

Variation of Condition 2 (plans) of 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works) to amend plot 36 to a 4 bed 8 person dwelling and amend boundaries to plots 36, 37 and 38

Ward:	Nonsuch Ward; New Development On NESCOT Agricultural Land Reigate Road Ewell Surrey
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=PCU9P SGYKM600>

2 Summary

- 2.1 This application seeks amendments to the extant scheme comprising internal layout amendments to a dwelling and the reconfiguration of three plots.
- 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, subject to the variation of the extant S106 agreement and conditions**

3 Site description

- 3.1 The application site comprises a broadly rectangular site totalling 1.55 hectares forming the north-western corner of the previous Nescot animal husbandry site. The site is bounded immediately to the north by the Ewell Bypass (A24), and to the west by Reigate Road (A240). To the south is Roman Way and to the east is Collingridge Way which form part of the residential development permitted under 15/00098/FUL for the erection of 91 x 3, 4 and 5 bedroom houses that are currently part occupied and part under construction.

- 3.2 Planning permission (17/00429/FUL) for the construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended) was granted on 8 November 2017
- 3.3 The current dwelling mix comprises 7 x two bed 4 person (p) houses, 4 x three bed 5p houses, 19 x three bed 6p houses, 18 x one bed 2p apartments, 4 x two bed 3p apartments and 36 x two bed 4p apartments.

4 Proposal

- 4.1 This application seeks the variation of Variation of Condition 2 (Approved drawings) of the extant planning permission 17/00429/FUL in order to amend Plot 36 to a four bed 8 person dwelling and to amend the boundaries to Plots 36, 37 and 38
- 4.2 The applicant has sought to justify the variation of the condition by stating that the approved application anticipated an electrical substation behind Plot 38 which is no longer necessary. To incorporate the space the substation previously occupied into the scheme, Plot 36 has been redesigned to an 8 person dwelling and the boundaries of Plots 36, 37 and 38 have been adjusted accordingly.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 59 neighbouring properties, a site and press notice. As at the date of publication of the Agenda (28 August 2018) no letters of objection have been received. The 21-day consultation period ends on 31 August 2018 and an update on this will be provided ahead of the committee meeting.

6 Consultations

- 6.1 Highways: No objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00429/FUL	08.11.2017	Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended)	GRANTED
17/01407/COND	04.05.2018	Details pursuant to 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking,	DISCHARGED

Application number	Decision date	Application detail	Decision
		landscaping and other works (as amended) to discharge condition 3(materials), 10 (travel plan), 20 (bin and cycle store details)	
17/01408/COND	14.02.2018	Details pursuant to 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended) to discharge condition 9 (construction transport management) and 16 (surface water drainage)	DISCHARGED
17/01409/COND	20.03.2018	Details pursuant to 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended) to discharge condition 12 (contamination) and 15 (piling details)	DISCHARGED
18/00066/REM	19.07.2018	Variation of Condition 2 (plans) of 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works) to amend plot 36 to a 4 bed 8 person dwelling and amend boundaries to plots 36, 37 and 38	REFUSED

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 Creating Sustainable Communities
Policy CS5 The Built Environment
Policy CS7 Housing Provision
Policy CS9 Affordable Housing

Policy CS12 Developer Contributions to Community Infrastructure
Policy CS16 Managing Transport and Travel

Development Management Policies Document 2015

Policy DM9 Townscape Character and Local Distinctiveness
Policy DM10 Design Requirements for New Developments
Policy DM12 Housing Standards
Policy DM 37 Parking Standards

Supplementary Planning Document Parking Standards for Residential Development 2015

9 Planning considerations

Visual Impact

9.1 The removal of the substation would result in the width of Plot No 36 being increased by approximately 4m, whilst the widths of Plots 37 and 38 would be marginally increased. The proposed amendments to the plot boundaries and the conversion of the welling on Plot 36 to an 8 person occupancy (and concomitant increase in the size of the dwelling would not materially affect the appearance or character of the overall development.

9.2 It would therefore comply with Policy DM9 and DM10

Residential Amenity

9.3 The proposed scheme 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

Amenity space/ Internal space

9.4 The amended dwelling would have a minimum 10m rear garden depth and an area of 70m² in compliance with Policy DM12.

9.5 The dwelling would have a GIA of 184m² which would be in excess of the DCLG Technical housing standards – nationally prescribed space standard for a 4 bed 8p house (124m²) as referred to under Policy DM12.

Parking

9.6 The proposed dwelling would comply with the Council's Parking Standards for Residential Development - 2015 for a 4 bedroom house, with an indicated provision of 3 car parking spaces.

Section 106 Agreement

9.7 The applicant has previously signed a Section 106 Agreement in relation to the extant permission 17/00429/FUL.

- 9.8 A variation to the above agreement has been agreed to reflect the proposed variation in conditions.

Community Infrastructure Levy

- 9.9 The scheme would be CIL liable

10 Conclusion

- 10.1 In accordance with the statutory requirements, officers conclude that the amendments sought are individually and cumulatively acceptable, and would not result in the development being substantially different from the one which has been approved.

11 Recommendation

Part A

- 11.1 Subject to the variation of the extant legal agreement (only in respect of the approved drawings) being completed and signed, the Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below

Part B

- 11.2 In the event that the section 106 Agreement referred to in Part A is not completed by 1 November 2018, the Head of Planning be authorised to refuse the application for the following reason:
- 11.3 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 CS5 of the Core strategy 2007

Condition(s):

- (1) **The development hereby permitted shall be commenced within 3 years from the 8 November 2017, the date of the originally approved application 17/00429/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 approved plans and documents:**

100 Rev V, 120 Rev H, 121 Rev G, 122 Rev H, 124 Rev A, 140 Rev A, 109 Rev G, 110 Rev G, 112 Rev H, 113 Rev G, 114 Rev F, 115 Rev E, 116 Rev H, HILL21195-11D, 126 Rev A

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 shall only be carried out in accordance with the external materials approved under application 17/01407/COND dated 4/05/2018.

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) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B, C, D, E and F of that Order.

Reason: To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM10 and DM12 of the Development Management Policies 2015.

- (6) The development hereby approved shall not be first occupied unless and until both the proposed vehicular / pedestrian accesses to Roman Way and 15m metres of the new access roads have been constructed and provided, with the access provided with visibility zones in accordance with the approved plans and thereafter the

access visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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 Units 20, 21, 34, 35, 36, 37, and 38 shown on Drawing No 100 Rev V hereby approved shall not be first occupied unless and until the proposed dropped crossings to Roman Way have been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

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) No units hereby approved shall 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 / turning areas shall be retained and maintained for their designated purposes.

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 Policies DM35 and DM37 of the Development Management Policies 2015.

- (9) The development shall only be carried out in accordance with the Construction Transport Management Plan, approved under application 17/01408/COND dated 14/02/2018.

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.

- (10) The development shall only be carried out in accordance with the Travel Plan, approved under application 17/01407/COND dated 04/05/2018.

- (11) The residential unit hereby approved shall not be occupied until it has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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.

- (12) The development shall only be carried out in accordance with the February 2018 ground investigation report approved under application 17/01409/COND dated 20/03/2018.

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.

- (13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction 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.

- (14) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

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.

- (15) The development shall only be carried out in accordance with the Piling and foundation details approved under application 17/01409/COND dated 20/03/2018

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.

- (16) The development shall only be carried out in accordance with the surface water drainage scheme details approved under application 17/01408/COND dated 14/12/2018

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (17) 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 to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is designed to the technical standards in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (18) No above ground works in connection with the development hereby approved shall take place until a scheme for protecting the proposed dwelling(s) from noise from traffic on the adjacent road(s) has been submitted to and approved in writing by the local planning authority. The scheme shall specifically demonstrate the resulting internal noise levels in the living rooms and bedrooms of the proposed development are within the BS8233:2014 indoor ambient noise guidelines using a range of representative properties. The

development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is first agreed in writing by the local planning authority

Reason: To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (19) No above ground works in connection with the development hereby approved shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with a timetable to be agreed in writing by the local planning authority and thereafter maintained.**

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

- (20) The development shall only be carried out in accordance with the bin and cycle store details approved under application 17/01407/COND dated 04/05/2018**

Reason: In the interests of residential and visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 and DM12 of the Development Management Policies 2015.

- (21) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number HILL21195-03B (Tree Protection Plan) and as set out in the Arboricultural Method Statement ref HILL21195aia-amsB 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.

- (22) The development shall not be occupied until full details of hard landscape works have been submitted and approved in writing by the local planning authority and the agreed works carried out as approved and thereafter maintained. These details shall include means of enclosure, car park surfaces, the children's play area including play equipment, details of vehicle and pedestrian access and circulation areas.**

Reason: To ensure the provision, establishment and maintenance of an appropriate hard landscaping scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (23) The development shall not be occupied until details of all external lighting to be installed is submitted to and approved in writing by the local planning authority and the agreed works carried out as approved and thereafter maintained.

Reason: In order to safeguard the amenities of the occupiers of the development and visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policies DSM9 and DM10 of the Developments Management Policies 2015.

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018
- (2) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), 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.
- (3) The road layout shown on the application drawings does not conform with Surrey Design and is not eligible for adoption.
- (4) When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
- (5) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.
www.surreycc.gov.uk/roads-and-transport/road-permits-andlicences/vehiclecrossovers-or-dropped-kerbs
- (6) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the

footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

- (7) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (8) The developer is advised that a standard fee may be charged for input to, and future monitoring of, any Travel Plan.
- (9) The water efficiency standard required under condition 11 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD Buildings Regulations (2015), at Appendix A paragraph A1.

The applicant is advised that this standard can be achieved through either:

- (a) using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or
 - (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- (10) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online
- <http://www.epsom-well.gov.uk/residents/planning/planningadvice/communityinfrastructure-levy-cil-guidancelevy-cil-guidance>
- (11) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.