining the current application

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- 10.22 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 10.23 Whilst Policy DM11 (Housing Density) states that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle, limited weight is assigned to this policy with regard to its compliance with para 23 of the Framework
- 10.24 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

Visual Impact

- 10.25 Chapter 12 of the Framework refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 10.26 Paragraph 130 of the Framework sets out 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 and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 10.27 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state 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.

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- 10.28 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development
- 10.29 The site lies within an area wholly residential in character. The built form is suburban in character despite the more open agricultural land on the south side of Howell Hill. Development heights range from single storey bungalows to large two storey dwellings with roof accommodation. Plot sizes vary and there is no uniformity in the scale, mass or siting within the individual plots.
- 10.30 Local character derives principally from deep front building lines, mature landscaping in the public domain, space between and around buildings, and development respecting the changing topography.
- 10.31 The design approach of the proposed building would be "neo Edwardian", with part brick/part rendered elevations, and articulated in both plan and elevation by features such as projecting bays, recessed balconies, and a distinctive hipped roof profile, with a varied eaves and ridgeline incorporating inset dormers.
- 10.32 It would respond to the site's topography by the incorporation of a split floorplate, which would enable the building to "step" down the hill and create an appropriate transition between the higher property at No.2 Wotton Way and the lower property (to the east) "Skerryvore".
- 10.33 The new building would sit comfortably in the plot and there would be sufficient spatial separation maintained between neighbouring houses in order to provide an appropriate setting for the building whilst retaining an appropriate setting for the neighbours.
- 10.34 In summary, it is concluded that the proposal, both in terms of layout, scale and appearance, would achieve a high quality development which would be a positive addition to the streetscene and the character of the wider area. It would therefore accord with the Framework and Policies DM8, DM9 and DM10 of the Local Plan

Effects on the amenity of neighbouring properties

- 10.35 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.

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- 10.36 The siting of the proposed building has taken into account the positioning of adjacent dwellings, in order to ensure that the proposal would not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.
- 10.37 No 2 Wotton Way stands on ground that is 4m or so higher, whilst Skerryvore (to the east) sits on land that is lower. The flank elevation of the new building would face the flank elevation of No 2 at a median distance of some 8.78m, and the flank wall of Skerryvore at a distance of 6.2m. The new building would not conflict with a 45 degree outlook angle taken from the nearest rear facing window of Skerryvore. In both cases, the building relationships that would be established would ensure that the development would have no overbearing impact, or lead to unacceptable loss of daylight or sunlight.
- 10.38 Flat No 5 and No 8 on the first and second floors respectively, would have access to rear facing balconies. A safeguarding condition requiring details of privacy screens to be erected along the flank wall of the balconies, is recommended to be imposed which would prevent any material overlooking of the garden of the affected adjoining property at Skerryvore.
- 10.39 A condition requiring the secondary flank windows serving the living rooms of Flat No 4 and No 7 to be obscurely glazed is also recommended to be imposed.
- 10.40 In relation to The Meads, lying to the rear, a distance of over 23m would separate the respective rear facades and The Meads stands on ground about 4m higher. This distance is considered adequate to avoid significant loss of privacy/overlooking to the affected property.
- 10.41 In conclusion, given the juxtaposition of these neighbouring properties and the separation distances involved, the proposal is not considered to give rise to unacceptable impacts on the amenity of these neighbours in terms of overshadowing, overbearing or overlooking
- 10.42 In this respect, the proposal would comply with Policy DM 10.

Housing Space Standards

- 10.43 The Nationally Described Space Standards sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m² and a double bedroom should be no smaller than 11.5 m². All new units should be designed in accordance with the National Space Standards.

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10.44 The proposed 2 bed (4 person) flats would have a Gross Internal Area of between 70.3m² and 85.3m², and the 2 bed (3 person) flats an area between 65.1m² and 72.3m².

10.45 Each flat would comply with the appropriate Nationally Described Space Standard technical requirements (70m², 61m², respectively) in compliance with Policy DM12.

Amenity Space

10.46 Policy DM12 refers to housing standards and requires amenity space to be private, functional, safe and bio-diverse, easily accessible from living areas, oriented to take account of sunlight and shading, of sufficient size to meet the needs of the likely number of occupiers and provide for the needs of families with young children.

10.47 The ground floor flats would have access to private amenity space and the other flats would have a balcony. All flats would have access to communal amenity space (360m²) to the rear of the building. Overall, this would be adequate in terms of both size and quality to suit the needs of small and larger family accommodation, and would therefore comply with policy DM12's requirement for amenity space for flatted developments.

Trees and Landscaping

10.48 Chapter 15 of the Framework concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by *inter alia*, recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

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

- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

10.50 The application was accompanied by an arboriculture report, which states that the proposed development would require the removal of six Category C trees and one Category U tree. A mature Beech tree in the front garden would be retained and protected during the construction period.

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10.51 Indicative proposals for replacement tree and landscape planting have been submitted. The proposed layout makes provision for areas of meaningful landscaping along the frontage with Cheam Road (including some scope for hedge planting along the flank and rear boundaries) and areas of soft landscaping within the site. It is recommended that a landscaping condition to secure details of proposed landscaping and planting be imposed.

10.52 The proposal is therefore considered to comply with Policy DM5

Car parking and Access

10.53 Chapter 9 of the Framework relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.54 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.55 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions

Access

10.56 A new access is proposed to serve the application site onto Cheam Road (A232). The existing access from the site via 'Skerryvore' would be closed off, with the access from Skerryvore to Cheam Road retained to provide access to that property only.

10.57 A Transport Statement accompanies this application. This demonstrates how the access arrangements function and meet the required highways standards. The Statement shows the development will give rise to a nominal increase in traffic on the A232 equating to only one additional vehicle movement every 20 minutes during the peak hours.

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10.58 The applicant has carried out calculations to determine the visibility splays that also take into account the gradient of Cheam Road. The required splays of 2.4m by 53.5m to the west and 45.7m to the east have been demonstrated. The Highways Officer has confirmed that these would exceed the minimum visibility splays required for an access onto a 30mph road of 43m in each direction.

10.59 At the request of the Highways Authority, an independent Stage 1 Road Safety Audit has been carried out. The Highways Officer has commented that points raised by the RSA would need to be addressed at the detailed design stage, prior to technical approval being granted for any Section 278 works, but raises no objection for the purposes of the planning application.

Parking

10.60 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units.

10.61 Within the site, 10 parking spaces would be provided within the forecourt area. With reference to the SPD standards, the minimum parking provision would be exceeded by one space and complies with local planning policy

10.62 Provision for ten secure cycle storage spaces would be provided in a shelter in the rear garden.

10.63

Waste Collection

10.64 An adequate refuse and recycle store would be located adjacent to the access and at the closest point to the public highway. Kerbside collection would continue from this refuse point.

10.65 The Council's Transport and Waste Services Manager has raised no objections to the refuse/recycling arrangements.

Sustainability of the Site

10.66 The site is sustainably located within acceptable walking distances of both bus and train services. Consequently, it is considered that future residents would not necessarily be reliant on the car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.

10.67 Measures to encourage sustainable transport are recommended by the Highway Authority and are secured by planning conditions.

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Sustainability

- 10.68 Core Strategy policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 10.69 An appropriate planning condition is recommended, should the proposal be acceptable, to secure their inclusion.

Ecology/Biodiversity

- 10.70 Chapter 15 of the Framework relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 10.71 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity
- 10.72 The application is supported by a Preliminary Ecological Appraisal and Bat Survey, which concluded that the proposed development would pose limited risk to a small number of ecological receptors. Further surveys for roosting bats and nesting birds (season dependent) were recommended.
- 10.73 Subsequently a suite of emergence and activity surveys was undertaken on the 1st May and 19th May 2020. This survey found a small day roost for a low number of common pipistrelle bats within the dormer roof of the dwelling. The Bat Survey report states that an application for a European Protected Species Mitigation Licence (EPSML) will need to be submitted and approved by Natural England, in order for the works to proceed.
- 10.74 The report states that due to the small number of common species presence, the site is suitable to be registered by an approved consultant, under the "low impact bat mitigation class license system".
- 10.75 Overall, these findings are agreed and a condition will be imposed to secure the recommendations for construction practice and mitigation set out in the main survey.
- 10.76 Subject to the appropriate conditions, it is considered that the proposed scheme would comply with Policy DM4

Community Infrastructure Levy

- 10.77 The scheme would be CIL liable

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11 Planning Balance and Conclusion

- 11.1 The tilted balance in paragraph 11 of the Framework 2019 is engaged because the Council cannot demonstrate a five-year supply of deliverable housing sites and has failed to deliver sufficient housing in recent years. Furthermore some of the policies (DM11 and DM13) that are important for the determination of this application, are not consistent with the expectations outlined in the Framework.
- 11.2 The provision of 9 units (a net gain of 8 residential units) would provide a significant public benefit which weighs in favour of the scheme. The proposal is held to be a sustainable development, which will contribute positively. Paragraph 59 of the Framework 2019 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.
- 11.3 Limited weight is given to previous Appeal Decisions on schemes in proximity to the application site, due to the policies (HSG11, BE1 and DC1) used for determining these appeals, having a limited degree of consistency with the Framework.
- 11.4 In addition, other benefits must also be identified, these being economic from the construction project and CIL and others secured by planning conditions such as biodiversity enhancement and sustainability improvements.
- 11.5 Taking all of these matters into account, including all other material considerations, it is found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole and that the proposal represents sustainable development.

12 Recommendation

- 12.1 Approval, subject to the conditions detailed below:

Condition(s):

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- (2) **The development hereby permitted shall be carried out in accordance with the following approved plans:**

AH P2 J PROPOSED SITE PLAN

AH P3 D PROPOSED PLANS

AH P4 C PROPOSED ELEVATIONS

ITB15503-GA-001 B PROPOSED SITE ACCESS ARRANGEMENT

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) **Prior to the commencement of development, details and samples of the 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 DM9 and DM10 of the Development Management Policies 2015.

- (4) **No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained.**

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 DM9 and DM10 of the Development Management Policies 2015.

- (5) **Prior to commencement of works section drawings through parapets, reveals, soffits, lintel and cills at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.**

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with

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Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (6) **Notwithstanding the approved drawings and prior to the commencement of the development, a drawing to a scale of 1:20 showing the proposed privacy screen along the flank edge of the balconies to Flat 5 and 8, shall be submitted to, and approved in writing by the Local Planning Authority. It is expected that the privacy screen compromise either a wing wall, frosted glazing, perforated metal, or combination of the three, at a height of at least 1.8m and frosted to a minimum of level 3 of the Pilkington Scale. The screen shall be implemented prior to the first use of the balcony, and shall be built in accordance with the approved details and thereafter maintained in situ.**

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (7) **No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.**

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (8) **No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.**

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme 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.

- (9) **No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as**

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shown on Drawing Number TPP 01 in the Arboricultural Method Statement dated December 2019 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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.

- (10) No part of the development shall be first occupied unless and until the proposed vehicular access to Cheam Road has been constructed and provided with a means within the private land of preventing private water from entering the highway, and visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority (in general accordance with plan ITB15503-GA-00 Rev B) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (11) No part of the development shall be first occupied unless and until the highway works, to include the provision of a right turn lane on Cheam Road, have been constructed, generally in accordance with plan ITB15503-GA-00 Rev B.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (12) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (13) No development shall commence until a Construction Transport Management Plan, to includedetails of:

(a) parking for vehicles of site personnel, operatives and visitors

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(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) HGV deliveries and hours of operation

(e) measures to prevent the deposit of materials on the highway

(f) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (14) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (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 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019 and Policy DM36 of the Development Management Policies Document 2015

- (15) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site have been provided in accordance with the approved plans and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019 and Policy DM36 of the Development Management Policies Document 2015

- (16) No development shall take place until a scheme to enhance the biodiversity interest of the site (including details of bird, bat and insect boxes and swift bricks) has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

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

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- (17) Prior to the commencement of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, 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)

- (18) Before any occupation of the development hereby permitted, the upper floors, western flank windows shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only, which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

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

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online:

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<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hour Monday to Friday; no construction work shall be audible at the site boundary before 8:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays
- (4) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see

<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see

www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.

- (5) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- .
- (6) 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/organisation responsible for the damage

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- (7) 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).
- (8) 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. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types

- (9) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.

You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at:

<https://www.gov.uk/environmental-management/wildlife-habitat-conservation>

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15 Beech Road, Epsom, Surrey, KT17 4NH

Ward:	College Ward;
Site:	15 Beech Road, Epsom, Surrey, KT17 4NH
Application for:	Proposed ground and first floor rear extension, ground and first floor side extension and internal alterations
Contact Officer:	Tom Bagshaw

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QA7I6LGYHSR00>

2 Summary

- 2.1 The proposal seeks planning permission for the erection of a single and two storey side extension, with a single and two storey rear extension and a front porch
- 2.2 The proposed two storey side extension is a modest size and would appear subordinate to the main property. It is set back from the front of the property and set in from the boundary of the neighbouring property by 1.1 metres and would maintain characteristic gaps between properties preventing a terracing effect. As such, it would not result in any unacceptable impact upon the character of the area or appearance of the property.
- 2.3 The proposed front porch and single storey side extension are designed to be subordinate to the main dwelling and are in keeping with the character of the property and the surrounding area. The roof form of the extensions are in keeping with the main property.

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- 2.4 The two storey rear and single storey rear extension are only visible from the rear of the property. It is noted that the two storey rear extension would be visible from the gardens of neighbouring properties. However, this is not considered to be significant enough to warrant the refusal of the scheme on these grounds. As such the proposed rear extensions are considered to be acceptable in terms of design.
- 2.5 The materials of the proposals would match the existing property and therefore would be in keeping with the character of the surrounding area..
- 2.6 The proposed side extensions are separated from the boundary of the neighbouring property at No. 13a Beech Road. They would not be located adjacent to any useable private amenity space and they are located next to two windows both of which do not serve habitable rooms. As such, the proposed extensions would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing or daylighting/sunlighting.
- 2.7 The proposed single storey rear extension is 3 metres in depth and would not project beyond the rear of the building lines of either No. 17 or No. 13a Beech Road. As such, it is not located adjacent to any useable private amenity space at either property and it is not of a height or massing that would result in any unacceptable impacts upon the neighbouring properties in terms of overbearing, overshadowing or daylighting/sunlighting.
- 2.8 The proposed two storey rear extension would not breach the BRE 45 degree daylighting/sunlighting guidance to both neighbouring properties and it would not project beyond the rear building line of either property. As such, it would not be considered to result in any unacceptable impacts upon either property in terms of overbearing, overshadowing or daylighting/sunlighting.
- 2.9 The proposal will have conditions restricting the use of the flat roofs of the property to maintenance purposes only and the side windows above ground floor will be required to be none openable and obscurely glazed to 1.7 metres from finished floor level and as such, the proposal will not result in any unacceptable impacts upon neighbouring amenity in terms of overlooking.

3 Site description

- 3.1 The property is located within a built up area. The Site is comprised of a semi-detached property in an area comprised mainly of semi-detached dwellings. The property is located on the south side of Beech Road.
- 3.2 The property is not listed nor is it located within a Conservation Area.

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4 Proposal

- 4.1 The application seeks planning permission for the erection of a single and two storey side extension, a single and two storey rear extension and a front porch.
- 4.2 The proposed two storey rear extension would be 2.5 metres in depth; 5.5 metres to the eaves; 7.9 metres to the roof ridge; and 3.4 metres in width.
- 4.3 The proposed single storey rear extension would be 3.2 metres in height; 3 metres in depth; and, 7.6 metres in width.
- 4.4 The proposed two storey side extension would be 7 metres in depth; 5.6 metres in height to the eaves; 8.2 metres to the ridge; and 1 metre in width.
- 4.5 The proposed single storey side extension would be 3.2 metres in height; 8.2 metres in depth; and, 0.8 metres in width.
- 4.6 The proposed porch would be 0.7 metres in depth; 3 metres in height to the eaves; 3.6 metres in height to the roof ridge; and 4.2 metres in width.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 11 neighbouring properties. To date (22.07.2020) 9 letters of objection have been received regarding:
 - Overdevelopment
 - Loss of light to 13a
 - Overbearing
 - Contrary to Householder design Guidance
 - Lack of spacing between properties
 - Materials out of character
 - traffic/parking implications

6 Consultations

- 6.1 N/A

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7 Relevant planning history

Application number	Decision date	Application detail	Decision
20/00562/CLP	29.04.2020	Hip/gable loft conversion, rear dormer extension	Permit

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 4: Decision Making
Chapter 12: Achieving well-designed places

Core Strategy 2007

- Policy CS01 - General Policy
- Policy CS05 - The Built Environment

Development Management Policies Document 2015

- Policy DM09 - Townscape Character and Local Distinctiveness
- Policy DM10 - Design Requirements

Householder Applications: Supplementary Planning Guidance 2004

9 Planning considerations

- 9.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the plan unless material considerations indicate otherwise.
- 9.2 The main issues identified in this case are design of the proposal; and its impact upon the character and appearance of the area, the neighbouring amenity (eg. Light, privacy, outlook) and in addition other material considerations, in this case there is a potential ‘fallback’ position under permitted development which should be given appropriate weight in decision making.

Design and Character

- 9.3 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.

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- 9.4 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state 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.
- 9.5 Policy CS05 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.6 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes 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.

Rear two storey and single storey extension

- 9.7 The proposed two storey rear and single storey rear extensions would not be visible from the streetscene. However, they would be visible from the rear gardens of neighbouring properties.
- 9.8 Single storey rear extensions are common in the surrounding area and therefore this element of the proposed extensions is considered to be acceptable in terms of principle. The extension is not of an excessive size or scale and would not have any unacceptable impacts upon the design or character of the area. Therefore, this element of the proposal is acceptable in terms of design and character.

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- 9.9 It is noted that two storey rear extensions are not common in the surrounding area. However, the location of the proposed two storey rear extension is not considered to be detrimental to the character of the area and the surrounding character is not a conservation area. The two storey rear extension is not considered to be of a size or scale that would have any detrimental impacts upon the character or appearance of the surrounding area from the rear of the property and would be acceptable in terms of design.

Single and two storey side extension.

- 9.10 The proposal include a two storey/single storey side extension. neighbours have raised that the prosed extensions would be out of character and disproportionate with the streetscene

- 9.11 The proposed two storey side extension is set back from the front of the property by 0.5 metres and is set in from the boundary of the neighbouring property by 1.1 metres. The extension is a modest size with a width of 1 metre. This is well below 50% the width of the original property which has a width of 5.9 metres. Therefore, the design of the proposed extension would ensure that the extension remains subordinate to the main dwelling and officers consider this to be a modest and proportionate addition to the property.

- 9.12 The proposed single storey side extension would be set 0.3 metres from the boundary of the property which would allow space for guttering. The extension is a modest size with a width of 1.8 metres and in unison with the two storey side extension would not be considered to result in an unacceptable increase in the bulk or massing of the property and is design to be proportionate to the main property.

Porch

- 9.13 The proposed porch would span the width of both the single storey and two storey side extension and as such form a part of their character.

- 9.14 The porch is designed to match the character of the main property and the roof relates well to the main dwelling. The main roof would be a mono pitch roof whilst the doorway would be a small gable end which relates to the front bay of the main dwelling.

- 9.15 Overall the porch is a modest addition and would not be considered to result in any acceptable impacts upon the character or appearance of the surrounding area as many nearby properties also feature front porches.

Impact Upon Amenity

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- 9.16 Policy CS05 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.17 The main dwelling to consider in an assessment of the impacts upon neighbouring amenity are the neighbouring properties at No. 17 Beech Road to the west and No. 13a Beech Road to the east.
- 9.18 In addition to policy and when considering the amenity impact of the proposal it is also identified that the applicant has a viable 'fallback' position, which should be given weight as a material consideration in this case.
- 9.19 A 'Fallback' position refers to what development could take place if planning permission under an application currently being considered is not granted. This might be as a result of permitted development rights or an existing planning permission.
- 9.20 In this case the applicant does not have a certificate of lawfulness to formally confirm that a rear extension is permitted development, but Officers confirm that a single storey rear extension to the height of 3m would be permissible and is a realistic prospect in this case.

13a Beech Road

- 9.21 The proposed two storey side extension would not exceed the existing depth of the property and would be set 1.1 metres from the neighbouring property at No.13a Beech Road. As the extension does not project beyond the existing rear of the property it is considered that it would not result in any overshadowing or overbearing issues that would warrant the refusal of the proposal.
- 9.22 Neighbour concern has been raised regarding the opening of a ground and first floor side window at No. 13a Beech Road being restricted by the two storey side extension and ground floor side extension. The proposed two storey side extension is set 1.1 metres from the boundary of the neighbouring property which in unison with the neighbouring properties separation from the boundary is considered to be sufficient to open these windows. Furthermore, these windows serve non-habitable rooms and thus it is not considered to result in any unacceptable loss of daylighting/sunlighting to any neighbouring habitable rooms.

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- 9.23 The proposed single storey side extension is set 0.3 metres from the boundary of the property. It is located adjacent to an area of No. 13a Beech Road which is not considered to be of a high amenity value and as such, the proposed single storey side element of the extensions would not be considered to result in any unacceptable overbearing, overshadowing or daylighting/sunlighting to the neighbouring property at No. 13a Beech Road. The proposal is set 0.3 metres from the boundary of the property which is considered to be sufficient to allow for the opening of the ground floor window for ventilation purposes.
- 9.24 The proposed two storey rear extension is set 2.1 metres from the boundary of the neighbouring property at No. 13a Beech Road and is approximately 2.5 metres in depth. The height and depth of the extension would not breach the BRE 45 degree Daylighting Sunlighting guidance to any windows at neighbouring No. 13a Beech Road. The property at 13a Beech Road has a natural deeper rear building line and is approximately 3.5 metres in depth beyond the rear of No. 15 Beech Road and as such, the proposed extension would not be project beyond the existing rear of No. 13a Beech Road. Therefore. The location of the extension in unison with its height and depth would not be considered significant enough to warrant the refusal of the scheme on the ground of overbearing to No. 13a Beech Road.
- 9.25 The proposed single storey rear extension would be set 0.3 metres from the boundary of No. 13a Beech Road and is 3 metres in depth and it would not project beyond the rear building line of the neighbouring property. It is not located adjacent to any useable private amenity space nor is it a height scale or location that is considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing or daylighting/sunlighting.
- 9.26 The proposed porch would be located at the front of the property and would not be situated adjacent to any useable private amenity space. As such, the proposed front porch would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.
- 9.27 The proposed two storey side extension includes a first floor window on the side elevation. In order to ensure that this window does not cause any unacceptable overlooking impacts a condition will be imposed which requires the window to be obscurely gazed an non openable below 1.7 metres from finished floor level. Furthermore the roof of the single storey extension will be conditioned to ensure that it is only accessible for maintenance purposes. Therefore, the proposals are not considered to result in any unacceptable overlooking impacts to the neighbouring property at No. 13a Beech Road.

17 Beech Road

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- 9.28 The proposed single storey rear extension is approximately 3 metres in depth and would abut the boundary of the neighbouring property at No. 17 Beech Road. The 3.2 metre height of the extension would not be permissible via permitted development however it is not uncommon for 3 metre depth extensions to be built along neighbouring boundaries via permitted development rights. Officers consider that the additional height of 0.2 metres to be the main issue in regards to the neighbouring amenity due to the presence of what is a viable fall back option. Furthermore, the neighbouring property at No. 17 features its own single storey rear extension of a similar depth. These material considerations accounted for the additional 0.2 metres above that which would be permitted development would not result in any unacceptable impacts upon the neighbouring property in terms of overbearing, overshadowing or daylighting/sunlighting to No. 17 Beech Road.
- 9.29 The proposed two storey rear extension is set 2.5 metres from the boundary of the neighbouring property at No. 17 Beech Road and is approximately 2.5 metres in depth. The height and depth of the extension would not breach the BRE 45 degree Daylighting sunlighting guidance to any windows at neighbouring No. 17 Beech Road. The property at 17 Beech Road has an existing single storey rear extension that abuts the boundary and is approximately 3 metres in depth and as such, the proposed extension would not be of a location that would have any significant overshadowing impacts to the neighbouring property due to the presence of an existing extension of a greater depth. The location of the extension in unison with its height and depth would not be considered significant enough to warrant the refusal of the scheme on the ground of overbearing to No. 17 Beech Road.
- 9.30 Neither properties feature side facing windows above ground floor level and the extension will be conditioned to only be accessible for maintenance purposes. Therefore it would not be considered to result in any unacceptable overlooking impacts to the neighbouring property.
- 9.31 The proposed porch is located at the front of the property and on the eastern side of the property. It would not be in close proximity to No. 17 Beech Road and as such, it would not be considered to have any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting to No. 17 Beech Road.

10 Conclusion

- 10.1 The proposed two storey side extension has no unacceptable impacts in terms of design and character or neighbouring amenity as it is not located adjacent to any useable amenity space and is a modest size and scale.

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- 10.2 The proposed single storey side extension and front porch are modest additions to the property and relate well to the main dwelling. They are not of a size scale or location that would result in any unacceptable impacts upon neighbouring amenity to the neighbouring property.
- 10.3 The single storey rear extension is not visible from the streetscene and it would not project beyond the rear of the neighbouring properties and as such it would not result in any unacceptable impacts upon neighbouring amenity.
- 10.4 The proposed two storey extension would not have unacceptable visual impact to the character of the area due to its located at the rear of the property. It is a sufficient separation from both neighbouring properties in order to mitigate any amenity impacts to neighbouring windows in terms of daylighting/sunlighting or outlook.
- 10.5 There are therefore no harms that can be attributed to the proposed development that would warrant the refusal of the scheme.

11 Recommendation

11.1 Approve subject to conditions

Planning permission is granted subject to the following conditions:

1. The development hereby permitted shall be begun 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No 04 Rev D – Proposed Plans
Drawing No 05 Rev D – Proposed Elevations

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

3. Prior to the occupation of development hereby approved, details and samples of the 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

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Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

5. The roof of the extension hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

6. Before any occupation of the development hereby permitted, any windows above ground floor level on the east elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015

Informative(s):

- 1 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.

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- 2 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.
- 3 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
- 4 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".

Ward:	Woodcote Ward
Site:	7 Cedar Hill Epsom Surrey KT18 7BP
Application for:	Retention of timber fence located along the western flank boundary, and erection of timber decking located to the rear (north) of the dwelling.
Contact Officer:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QAJ8UHGYHUG00>

2 Summary

- 2.1 This application is referred to Committee as the applicant is a Borough Councillor.
- 2.2 The application seeks permission for the retention of a timber fence located along the western flank boundary, and the erection of timber decking located to the rear (north) of the dwelling.
- 2.3 The proposal would accord with residential policies contained in the Core Strategy 2007 and the Development Management Policies Document 2015.
- 2.4 The application is recommended for APPROVAL.

3 Site description

- 3.1 The application site comprises an inter-war period house located on the northern side of Cedar Hill. The dwelling has rendered elevations under a hipped tiled roof, and benefits from a two-storey flank, and single storey rear extension granted under permission 19/00725/FH.

- 3.2 The ground level of the application site falls to the rear boundary, and from east to west. The site is enclosed along the rear and flank boundaries by timber fencing. The fence along the western boundary is the subject of this application.
- 3.3 The site does not fall within a conservation area and the property is not listed.

4 Proposal

- 4.1 The application seeks permission for the retention of the timber fence located along the western flank boundary, and the erection of timber decking located to the rear (north) of the dwelling.
- 4.2 The fence varies in height from 2.4m to 2.1m, as a result of the site's topography. It is proposed to erect a trellis above a section of this fence facing the proposed deck.
- 4.3 The proposed deck would extend across the full width of the rear elevation (8m), and would project between 2.4m (eastern edge) and 5.43m (along the western edge) beyond the rear extension, and the main dwelling's rear elevation.
- 4.4 Due to the ground level differences, it would be raised around 300mm above the ground level along the eastern edge, rising to around 1m along the western edge. The deck would be accessed from the rear garden by a flight of steps adjacent to the western flank boundary.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 3 neighbouring properties. To date (08.07.2020) 4 letters of objection have been received from an adjacent property and are summarised as follows :
- The applicant's house foundations will become more visible from the roadside when I remove the temporary "cheap and cheerful" screening and the applicant trims his unmaintained hedge thereby having a negative impact upon the streetscape and the surrounding area in general
 - The applicant's fencing can be seen from the front of our houses and from the beautifully landscaped area (Axwood) at the rear of the properties having a negative impact on the streetscapes and the surrounding area in general whilst setting a poor example to other residents.
 - Loss of quiet enjoyment of my rear garden caused by sections of fencing (that are not needed to screen the applicant's kitchen extension as per contract) blocking out daylight (photos to follow).

- Loss of quiet enjoyment of my rear garden caused by some sections of fencing creaking when swaying in the wind at the side of my large patio area.

5.2 The complete list of objections raised by this objector can be viewed on the Council's website

6 Consultations

6.1 SCC Highways: No comments

7 Relevant planning history

Application number	Decision date	Application detail	Decision
19/00725/FLH	06.09.2019	Two storey side extension and single storey rear extension.	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 12 Achieving well-designed spaces
Paragraphs 127, 130 and 13

Core Strategy 2007

Policy CS5 The Built Environment

Development Management Policies Document 2015

Policy DM9 Townscape Character and Local Distinctiveness
Policy DM 10 Design Requirements for New Developments (including house extensions)

9 Planning considerations

Visual Impact

9.1 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.

- 9.2 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state 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
- 9.3 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes 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.
- 9.4 The existing fence along the western flank boundary is not visible in the streetscene, and the proposed deck would similarly not be visible from the public domain.
- 9.5 The existing fence style and appearance is similar to numerous properties in the immediate and wider area and would not be visually inappropriate. The deck would not detract from the appearance of the existing dwelling and overall the proposal would not have a harmful impact on the streetscene or detract from the character and appearance of the wider area, in accordance with Policy DM9 and DM10.

Residential Amenity

- 9.6 Policy CS5 of the Core Strategy and Development Management Policy DM 10 seek to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.7 The main dwellings to consider in an assessment of the impact upon neighbouring amenity are the adjacent neighbours at No 6 and 8 Cedar Hill.

- 9.8 It is proposed to erect a trellis above a section of the western flank fence, facing the proposed deck, which would prevent overlooking to the rear garden of No 6. It is not considered that the increased height of this section of the fence would appear as a dominant and overbearing structure in the outlook from the affected neighbour and the impact on daylight would be minimal.
- 9.9 Due to the difference in ground levels, the deck would be around 300mm above the ground level adjacent to No 8. The proposed trellis above the section of the fence (adjacent to the deck) would prevent undue mutual overlooking from the new deck.
- 9.10 Overall, the proposed scheme is not considered to have a significant impact upon the affected neighbours in terms of being overbearing, or leading to a loss of privacy.
- 9.11 The proposal would therefore comply with Policy DM10.

Community Infrastructure Levy

- 9.12 The proposal would not be CIL liable

10 Conclusion

- 10.1 The application meets planning policy and is therefore acceptable. In the light of the above it is recommended that planning permission be GRANTED

11 Recommendation

- 11.1 Approve , subject to the following conditions:

Condition(s):

- (1) 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) The existing fence hereby approved shall be retained and maintained.**

Reason: In the interests of amenity and in accordance with Policy DM10 of the Development Management Policies Document 2015

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans:**

1491-01 (uploaded 15.07.2020) Existing and Proposed Plans and Elevations

Reason: For the avoidance of doubt and in the interest of proper planning as required by Policy CS5 of the Core Strategy 2007

- (4) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form**

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 DM9 and DM10 of the Development Management Policies 2015.

Informative(s):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**
- (2) 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.**
- (3) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of**

Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

- (4) 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".

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Ward:	Ewell Court Ward;
Site:	32 Courtlands Drive
Application for Certificate of Lawfulness for a Proposed Development :	Demolition of existing conservatory and then creating a new extension across the rear of the house in line of existing conservatory
Contact Officer:	Ade Balogun

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

2 Summary

- 2.1 The item is referred to the Planning Committee as the applicant is a Borough Councillor.
- 2.2 The applicant has submitted an application for a Lawful Development Certificate for a Proposed Development for single storey rear extension following demolition of existing single storey rear conservatory.
- 2.3 An applicant can perform certain types of development without requiring to apply for Planning Permission. These are often referred to as "Permitted Development Rights". The name derives from the General Permitted Development Order and are granted not by the Local Planning Authority, but by Parliament via a statutory instrument.
- 2.4 Officers are satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.

3 Site description

- 3.1 The application property is a two storey semi-detached dwelling, which is set back from 32 Courtlands Drive by a driveway. The property is not Listed, nor is it within a Conservation Area.

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4 Proposal

- 4.1 The application is for demolition of existing conservatory and then creating a new extension across the rear of the house in line of existing conservatory. This proposed new rear extension with three rooflights would span across the entire rear elevation of the original dwelling adjoining the side extension and replacement for the existing rear conservatory addition.
- 4.2 Permitted Development Rights have not been removed at the Application Property.

5 Comments from third parties

- 5.1 Not relevant. This type of application is not required to be consulted on.

6 Consultations

- 6.1 Not relevant. This type of application is not required to be consulted on.

7 Relevant planning history

- 7.1 None relevant in this case

8 Planning Policy

- 8.1 Not relevant. This type of application is not assessed on policy grounds.

9 Planning considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- 9.1 This Application is assessed under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 9.2 The rules on Permitted Development set out in Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) relates to the mean of enlargement, improvement or alteration of dwellinghouses. Part 1 is then sub-divided into Classes covering various types of development. Class A is pertinent in this case and covers the single storey rear extensions.

Permitted Development

- 9.3 Class A The enlargement, improvement or other alteration of a dwellinghouse.

Development is not permitted by Class A if—

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- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Complies

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Complies

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

Complies

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

Complies

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—
- (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Complies

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

Complies

- (h) the enlarged part of the dwellinghouse would have more than a single storey and —
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres or

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- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

Complies

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Complies

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

- (i) exceed 4 metres in height,
- (ii) have more than a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse

Complies

- (k) it would consist of or include—

- (i) the construction or provision of a verandah, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and ventpipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

Complies

Conditions of Class A - In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

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These conditions are placed as an informative note to remind the applicant of their requirements. Compliance of criterion a) is therefore the responsibility of the applicant and the development is considered to meet criteria b) and c)

Complies

Community Infrastructure Levy

9.4 Not relevant in this case

10 Conclusion

10.1 The proposed demolition of existing conservatory and construction of new single storey rear extension with three rooflights, fall within the parameters of permitted development as set out under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted development) Order 2015 (as amended). Officers are therefore satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.

11 Recommendation

11.1 The proposed development is considered Permitted Development, under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

11.2 A Lawful Development Certificate should be granted.

Informative(s):

(1) A Certificate of Lawful Development is granted for the following reason:

The proposed development is Permitted Development under Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

(2) This decision relates to the following drawings:

PL-00 Site Location dated Jul 20
PL-01 Site Block Plan dated Jul 20
PL-05 - Proposed Floor Plans dated Jul 20
PL-06 - Proposed Elevations dated Jul 20
PL-07 - Proposed Sections dated Jul 20.

(3) Conditions of Class A - In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

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(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

- (4) 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.

If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk.

- (5) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section

Ward:	College
Site:	119 Longdown Lane South, Epsom, Surrey, KT17 4JL
Application for:	Erection of carport to front of property
Contact Officer:	Euan Cheyne

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?keyVal=QBNCUTGYHZV00&activeTab=summary>

2 Summary

- 2.1 The application seeks planning permission for the erection of a carport to the front of the property. The property is located within the Metropolitan Green Belt.
- 2.2 The proposed carport is proportionate in size to the dwellinghouse when considering previous extensions.
- 2.3 The application site benefits from a relatively high brick front boundary wall with further mature hedgerow behind, therefore the proposed carport would not be highly, if at all, visible from the streetscene. Generally outbuildings located within the front garden are unacceptable, however in this instance there is not considered to be any significant impact upon the character and appearance of the host dwelling, the visual amenities of the surrounding area or that of adjacent occupiers.
- 2.4 The Applicant is an Epsom and Ewell Borough Councillor and as such the case is referred to the Planning Committee.

3 Site Description

- 3.1 The site comprises a two storey detached dwelling located on the east side of Longdown Lane South.
- 3.2 The surrounding area is predominantly residential in character and appearance consisting of two storey detached properties of varying size and style. The site is opposite the grounds of Epsom Golf Club.

- 3.3 The site does not contain a Listed Building and is not located within a Conservation Area, however it does fall within the Metropolitan Green Belt. The site does not contain any Tree Preservation Orders (TPOs).

4 Proposal

- 4.1 The application proposes the erection of a carport to the front of the property.

5 Comments from Third Parties

- 5.1 7 neighbouring properties were consulted and 4 representations have been received supporting the proposal.

6 Relevant Planning History

Application Number	Decision Date	Application Detail	Decision
02/01065/FUL	13/02/2003	First floor extension to detached garage to provide living accommodation for an elderly relative	Application Permitted
97/00096/FUL	16/04/1997	Widening of existing vehicular access to property off Longdown Lane South	Application Permitted
96/00249/FUL	02/08/1996	Alterations to & erection of single storey & two storey rear extensions to provide additional accommodation together with new double garage at rear, with side access & turning area	Application Permitted

7 Planning Policy

National Policy Planning Framework (NPPF) February 2019

Core Strategy July 2007

Policy CS2 – Green Belts

Policy CS5 – The Built Environment

Development Management Policies Document September 2015

Policy DM3 – Replacement and Extensions of Buildings in the Green Belt

Policy DM9 – Townscape Character and Local Distinctiveness

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

Householder Applications SPG (January 2004)

8 Planning Considerations

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

- Metropolitan Green Belt Impact
- Design, External Appearance and Visual Impact
- Residential Amenity Impact

Impact upon the Metropolitan Green Belt

8.2 The Government through the National Planning Policy Framework (NPPF) (2019) attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

8.3 Paragraph 144 of the NPPF (2019) states that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 of the NPPF (2019) states that a LPA should regard the construction of new buildings as inappropriate in the Green Belt.

8.4 Paragraph 145 of the NPPF (2019) also outline exceptions to this, including:

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

8.5 In essence this means that existing buildings, including domestic properties can be proportionally extended.

8.6 Policy CS2 (Green Belts) of the Council's Core Strategy (2007) states to ensure the Green Belt continues to serve its key functions, its existing general extent will be maintained and, within its boundaries, strict control will continue to be exercised over inappropriate development as defined by Government policy.

- 8.7 Policy DM3 (Replacement and Extensions of Buildings in the Green Belt) of the Council's Development Management Policies Document (2015) states [inter alia] that the extension of buildings in the Green Belt will only be supported where:
- (i) The proposal would not constitute inappropriate development in the Green Belt (e.g. the increase would be no greater than 30% above the volume of the original building. Increasing the extent of an existing building to maximum footprint will not be appropriate in every circumstance); and
 - (ii) The proposal would not have a detrimental impact on rural character through its siting and design.
- 8.8 The premises have undergone relatively modest extensions in the past in the form of part single, part two storey rear extensions and a rear garage building and later alterations to it, which must also be factored into the assessment. The applicant has confirmed that the existing rear garage doors in situ have been closed off and the space used to create a hall for the annex and the garage space incorporated within this ancillary accommodation. As such, there is currently no vehicular garaging available.
- 8.9 The proposed carport would have a volume of approximately 135 cubic metres (2.35m x 5.5m x 7m + (1/2 x 2.29m x 5.5m x 7m)). This is considered to be proportionate in size to the dwellinghouse when considering previous extensions, albeit this is the maximum scale of extensions that would be permissible within the site curtilage without constituting significant harm to the Green Belt.
- 8.10 The applicant has stated that the proposed carport is required to protect vehicles at the property from frequent golf ball strikes from the nearby golf course. However, this should not be given weight as a material planning consideration or to constitute 'very special circumstances'.
- 8.11 The proposed carport is considered acceptable in Green Belt terms.

Design, External Appearance and Visual Impact

- 8.12 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.

- 8.13 Paragraph 3.7.5 of the Council's 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.
- 8.14 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's 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.
- 8.15 The proposed carport would have a depth of approximately 5.5 metres and a width of approximately 7 metres. It would be designed with a dual pitched roof form to an eaves height of approximately 2.35 metres and a maximum height of approximately 4.64 metres. It would be adequately set in from the shared boundaries (by at least 2 metres) and would be sited in the left hand corner of the front forecourt.
- 8.16 The application site benefits from a relatively high brick front boundary wall with further mature hedgerow behind, therefore the proposed carport would not be highly, if at all, visible from the streetscene. It is considered that outbuildings located within the front garden are generally unacceptable, however in this instance there is not considered to be any significant impact upon the character and appearance of the host dwelling or the visual amenities of the surrounding area.
- 8.17 The proposed materials and finishes would comprise of a red brick plinth, feather edge cladding, exposed oak support posts and beams and red clay roof tiles. These are considered to be sympathetic and would integrate well with the main dwelling.

- 8.18 As such, it is considered that the proposal would not cause any significant harm upon the character and appearance of the host dwelling or the visual amenities of the surrounding area and would comply with Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015).

Impact upon Neighbouring Residential Amenities

- 8.19 Policy DM10 (Design Requirements for New Developments (including House Extensions)) Council's Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance. The main dwellings to consider in any assessment of the impacts upon the residential amenities of neighbouring properties are No's. 117 and 121 Longdown Lane South.
- 8.20 The proposed carport, by reason its siting in relation to the neighbouring built form, is not considered to have any significant impact upon neighbouring residential amenities.
- 8.21 As such, it is considered that the proposal would not have any detrimental impact upon the residential amenities of neighbouring properties in terms of loss of natural light, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 of the Council's Development Management Policies Document (2015).

9 Conclusion

- 9.1 The application is recommended for approval.

10 Recommendation

Approve planning permission subject to the following **CONDITION(S)**:

- (1) 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) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Floor Plans (Received 09/06/2020)

Proposed Elevations (Received 09/06/2020)

Proposed Site Layout Plan (Received 09/06/2020)

Planning, Design and Access Statement (Received 09/06/2020)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The proposed materials and finishes of the external walls and roof of the development shall be those specified on the application form and approved plans, or such other materials shall have been approved in writing by the Local Planning Authority, and shall thereafter be retained as such.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

INFORMATIVE(S):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) 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.
- (3) When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles

associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

- (4) 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".

MONTHLY REPORT ON PLANNING APPEAL DECISIONS

Ward:	(All Wards);
Contact Officer:	Steven Lewis

Report by Steven Lewis, Planning Development Manager/Viv Evans, Head of Planning.

The Planning Service has received the following Appeal decisions from 1st June 2020 to 10th August 2020:

Appeal Summary

Site Address	Planning reference	Description of development	Decision and Costs
14 Pound Lane, Epsom	19/00716/FUL APP/P3610/W/19/3241631	Change of use to 2 x 1 person dwellings, incorporating a 3m rear single storey extension.	Dismissed – No costs
Invermene House, Epsom Road, Epsom.	19/00621/FUL APP/P3610/W/19/3239362	Conversion of basement to create 1 x two bedroom flat and 1 x one bedroom flat.	Dismissed – No costs

Appeal Details

14 Pound Lane, Epsom

The Inspector concluded that due to the size and layout of 'flat 14', the proposal would not provide appropriate living conditions for future occupiers in respect of internal living space. The proposal would conflict Development Management Policies Document and National Space Standards and would outweigh the benefit of the additional new housing.

The proposed extension was held to be acceptable.

Invermene House, Epsom Road, Epsom

The Inspector found that the flats would have an overall poor living conditions resulting from the lack of private amenity space together with inadequate light and outlook.

In addition, the Inspector agreed with the Highway Authority that whilst the access was not being altered, the Development would have led to an increase in demand for travel use. In the absence of evidence regarding the travel demand and vehicular manoeuvres they were unsatisfied that safe and suitable access for the development had been demonstrated.

The harm and conflict with the Development Plan were considered to outweigh the benefits of the new housing.

Net No. of dwellings for which planning permission has been granted

Month	Committee	Delegated	Appeal
April	0	2	1
May	55	2	0
June	0	3	0
July	14	7	0
Total	84		

Annual target 695 dwellings

It should be noted that the above table and figures only count decisions which have been issued and exclude decisions where there is an extant planning permission to avoid double counting.