

Public Document Pack

Legal and Democratic Services



PLANNING COMMITTEE

Thursday 5 November 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/register/6415978412984786956>
Webinar ID: 383-053-955

Telephone (listen-only): 0330 221 9922 Telephone Access code: 851-382-369

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

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, 2 November.

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

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 8 October (to follow) and authorise the Chairman to sign them.

3. 140 & 142 RUXLEY LANE WEST EWELL KT19 9JS (Pages 5 - 36)

Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.

4. 24 DANETREE ROAD WEST EWELL SURREY KT19 9RZ (Pages 37 - 46)

Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope (Application for a certificate of Lawfulness for a Proposed Development).

5. 29 HORSLEY CLOSE, EPSOM, SURREY, KT19 8HB (Pages 47 - 58)

Change of use of a residential dwelling (use Class C3) to an 8 bedroom house in Multiple Occupation (HMO). The proposed changes would include the insertion of a side triangular window to the first floor bedroom 6 and 2 rooflights on the side roofslope of the property.

6. MONTHLY REPORT ON PLANNING APPEALS DECISION AND HOUSING NUMBERS (Pages 59 - 60)

The Planning Service has received the following Appeal decisions from 15th September 2020 to 12th October 2020.

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Ward:	Ruxley Ward
Site:	140 & 142 Ruxley Lane West Ewell KT19 9JS
Application for:	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping
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=Q5YHV OGYH8H00>

2 Summary

- 2.1 The application is referred to Planning Committee as the proposal is classified as a "major planning application", in accordance with Epsom and Ewell Borough Council's Scheme of Delegation
- 2.2 The application proposes the demolition of the existing (two) dwellings and the erection of 20 flats within two blocks with associated car parking and landscaping
- 2.3 The proposed scheme is not able to viably provide a policy compliant provision of eight affordable units. However the scheme will provide two on site affordable units in accordance with para 64 of the NPPF.
- 2.4 22 car parking spaces would be provided on-site. In addition, there would be 20 cycling spaces. The Local Planning Authority's car parking standard require 20 car parking spaces for the development. The development would therefore exceed the Council's parking standards

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- 2.5 The architectural character of the development is considered to respond to the site's surroundings, but with a more contemporary and sustainable context.
- 2.6 When employing the presumption in favour of sustainable development, the adverse impacts of this development are not held to significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework.

3 Site description

- 3.1 The application site (with an area of 0.196ha), is located on the northern side of Ruxley Lane, currently comprises two detached residential properties at Nos 140 and 142, a two storey detached dwelling and a bungalow respectively.
- 3.2 To the south west, the site is bounded by No 144, a semi-detached house, to the rear (north west) by a garage court serving properties in Larkspur Way. To the north east of the site is a three-storey mixed used scheme "Willow Court," with a supermarket on the ground floor and flats above, and opposite (to the south-east of the site) is Epsom and Ewell High School.
- 3.3 The site is surrounded by a mix of uses, but primarily residential. The residential properties located along Ruxley Lane, to the south-west of the site, are typically detached and semi-detached, with varying design styles.

4 Proposal

- 4.1 It is proposed to demolish the two existing dwellings and erect two blocks accommodating 20 flats, with associated car parking and landscaping.
- 4.2 The front block (A) would comprise two offset blocks, which would be bifurcated in the middle with a glazed strip and inset. The taller building, adjacent to Willow Court, would step down towards the smaller building, but would be linked at roof level visually with similar materials and a 'step over' element at roof level. The roof element would be clad in vertical ribbed metal sheets with brickwork elevations to the floors below.
- 4.3 Block A would be four storeys in height, with an overall (parapet) height of 12.1m. This building would provide fourteen flats (12 x two bed flats and 2 x one bed flats)
- 4.4 The block to the rear (B) would have a stepped footprint. It would have brick elevations, timber detailing and inset windows, to match the main building at the front.
- 4.5 Block B would be two storeys in height, with an overall height of 5.94m. This building would provide six flats (3 x two bed flats and 3 x one bed flats).

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- 4.6 Car parking would be provided at the front (8 spaces), and the rear (14 spaces) linked by an access road to the side of the front block. A communal garden would be located in the centre of the site, between the two blocks. A rooftop garden is also proposed on the front block, providing a further amenity space for residents.
- 4.7 Refuse and cycle stores would be provided within the site. Block A and B would each be served by a separate bin store, the first would be located within block A, the second would be located along the southern boundary of the site. The cycle store would be located to the rear of Block A, within the communal garden area.

5 Revisions

- 5.1 Improvements have been secured during the course of the application following negotiations between officers and the applicant regarding the provision of private amenity space. The scheme has been amended as follows:
- Balconies/terraces have been provided to 14 units, with the remaining 6 flats having access to communal amenity space.
 - The rendered elevations of Block A have been replaced by brick elevations.
 - The access off Ruxley Lane has been amended to address Highway requirements
 - The bin store has been incorporated within Block A.

6 Comments from third parties

Original Application

- 6.1 The original application was advertised by means of a site and press notice, and letters of notification to 41 neighbouring properties. By the closing date (16.04.2020) 11 letters of objection had been received and are summarised as follows:
- Out of keeping
 - Overlooking
 - Loss of privacy
 - Highway safety
 - Overshadowing

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- Loss of trees

Revised Application

6.2 Following the submission of an amended scheme, on 28.07.2020, a second consultation period began on 28.07.2020 and expired on 18.08.2020. To date 12.10.2020, 13 letters of objection were received, and are summarised as follows:

- Noise
- Loss of privacy
- Inadequate parking
- Out of character
- Overlooking
- Loss of privacy
- Loss of daylight

7 Consultations

- 7.1 EEBC Design and Conservation Officer: I have no objection to the approval of this scheme on height, massing and design grounds, but would like to see the landscape and external finish of the scheme improved, either by negotiation or condition.
- 7.2 EEBC Tree Officer: (24.09.2020) The extremely narrow width between the frontage trees and hard standing mean that the roots/ stems of the trees will displace kerbing hard surfacing when they grow. This would be poor arboricultural planning, not in compliance with BS5837 and will place the trees under future threat.(Officer Comment: The site layout has been amended to address the Tree Officers Concerns)
- 7.3 SCC Highways Officer: No objections. Conditions to be imposed on any permission granted
- 7.4 EEBC Contaminated Land Officer: The site is situated immediately next to a former sawmill site, which was found to be contaminated (since remediated). I recommend a ground contamination investigation and assessment.

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7.5 SCC Sustainable Drainage and Consenting Team: Our advice would be that, should planning permission be granted, suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

7.6 EEBC Ecologist: No objections

7.7 EEBC Waste and Services Manager: No objection

8 Relevant planning history

8.1 None relevant

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

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

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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 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

Supplementary Planning Document 2015

Parking Standards for Residential Development

10 Planning considerationsThe main considerations material to the determination of this application are:

- Presumption in favour of sustainable development
- Principle of Residential Development
- Affordable Housing

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- Housing Mix
- Visual Impact
- Quality of Accommodation
- Private and Communal Amenity Space
- Impact on Neighbours' Residential Amenity
- Highways and Parking
- Sustainability
- Landscaping
- Biodiversity
- Community Infrastructure Levy

Presumption in favour of Sustainable Development

- 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 re-published 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 object is making efficient and effective use of land and improve the environment.

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- 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 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 Paragraph 11d and Footnote 7).
- 10.8 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.
- 10.9 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).
- 10.10 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.
- 10.11 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.
- 10.12 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.

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- 10.13 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 demonstrable outweigh the benefits when assessed against the Framework as a whole.

Principle of Residential Development

- 10.14 Paragraph 59 of the Framework 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
- 10.15 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.
- 10.16 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...
- 10.17 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.
- 10.18 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.
- 10.19 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 these policies not reflecting the expectations of the Framework, and therefore restricting opportunities for growth in the Borough.
- 10.20 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.

5th November 2020Affordable Housing

10.21 Paragraph 62 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

10.22 Paragraph 64 of the Framework states that

“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.”

10.23 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

10.24 In this regard, to be fully compliant, the proposal would be required to provide 8 affordable units.

10.25 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.

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- 10.26 An Economic Viability Appraisal Report, dated February 2020, was submitted with the application, which was independently reviewed by Viability Consultants BPC, on behalf of the Local Planning Authority.
- 10.27 Their initial review concluded that the development would be able to provide a Policy Compliant scheme with 40% Affordable Housing (8 units) including a surplus of £129,828. This advice was offered on the basis of a number of assumptions
- 10.28 The assumption of the initial report was rebutted by the applicant's viability consultant, S106 Management, and on receipt of the rebuttal evidence, the Council's consultants BPC, revised their assessment, and refined their findings that the scheme was able to provide a policy compliant offer of 8 units, with a small surplus of around £39,000
- 10.29 This assessment was again disputed by the applicants, and following an assessment of the build cost of the scheme in August 2020, by quantity surveyors Anderson Bourne, (appointed by the Council's consultant) the Council's viability consultant BPC has finally concluded that the scheme is marginally unviable, and would be unable to provide affordable housing or a commuted sum.
- 10.30 Following discussions with the applicant, 2 affordable rented one-bedroom flats would be provided on-site. This would meet the requirement of paragraph 64 of the NPPF to provide 10% of units to be affordable.
- 10.31 Notwithstanding the above provision, Officers recommend the implementation of a review mechanism, which would allow the Council to benefit from any improvements in the scheme's viability over the development period.
- 10.32 The viability review mechanism to be included in the S.106 agreement would require the submission of a revised Viability Statement
- 10.33 The net provision of 18 units of accommodation, although without a policy compliant level of affordable housing is a significant benefit, which weighs in favour of the proposal in the planning balance.

Housing Mix

- 10.34 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.

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10.35 Policy DM22 Housing Mix states that the Council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. A scheme of 20 units would be expected to provide 5 x 3 bedroom units.

10.36 The scheme proposes 75% two-bedroom units (15 flats), 25% one-bedroom units (5 flats) and no three-bed units. However, 8 of the two-bed flats, would be for 4 person occupancy, which officers have accepted as being for family accommodation. (A two bed 4 person flat would be able to accommodate a double bed or two single beds in each bedroom)

10.37 The mix whilst not policy compliant must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. On this basis, it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need. The housing mix is therefore assigned minor negative weight in the planning balance.

Visual Impact

10.38 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.

10.39 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.

10.40 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.

10.41 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.

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- 10.42 The surrounding area has no consistency of architectural style, scale or massing.
- 10.43 The overall site is a generous sized plot that is bounded by a mixed-use scheme and residential development on the flanks, and backs on to a garage court to the rear. The proposed scheme would comprise two separate blocks of flats, with the four storey building fronting Ruxley Lane, and the lower, two-storey block, located tight to the rear boundary adjacent to garage court.
- 10.44 The frontage building would generally maintain the current building line , but would project some 7m beyond the front elevation of the adjacent dwelling at No 144 Ruxley Lane.
- 10.45 The new building (Block A) would have a greater presence than the existing dwellings by virtue of greater bulk and massing but would not dominate the wider area or give rise to cause harmful appearance in longer views.
- 10.46 The scheme would reflect the size and massing of the adjacent “Willow Court”, but would step down in height to the rear to reflect the two storey dwellings in Larkspur Way, as well as acting as a transition between Willow Court and the two storey dwellings to the south west.
- 10.47 In order to address the variations in height, the frontage building (Block A) has been designed to fit between the two ridge heights, but equally in a series of steps and set-backs which would create visual relief and a transition between the highest and the lowest ridge levels
- 10.48 The design approach would be contemporary, with metal cladding/brick elevations to Block A, and brick/timber cladding elevations to Block B.
- 10.49 The materials and detailing selected by the applicant are an acceptable approach, which will bring about a high quality of finish to the development. However to realise the architectural aspiration these will require crisp detailing and high quality finishes to be successful. The indicative examples of cladding, windows, doors and their recesses, as shown are credible, but to ensure the high quality of finish required will need to be secured by planning conditions.
- 10.50 Overall, the design of the buildings, subject to acceptable high quality finishes, would contribute positively to the character and appearance of the site. Planning conditions will be necessary to secure this appropriate detailing and materials. On this basis, the development is considered to have a net improvement in the appearance of the site and is therefore weighted positively in the planning balance.

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Residential Amenity

- 10.51 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.
- 10.52 Given the proposed height and form of the building, it is key to consider the impact upon surrounding residents from the physical building in terms of outlook, daylight/sun lighting and privacy.
- 10.53 Block A would be sited approximately 6m from the flank boundary of No 144, 3m from the flank elevation of Willow Court, 48m to the flank boundary of No 126 Larkspur Way, and in excess of 50m (obliquely) to the rear elevations of No 124 and 122 Larkspur Way
- 10.54 Block B (to the rear), would be set back between 1m and 3.8m from the (rear) boundary shared with the garage court, and 2m from the shared boundary with No 144 Ruxley Lane. The front elevation of Block B would (obliquely) face the rear elevation of No 144 Ruxley Lane at a distance of around 30m
- 10.55 Despite the additional height and presence, the distances between elevations are considered acceptable and would not result in a harmful loss of privacy.
- 10.56 The roof terrace (communal amenity space) on block A may lead to overlooking to the rear garden of No 144, and details of a privacy screen along the flank edge of this terrace would be secured by an appropriate condition. A condition requiring the flank windows serving the main bedroom to Flat No 6 and 10 (in Block A) to be obscurely glazed is also recommended to be imposed.
- 10.57 The rear gardens of the properties in Larkspur Way and No 144 Ruxley Lane would experience and feel a greater presence given the height of Block and to a lesser degree, the two-story Block B, set close to the rear boundary. This is considered to result in some loss of outlook, however given the acceptable distance of Block A, and the low height of Block B, the impact is held to be insufficient to warrant refusal in this case, but should be considered a minor negative within the final planning balance.

5th November 2020Quality of Accommodation

- 10.58 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.
- 10.59 The application is proposing 20 units , comprising 15 two-bed flats and 5 one-bedroom flats
- 10.60 The proposed 2 bed (4 person) flats would have a Gross Internal Area of between 70m² and 74m², the 2 bed (3 person) flats an area between 61m² and 63m², the 1 bed (2 person) flats an area of 50m²
- 10.61 All 20 units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:
- 2 bed (4 person): 70m²
 - 2 bed (3 person): 61m²
 - 1 bed (2person) :50m²
- 10.62 It is therefore considered that the proposed units will have an acceptable level of internal amenity.

Amenity Space

- 10.63 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) states that to provide adequate private amenity space for development of flats, a minimum of 5 m² of private amenity space for 1-2 person dwellings should be provided and an extra 1 m² should be provided for each additional occupant. A 3 person flat should have a 6m² balcony, and a 4 person flat should have a 7m² balcony
- 10.64 Balconies/terraces have been provided to 14 units, with the remaining 6 flats having access to communal amenity space (Roof terrace 37m² and communal garden 230m²).
- 10.65 Nine of the balconies would not meet the area requirements (Figures in () denote the required standard):
- 10.66 Flat 4: 5.8m² (6) Flat 5: 6.2m² (7) Flat 6: 5m² (7) Flat 7: 4.7m² (6) Flat 8: 4.7m² (6)
- Flat 9: 6.2m² (7) Flat 10: 5m² (7) Flat 11: 5m² (6) Flat 12: 5m² (6)

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10.67 The areas of communal space (roof terrace 37m² and communal garden 230m²) would be accessible by all the occupants of the scheme, and would comply with the required space standards.

10.68 On balance, the quality of amenity space provided by these balconies is not considered to justify refusal in their own right by reason of their minor shortfall and the availability of communal facilities and is acceptable, given the site, building and design constraints, and the need to optimise the site.

10.69 The shortfall in meeting the size requirement is therefore weighted as a very minor negative in the planning balance.

Highways

10.70 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.

10.71 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.

10.72 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.

10.73 The application is supported by a Transport Statement.

Existing Traffic Generation

10.74 The Statement sets out that the existing 2 dwellings on site has the potential to generate vehicle movements, and to understand the level of traffic associated with the current use, a review of the TRICS database has been undertaken.

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- 10.75 The interrogation of the database indicated that the two houses could generate 1 to 2 trips in the peak periods and 8-9 over the course of the day. There could be as many as 17 person trips to and from the site, of which 8-9 might be vehicular trips.

Proposed Traffic Generation

- 10.76 The Transport Statement sets out that the development has the potential to generate approximately 63 vehicle trips to and from the site over the course of the day. A comparison of the existing and proposed trips is provided which demonstrates that the change in persons visiting the site could increase by 75 over the course of the day, with 27 of these trips being by car. During the morning peak periods it is estimated that up to 3 additional vehicles may depart the site with one additional arrival. A similar increase would also be experienced in the evening peak but with a reverse in direction of the flows.

- 10.77 The Statement concludes that the level of additional traffic generated by the development would be minimal and would have no material impact on the surrounding highway network.

- 10.78 The SCC Highways Officer has raised no objections to the proposal, subject to appropriate conditions being imposed should planning permission be granted.

Access

- 10.79 The car parking spaces would be located at the front, and to the rear of Block A, and would be accessed via a driveway vehicular in broadly the same location as the existing crossover serving No 142 Ruxley Lane

- 10.80 The SCC Highways Officer has raised no objection to the access arrangement as indicated on drawing 201249/TR/01.

Parking

- 10.81 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. The scheme would be required to provide 20 spaces.

- 10.82 Within the site, 22 car parking spaces would be provided. Two of the spaces would be designated for use by visitors. With reference to the SPD standards, the car parking provision would be compliant

- 10.83 Provision for the storage of 20 cycles is included within the proposal, a condition is recommended to secure the provision of this prior to occupation

- 10.84 A condition requiring the submission of a Car Parking Management Plan setting out provisions for the management and use of the proposed parking is recommended, should permission be granted

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- 10.85 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

Waste Collection

- 10.86 Block A and B would each be served by a separate bin store, the first would be located within block A, the second would be located along the southern boundary of the site. For rubbish collections the refuse vehicles could enter the site from Ruxley Lane and drive up to the first collection point, they could also reverse up the access to the south to collect refuse from the second store. The refuse vehicle would then be able to exit the site in a forward gear

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

Sustainability of the Site

- 10.88 The site is sustainably located within acceptable walking distance of 4 bus services along Ruxley Lane, and is situated in proximity to local retail, education 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.
- 10.89 Measures to encourage sustainable transport are recommended by the Highway Authority and are secured by planning conditions.

Landscaping and Trees

- 10.90 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.
- 10.91 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.

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10.92 An Arboricultural Report & Method Statement has been submitted in support of the application and a detailed assessment of the existing trees within the site and on adjacent land has been undertaken to inform the design of the development. The Assessment classifies all trees and recommends which trees are to be retained and those, which are to be removed.

10.93 It is proposed to remove and replace 6 trees at the site, all of which are not considered to be significant within the context of the local or wider landscape (Category C). The replacement tree planting is detailed on submitted landscape drawings (DPA-8046-04B) and includes some 11 new trees, including 2 large / specimen size trees on the site frontage.

10.94 It is recommended that a landscaping condition to secure details of proposed landscaping and planting, is imposed.

10.95 The proposal is therefore considered to comply with Policy DM5

Ecology/Biodiversity

10.96 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.

10.97 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.

10.98 The application is supported by a Preliminary Ecological Appraisal and Bat Survey that set out that no evidence of bat activity/roosting or any protected species was found.

10.99 Various habitat enhancements were recommended, including a native planting scheme, grassland planting, bird and insect boxes. The proposed roof terrace, with planting would also secure a biodiversity enhancement.

10.100 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.

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

5th November 2020Sustainability

- 10.102 Paragraph 149 of the Framework states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 10.103 9.120 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states that the Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development e.g. by using an appropriate layout, building design and orientation; minimise the energy requirements of construction; and encourage the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 10.104 The applicant has submitted an Energy Statement in support of the application which sets out that the proposed development will utilise modern, sustainable materials, ensuring that the new homes are as efficient as possible with regards to the use of natural resources and where possible, sustainable construction techniques will also be utilised to reduce energy and water consumption.
- 10.105 The proposed scheme has sought to integrate sustainability into the design of the proposal and it is considered to comply with Policy CS6. Details of sustainability measures designed to reduce the use of energy, water and waste is secured by a planning condition.

Community Infrastructure Levy

- 10.106 The proposed scheme would be CIL liable

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.

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- 11.2 The provision of 20 units (a net gain of 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.
- 11.3 The provision of affordable housing in developments is afforded significant weight in the planning balance. The provision of two affordable units when balanced against the lack of a policy compliant affordable housing provision, is given a minor positive weight in the planning balance.
- 11.4 The conflict with Policy DM22 Housing Mix is given minor negative weight as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.
- 11.5 The conflict with Policy DM12 with regard to amenity space provision is given very minor negative weight given the site, building and design constraints, and the generous provision of communal amenity space.
- 11.6 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.
- 11.7 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

Part A

- 12.1 Subject to a legal agreement being completed and signed by the 29 January 2021 to secure the following heads of terms:
- The on-site provision of 2 one-bedroom affordable rental units
 - The submission of a revised Viability Statement.

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

5th November 2020Part B

- 12.2 In the event that the section 106 Agreement referred to in Part A is not completed by 29 January 2021 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 on-site provision of a 2 affordable flat units.

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.

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

PL19g - PROPOSED BLOCK PLAN

PL20g PROPOSED SITE PLAN

PL102a AMENITY AREAS - FIRST FLOOR

PL101 AMENITY AREAS – GROUND FLOOR

PL104 AMENITY AREAS - ROOF TERRACE

PL103a AMENITY AREAS - SECOND FLOOR

PL19g PROPOSED BLOCK PLAN

PL31h PROPOSED ELEVATIONS

PL30g PROPOSED ELEVATIONS

PL212a PROPOSED ELEVATIONS

PL21h PROPOSED GROUND FLOOR

PL22h PROPOSED FIRST FLOOR PLAN

PL23g PROPOSED SECOND FLOOR PLAN

PL24g PROPOSED THIRD FLOOR PLAN

5th November 2020**PL40c PROPOSED SECTIONS****201249/TS/07 PROPOSED ACCESS ARRANGEMENTS**

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 balconies, 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 be 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 edge of the roof terrace, shall be submitted to, and approved in writing by the Local Planning Authority. It is expected that the privacy screen comprise either a wing wall, frosted glazing, perforated metal, or

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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, 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 Development Management Policies Document 2015.

- (7) The windows in the flank elevation of Flat No 13 and 14, and the flank windows serving the main bedroom to Flat No 6 and 10 (in Block A) 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 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

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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-8046-02 and DPA-8046-03 in the Arboricultural Method Statement dated October 2020 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) No development shall commence until a Construction Transport Management Plan, to include details of:**
- (a) parking for vehicles of site personnel, operatives and visitors (no contractor parking off-site)**
 - (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 8.15 and 9.00 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 Ruxley Lane during these times**
 - (i) 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**
 - (j) Communication plan to disseminate construction information to surrounding residents**

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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

- (12) No part of the development shall be first occupied unless and until the proposed vehicular access to Ruxley Lane has been constructed and provided with visibility zones in general accordance with the approved plans (201249/TS/07) 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

- (13) 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 Ruxley Lane, the depth measured from the back of the footway and the widths outwards from the edges of the access. 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

- (14) The development hereby approved shall not be first occupied unless and until the existing access from the site to Ruxley Lane has been permanently closed and any 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

- (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 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 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

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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 in compliance with Policy CS16 of the Core Strategy 2007

- (17) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles with 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 in compliance with Policy CS16 of the Core Strategy 2007

- (18) 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.

Reason: To ensure the efficient and functional use of the car parking area, to safeguard the amenity of future occupiers of the approved development and to ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy DM10, DM37 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007

- (19) 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) 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 2.3 l/s.

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b) 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.).

c) 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.

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

e) 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.

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

- (20) 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

- (21) 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).

- (22) Ground contamination and ground gas assessment

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Following any necessary demolition and prior to the commencement of any further development, the following shall be undertaken in accordance with current best practice guidance:

(i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and

(ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

(23) Remediation

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 22 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

(24) Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must

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be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

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) 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/flooding-advice.

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- (3) 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.
- (4) 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
- (5) The developer is reminded that it is an offence to allow materials to be carried from the site and deposit 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).
- (6) 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.
- (7) The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- (8) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any

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discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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Ward:	West Ewell Ward;
Site:	24 Danetree Road West Ewell Surrey KT19 9RZ
Application for:	Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope (Application for a certificate of Lawfulness for a Proposed Development)
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 applicant has submitted an "Application for a Lawful Development Certificate for a Proposed Development" for Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope.
- 2.2 The application is brought to Planning Committee as the Application Property is owned by a Borough Councillor (Cllr P O'Donovan).
- 2.3 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 Danetree Road by a driveway. The site has a front boundary fencing with a metal gate and vehicular access. The property is not Listed, nor is it within a Conservation Area

5th November 2020**4 Proposal**

- 4.1 The proposal is a Lawful Development Certificate for a Proposed Development "for Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope". This proposal would increase the footprint of the dwelling along the rear garden space and provide a habitable loft space.
- 4.2 A dwellinghouse owner can usually perform certain types of development without requiring 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.
- 4.3 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is the current Order. It sets out classes of development for which a grant of Planning Permission is not required, provided that its criteria are fully met and no restrictive condition is attached or that the development is exempt from Permitted Development Rights.
- 4.4 Permitted Development Rights have not been removed at the application property by way of condition or Article IV direction. The premises are a single dwellinghouse and accordingly benefits from permitted development right, subject to the proposal meeting the criteria of the relevant sections of the order.

5 Comments from third parties

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

6 Consultations

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

5th November 2020**7 Relevant planning history**

None relevant in this case

8 Planning Policy

Not relevant - this type of application is not determined on the basis of planning policy

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, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 9.2 The rules on Permitted Development set out in Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) relates to Development within the curtilage of a dwellinghouse.
- 9.3 Part 1 is then sub-divided into Classes covering various types of development.
- Class A is enlargement, improvement or other alteration of a dwellinghouse and
 - Class B is additions etc to the roof of a dwellinghouse, and
 - Class C is other alterations to the roof of a dwellinghouse, which are pertinent in this case and covers the rear infill and alterations with roof extensions

Permitted Development

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

A.1 Development is not permitted by Class A if—

- (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

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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

- (g) *until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 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
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

Complies

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- (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; or

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 vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

Complies

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

B.1 Development is not permitted by Class B if—

- (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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Complies

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Complies

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

- (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;

Complies

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(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

Complies

(f) the dwellinghouse is on article 2(3) land.

Complies

C. Other alterations to the roof of a dwellinghouse

C.1 Development is not permitted by Class C if—

(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) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Complies

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

Complies

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Complies

9.4 The proposed development complies with all the permitted development limitations and rules as state above

Community Infrastructure Levy

9.5 Not relevant

5th November 2020**10 Conclusion**

- 10.1 The proposed single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope, fall within the parameters of permitted development as set out under Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 10.2 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 A Lawful Development Certificate should be granted. Subject to the following informative notes to guide the applicant

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 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- (2) **This decision relates to the following drawings:**

1113 - S-100- Site Location and Block Plan – 08/09/2020

1113-E-100 Rev 06 – Elevation Plans – 02/09/2020

1113-L-101 Rev 06- Floor Plans – 02/09/2020.

- (3) **Class A (The enlargement, improvement or other alteration of a dwellinghouse.) Conditions**

Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

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(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse

(4) **Class B (additions etc to the roof of a dwellinghouse) Conditions**
Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the enlargement must be constructed so that—

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be —

- (i) obscure-glazed, and

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- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

(5) Class C (Other alterations to the roof of a dwellinghouse) Condition

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

- (6) 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.

- (7) You have been granted 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**

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5th November 2020**29 Horsley Close, Epsom, Surrey, KT19 8HB**

Change of use of a residential dwelling (use Class C3) to an 8 bedroom house in Multiple Occupation (HMO). The proposed changes would include the insertion of a side triangular window to the first floor bedroom 6 and 2 rooflights on the side roofslope of the property

Ward:	Ewell Ward;
Contact Officer:	Tom Bagshaw

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=Q6K3MFGYHBM00>

2 Summary

- 2.1 This item is before committee because the applicant is a close relation of a member of Planning Committee.
- 2.2 This application is required as a change of use from a dwelling house (use class C3) does not have any permitted development rights to change use to a larger HMO requires planning permission.
- 2.3 The property was formerly a single dwellinghouse and has been previously extended, benefiting from a two storey side extension dating back to circa 2010.
- 2.4 The application seeks retrospective permission for the change of use of a residential property (Use Class C3) to a Large HMO (more than 6 people) (Use Class Sui Generis). The current use came to the attention of the Local Planning Authority from an enforcement investigation.
- 2.5 The property has been converted into a House in Multiple Occupation (HMO) providing 8 bedrooms, under a HMO Licence granted in 2017.
- 2.6 The application property is in within a sustainable location, within the urban area subject to an acceptable standard of accommodation and meeting all other local plan policies the larger HMO use may be considered acceptable in principle.

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- 2.7 All bedrooms comply with the Houses of Multiple Occupation Advisory Standards in terms of room size for single occupancy rooms.
- 2.8 Following amendments received in August consisting of the inclusion of a side triangular windows to the first floor bedroom 6 and two side rooflights. The outlook from all bedrooms is considered to provide a satisfactory standard of accommodation.
- 2.9 The triangular window serving bedroom 6 would mitigate any unacceptable overlooking impacts to the neighbouring property at No. 28 Horsley Close and would also provide a satisfactory level of accommodation.
- 2.10 The proposal provides parking for 2 cars within the paved forecourt area. Whilst the Council does not have parking standards for HMO's, there are on-street parking restrictions to require that occupiers obtain a permit to park and the site is within the close proximity to the town centre amenities and public transport links.

3 Site description

- 2.11 The application site is comprised of a semi-detached property located in Horsley Close, Epsom. The premises is presently operating as a HMO and has benefits from substantial extensions.
- 2.12 The ground floor layout consists of two bedrooms and two kitchens, five bedrooms on the first floor and one bedroom on the second floor of the property.
- 2.13 There is parking for two cars at the front of the property within the paved forecourt area.
- 2.14 The property is not listed nor is it considered to be of any architectural merit and the surrounding area is predominately residential. The site is not subject to any specific land designations or allocations within the development plan.
- 2.15 The property is currently in use as an 8 bedroom house in multiple occupancy (HMO) without the benefit of planning permission.

3 Proposal

- 3.1 The application seeks retrospective permission for the change of use of a residential property (Use Class C3) to a Large HMO (more than 6 people) (Use Class Sui Generis).
- 3.2 The proposal includes physical works to install a side triangular window and two rooflights to bedroom 6.

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4 Comments from third parties

We notified 6 neighbouring properties and to date (02.10.2019), 4 objections have been received on the grounds:

- Parking
- Bin storage
- Overlooking
- Annexation of part of the property
- Antisocial behaviour
- Level of consultation
- Family Street. Out of Character

1 neutral comment was received regarding:

- The addresses consulted (all immediately adjoin land owners have been consulted and as such the council has fulfilled its statutory requirements)

5 Consultations

- 5.1 Surrey County Council Highways – No objections, conditions recommended should the application be approved

5th November 2020**6 Relevant planning history**

Application number	Decision date	Application detail	Decision
10/00640/NMA		Non-material minor amendment to planning permission 09/01164/FUL (erection of two-storey side and rear extension and single-storey rear extension. Amendments include increase window opening sizes	PERMIT
10/00395/CLP		Lawful Development Certificate for hip-to-gable conversion rear dormer and front roof-light, and extended soil vent pipe to flank wall	PERMIT
09/01164/FUL		Erection of two-storey side and rear extension and single-storey extension	PERMIT

7 Planning Policy**NPPF 2019**

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

Local Development Framework – Core Strategy 2007

- Policy CS5 The Built Environment

Development Management Policies 2015

- Policy DM10 Design Requirements
- Policy DM12 Housing Standards
- Policy DM21 Meeting local housing needs

5th November 2020**Advisory Standards for Houses in Multiple Occupation 2018****8 Planning considerations**Principle of Use

- 8.1 Para 59 of the NPPF 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”
- 8.2 Para 61 states that “Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”
- 8.3 Policy DM21 states that planning permission will be granted for specialised forms of residential accommodation subject to various requirements being met. These include evidence that there is a need for this accommodation. The applicant submits that the reason for this application “Due to the HMO reforms effective from October 2018, which include mandatory licencing and more stringent accommodation standards, the HMO sector is likely to experience increased demand due to some landlords deciding to cease operation of their HMOs because of costs associated with meeting new compliance and licencing requirements.”
- 8.4 The application property is in a sustainable location and has been operating as an HMO since 2017. The proposed use is therefore acceptable in principle, subject to compliance with other planning policies and material considerations below.

Suitability of the premises for the proposed use.

- 8.5 Policy DM10 requires that development proposals should ensure an appropriate layout and access arrangements and to have regards to the amenities of occupants. Policy DM12 requires adequate internal and external amenity space and for external amenity space to be easily accessible.
- 8.6 The Council’s Advisory Standards for Houses in Multiple Occupation recommends that where a single room is occupied by a co-habiting couple, where there is a shared kitchen provided, (as in this case) the minimum size for a bedroom should be 10m². This standard is a licensing standard which is separate from planning standards. All bedrooms exceed this size with the smallest being approximately 11.1 metres squared.

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- 8.7 In addition, the Nationally Described Space Standards which is a planning consideration and minimum standard, require a double bedroom to have a minimum floor area of 11.5m². Bedroom 3 is the only room that falls under this requirement and is approximately 11.1 m² however this is considered an appropriate for a single occupant for which the minimum standard is 7.5 m².
- 8.8 Therefore all bedrooms comply with the advisory standards in terms of room size for single occupancy rooms and national space standards for accommodation of this type.
- 8.9 Following amendments received in August 2020 a kitchen has been removed from the front of the site. This would provide bedroom 2 with a front facing window and a satisfactory outlook and natural light provision.
- 8.10 The amendments received in August 2020 included the provision of a triangular window and 2 rooflights to bedroom 6. The triangular window would provide sufficient natural light and provide a forward facing outlook. This would be further compensated by natural light provision to from the rooflights. The rear element of the triangular window is marked as obscurely glazed on the planes to limit overlooking of neighbouring gardens and this would be secured by condition.
- 8.11 The proposal includes communal external amenity space to the rear that is approximately 238 metres squared. There is no specific space standards relating to amenity space for HMOs but the proposed amenity space meets and exceeds the minimum amenity space required for a large family home of 70 square metre (3+ bedrooms). All bedroom have access to the rear amenity space through the shared spaces. Therefore, it is considered that the proposed development has sufficient external amenity space.

Impact on visual amenity of the area

- 8.12 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.
- 8.13 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.
- 8.14 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.

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8.15 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.

8.16 The proposal would include a side triangular window to bedroom 6 and two side facing rooflights to bedroom 6.

8.17 The rooflights are minor in scale and on a side roof slope. Their visual presence in the street scene is minimal and as such they would not have any unacceptable impacts upon the character or appearance of the property or streetscene.

8.18 The triangular window would be located at first floor level. It is a small additional structure to the property and is set back from the front of the property by approximately 7 metres. The proposed window would be between two properties and its visual significance is very limited. It is noted that oriel windows are not common on domestic dwellinghouses, however, it is in such a location that its visual presence is negligible and as such, it would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of design or character.

Impact on Neighbour Amenity

8.19 Concerns have been raised by neighbours regarding anti-social behaviour which have been documented between the dates of 23/06/2019 and 06/09/2019. This is considered to be of an environmental health nuisance issue and reports of antisocial behaviour have abated since a new agent took over the property. Any ordinary noise/disturbance arising from HMO's would not be of such a scale to have any adverse impact on residential amenity.

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- 8.20 The proposed development would not have any windows that face towards No. 30 Horsley Close and therefore the proposal present no unacceptable overlooking to this neighbouring property.
- 8.21 The bedroom 6 was original intended to be a bathroom in planning permission 09/01164/FUL. This room has been occupied for an extended period of time but it is considered to be a risk of overlooking in its current use. The proposal includes a triangular window to mitigate the overlooking whilst providing outlook. The window would be obscurely glazed at the rear and clear to the front. The presence of this window would mitigate any overlooking impacts that may result from the proposal.
- 8.22 The physical presence of the triangular window is a minor change to the property. It would be located to the side of the property and would not be adjacent to any useable private amenity space. As such, it is considered that the proposal would not result in any unacceptable physical impacts upon neighbouring amenity such as overbearing, loss of daylighting/sunlighting or overshadowing.

Parking

- 8.23 Paragraph 108 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) 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.
- 8.24 Paragraph 109 of the NPPF states 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.
- 8.25 Parking for 2 cars are provided within the paved forecourt area. Whilst the Council does not have parking standards for HMO's, there are sufficient on-street parking restrictions within the vicinity of the proposed development, and the site is in close proximity to the town centre amenities and public transport links.

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8.26 As such, it is considered that there would not be an unacceptable overspill on to the street that would result in any risk to highways safety or capacity. The proposals would therefore be in accordance with paragraph 109 of the NPPF.

8.27 The County Highway Authority has raised no objection to the proposed development and recommended conditions should the application be approved.

Refuse and recycling

8.28 A refuse area has been proposed to be stored to the rear of the property. This would be an acceptable location. One resident has raised the issue that refuse bins are regularly left on the street. Planning can ensure that proper storage is provided, but cannot control the operation of the facilities. Such matters would need to be investigated by the Environmental Health team. The proposal would thereby comply with Policy DM37.

Community Infrastructure Levy

8.29 The proposed development is not CIL liable

9 Conclusion

9.1 The property is already in use as a House of Multiple occupation for up to 8 number of persons and has been granted a licence by the Environmental Health Department to operate as such.

9.2 The proposal provides an adequate level of parking given its location and Surrey County Council Highways have raised no objections.

9.3 The proposal has adequate internal amenity standards for all of the rooms and every room has access to the shared private amenity space to the rear.

9.4 The proposal includes a side triangular window to room 6 with front and rear looking glass. The rear window would be obscurely glazed to mitigate overlooking impacts and the front window would be clear to allow for outlook. This window is set well back from the streetscene and is not considered to have any unacceptable impacts upon the character or appearance of the property.

9.5 Overall the proposal provides adequate standard of accommodation without harming the amenity of any neighbouring properties. It is therefore recommended for approval.

10 Recommendation: APP

10.1 Planning permission Permitted subject to the following condition(s):

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- (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:

1546 Drg. No. 01 [dated August 2020] - Existing and Proposed Drawings

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) 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.

- (4) The physical works hereby granted planning permission to bedrooms 2 and 6 as shown on the approved plans shall be completed prior to the occupation of those bedrooms.

If bedrooms 2 and 6 are occupied the all physical works shall be completed within 3 months of the date of this approval.

All of the proposed physical works relating to this application shall be retained unless otherwise agreed in writing by 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) 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.

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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.

- (6) Before any occupation of the development hereby permitted, any windows above ground floor level on the roof slope of the north elevation and the rear facing **triangular** window on the north 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.

- (7) The development hereby approved shall not be first occupied unless and until facilities have been provided for the secure parking of a minimum of 8 bicycles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019.

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.

5th November 2020

- 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".

Monthly Report on Planning Appeals Decision and Housing Numbers

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 15th September 2020 to 12th October 2020.

Site Address	Planning reference	Description of development	Decision and Costs
Rear of Nos. 123 & 125 London Road, Ewell	19/01378/FUL APP/P3610/W/20/3246289	Erection of a chalet bungalow with associated parking and amenity space.	Dismissed – No Costs

Summary of Appeal Decisions:

Rear of nos. 133 & 125 London Road, Ewell

The Inspector determined that the main issue was the effect on the character and appearance of the area.

Acknowledging a varied design approach of corner plots, examples of infills and appeals raised by the appellant, the Inspector agreed with the Council that because of its design, appearance and siting relative to neighbouring properties it would appear incongruous causing harm to the established rhythm, character and appearance of the area.

Noting the lack of 5-year supply and inspector found there to be significant conflict with the development plan in terms of harm and with this respect, the plan is consistent with the framework. As such, the adverse impacts of granting planning permission are significantly and demonstrably outweighed by the benefits of a single dwelling, when assessed against the policies in the Framework taken as a whole.

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
August	0	18	0
September	0	1	0
Total	103		

Annual target 695 dwellings

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