

Development Site at Court Lodge Court Lane Epsom KT19 8JP

Variation of Condition) 13 (Approved drawings) of planning permission 15/00492/FUL

Ward:	Stamford Ward
Contact:	John Robinson Planning Officer

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=PBA3HNGYKCB00>

2 Summary

- 2.1 This application seeks amendments to the extant scheme (which is at an advanced stage of construction) comprising internal layout amendments to Flat 9 and 10 and the addition of a bedroom to flat 1, on the ground floor.
- 2.2 The proposal would comply with residential policies contained in the Development Management Policies Document 2015.
- 2.3 The application is therefore recommended for APPROVAL**

3 Site description

- 3.1 The application property is situated at the end of Court Lane. The irregularly shaped site, which extends into, and bifurcates the Court Recreation Ground, has an area of 0.16ha, with a number of mature trees located in the north east corner.
- 3.2 The property is bounded to the rear (north west) by a public footpath forming part of the Court recreation Ground, beyond which (at a higher level) are the rear gardens of properties fronting West Hill Avenue. To the east of the site is a public footpath forming part of the recreation ground, and to the south by a public car parking area.
- 3.3 To the south west, is a three storey scheme (16/01145/FUL) comprising 13 flats which is presently under construction.

- 3.4 Planning permission was granted on appeal in June 2016 for a new three-storey flatted development comprising a mixture of 1, 2 and 3 bed units (totalling 10 units) and associated parking. The scheme is presently at an advanced stage of construction.
- 3.5 The current flat mix comprises 4 one bedroom, 3 two bedroom and 3 three bedroom flat units.

4 Proposal

- 4.1 This application seeks the variation of Condition 13 (Approved drawings) of the extant planning permission 15/00492/FUL in order to amend the internal layout amendments to Flat 9 and 10, and to add a bedroom to flat 1, on the ground floor.
- 4.2 The amendments would comprise the following: Flat 9 would be reduced from a 3 bed flat to a 2 bed flat and flat 10 increased in size to accommodate a separate kitchen and a larger living/dining space within the semi-circular shaped build. The loss of a bedroom in flat 9 would be compensated by introducing a third bedroom to flat 1 on the ground floor (by partially infilling the carriageway).
- 4.3 The applicant has sought to justify the variation of the condition by stating that due to concerns over the saleability of flat 10 on the second floor “especially because of the unusual shape of the living/dining/kitchen space”.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 9 neighbouring properties and a site notice. To date (01.10.2018) no letters of objection have been received.

6 Consultations

- 6.1 Highways: No objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/00492/FUL	22.10.2015	Demolition of existing property to provide new three-storey flatted development comprising a mixture of 1, 2 and 3 bed units (totalling 10 units) and associated parking.	REFUSED Appeal GRANTED 09.06.2016
16/00793/COND	07.11.2016	Details pursuant to Condition 2 (Materials) of planning permission 15/00492/FUL	DISCHARGED
16/00928/COND	20.01.2017	Details pursuant to Condition 6 (Construction M P) 7 (Sustainability) 12 (details) of planning permission 15/00492/FUL	DISCHARGED
16/01193/COND	05.07.2017	Details pursuant to Condition 3 (Landscaping) of planning permission 15/00492/FUL	DISCHARGED

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 5	Delivering a sufficient supply of homes
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places

Core Strategy 2007

Policy CS1	General Policy
Policy CS5	Built Environment
Policy CS6	Sustainable Development
Policy CS7	Housing Provision
Policy CS8	Housing Location
Policy CS16	Highways

Development Management Policies Document 2015

Policy DM9	Townscape Character and Local Distinctiveness
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Policy DM10	Design Requirements for New Developments
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Policy DM11	Housing Density
Policy DM12	Housing standards
Policy DM35	Transport and New Development

9 Planning considerations

Visual Impact

- 9.1 The reduction of flat 9 from a 3 bed flat to a 2 bed flat and flat 10 being increased in size to accommodate a separate kitchen (and larger living/dining space) would not result in any external amendments to the façade of the building.
- 9.2 The loss of a bedroom in flat 9 has been balanced by introducing a third bedroom to flat 1 on the ground floor by partially infilling the carriageway. The proposed “in-fill” would not materially detract from the appearance of the extant scheme or have a harmful impact on the streetscene.
- 9.3 The proposed amended scheme would therefore comply with Policy DM9, and DM10.

Residential Amenity

- 9.4 The proposed amendments would not give rise to any planning objections with regard to impact on residential amenity .It is accordingly concluded that the proposed development would comply with Policy DM10

Internal Space

- 9.5 The proposed reconfigured flat units would comply with the requirements of the DLGG Technical housing standards –nationally prescribed space standards for 3 bed (5p), 2 bed (3p) respectively.

Parking

- 9.6 An external pedestrian route between the front and the rear of the site would be retained and the extant number of parking spaces provided overall (13), three of which would be accessed from the existing access and the remainder to the rear and accessed via the adjacent “Birchdene” site. The cycle parking would be relocated adjacent to the highway boundary.
- 9.7 The proposed scheme would therefore comply with Policy DM37

Community Infrastructure Levy

- 9.8 The scheme would be CIL liable

10 Conclusion

- 10.1 It is therefore concluded the proposed amendments are individually and cumulatively acceptable, as the extant overall number of flats and the mix would be retained, the same quantum of parking spaces would be retained, and the partial “infilling” of the undercroft access would not detract from the appearance of the building or increase the overall bulk of the development.

11 Recommendation

- 11.1 It is recommended that planning permission be granted subject to the conditions detailed below

Conditions:

- (1) **The development hereby permitted shall be commenced within 3 years from the 9 June 2016 the date of the originally approved application 15/00492/FUL that is subject to this application to variation**

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

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

1627_44; 1627_45A; 1627_50C; 1627_51A; 1627_52A; 1627_54; 1627_60A; 1627_61B; 1627_62B; 1627_63; 1627_75; 1627_45: (Tree Protection Plan)

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

- (3) **The development shall only be carried out in accordance with the external materials approved under application 16/00799/COND dated 07.11.2016.**

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 development shall only be carried out in accordance with the hard and soft landscaping approved under application 16/01193/COND dated 05.07.2017.**

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 the commencement of any development works, including ground preparation and demolition, the tree protection measures as set out in the Tree Protection Plan (1627_45 p1) dated June 2015 produced by David Archer Associates shall be implemented/erected and shall remain in place for the duration of the construction works. The protection barriers shall only be removed on the completion of all construction activity and with the written agreement of the local planning authority. All works shall be carried out in strict 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.

- (6) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 13 cars and a minimum of 13 bicycles to be parked. The parking area shall be used and retained exclusively for its designated use.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (7) The development shall only be carried out in accordance with the Construction Transport Management Plan approved under application 16/00928/COND dated 20.01.2017.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (8) The development shall only be carried out in accordance with the Sustainability Measures approved under application 16/00928/COND dated 20.01.2017.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

- (9) Prior to occupation of the new building, bat and bird boxes shall be installed in accordance with details submitted to and approved by the local planning authority. The boxes shall be retained thereafter.

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

- (10) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07.30 hours on Monday to Friday or after 18.30 hours on Monday to Friday; no construction work shall be audible at the site boundary before 08.00 and after 13.00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: In the interests of residential amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (11) The windows in the south western flank elevation of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3, 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.

- (12) Any trees proposed to be felled as a result of the development hereby permitted shall be replaced by other trees in accordance with a scheme to be submitted to and approved by the local planning authority, and all tree planting in accordance with the approved scheme shall be completed within a period of twelve months from the date on which the development of the site is commenced or shall be carried out in the first planting season following completion of the development.

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.

- (13) The development shall only be carried out in accordance with the 1:20 scale details (Vertical section, window details) rainwater goods approved under application 16/00928/COND dated 20.01.2017.

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.

Informatives:

- (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 2018

- (2) **EEBC has identified that the property is adjacent to an area of potentially contaminated land (03/00096 – Former infilled ground).**

The area has a low potential to present risk in the form of ground gassing, but as a precautionary measure, it would be advisable to incorporate into the build very basic gas protection measures such as a gas membrane impermeable to methane and carbon dioxide, solid slab foundations and a granular blanket beneath the solid slab foundations to avoid the creation of a gas pathway for any potential ingress.

- (3) **No burning of materials obtained by site clearance shall be carried out on the application site.**