

The Lodge, West Street, KT17 1XU

Demolition of existing detached house and construction of Two houses and Three flats.

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=Q1Y2BRGYGMV00>

2 Summary

- 2.1 This application follows a refusal which was seen by planning committee on 07.11.2019 under planning reference 19/00801/FUL. The previous application was for four flats and two dwelling houses. The reasons for refusal are as follows:
- 1. The design of the development by reason of its scale, massing, bulk and detail would fail to preserve or enhance the character and appearance of the Ewell Village Conservation Area, resulting in less than substantial harm to the designated heritage asset. The development does not achieve public benefits that outweigh the harm and adverse impacts of the scheme when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is contrary to the NPPF, policies DM8, DM9, and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007.*
 - 2. The proposed development would not meet the parking standards as set out in DM37 of the Development Management Policies Document 2015 resulting in harm on the surrounding area in terms of streetscene and availability of on street parking, and failing to comply with CS16 of the Core Strategy 2007.*

12 March 2020

- 2.2 The proposal will form part of a wider streetscene incorporating the approved development 19/00015/FUL so as to form a full row of five new dwelling houses and three flats. All the properties would be of a high standard contemporary design and the proposal would contribute to the creation of high quality streetscene that would contribute to the architectural merit within the conservation area.
- 2.3 The subdivision of existing site and erection of three flats and two dwellings houses. The proposed development would have direct access onto West Street, Ewell. The properties amenity space would be located at the rear of the properties utilising a mixture of garden space and balconies.
- 2.4 The site is bounded by a the Gibraltar Recreation Ground to the north west, and a development site directly adjacent which is known land adjacent to The Lodge, West Street, Ewell (this site is subject to planning approval 19/00015/FUL for three houses, which would be contextual to the scheme being considered and adjoin and form the second half of the streetscene created by this development).
- 2.5 The proposed development would have seven on-site parking spaces. Surrey County Council Highways have reviewed this arrangement and confirmed that they have no objection on highway safety or capacity.
- 2.6 The proposed development is a contemporary design which would be complementary to the traditional character of the surrounding area. The proposal would be slightly less bulky than the previous approval, and is considered to result in less than significant harm in heritage terms and is positively balanced against the delivery of additional housing.
- 2.7 The proposed scheme results in a reduction in bulk and massing from that of the previous refusal. The flatted section of the scheme has been set in from the boundary and reduced in scale and massing and as such, Officers consider that the proposed scheme has addressed concerns regarding the scale and density of the proposal to the degree that it is acceptable in terms of design and scale.
- 2.8 The proposed development would result in an increase in four residential units on the site and is considered to be optimise the potential of this site. The less than substantial heritage harm in this case is considered to be clearly outweighed by the benefits of additional housing given the Borough's lack of a 5 year housing land supply.

3 Site description

- 3.1 The application property occupies a plot on the North side of West Street in Ewell. The site is a standalone dwelling located within a built up area.

12 March 2020

- 3.2 The existing property is a two storey property named Gibraltar Lodge, it is not listed and is located within the Ewell Village Conservation Area. The property is a single dwelling house and is thought to be a former grounds keeper lodge serving Gibraltar Recreation Ground.
- 3.3 The entrance is gated and with two brick pier gate posts. The building is a post war detached dwelling and is of limited architectural interest. The site would be accessed from the existing point of access with an additional exit being created opening onto West Street to form an in/out arrangement.
- 3.4 The pillars at the entrance to the site are owned and maintained by the owner of The Lodge, West Street. Outside of the pillars is a shared access between The Lodge and the Gibraltar Recreation Ground which is not in the ownership of The Lodge.
- 3.5 The site subject of this application is adjacent to a vacant plot of land situated on the northern side of West Street, Ewell. That plot of land benefits from planning permission for three dwellings granted under ref 19/00015/FUL. Both sites (subject of this case and approved) are visible from Gibraltar Recreation Ground and the surrounding properties and would be viewed in the context of each other.
- 3.6 The character of the neighbouring properties is a mixture of terrace, semi-detached and detached houses ranging from single, two to three storeys' The two storey post war properties nearby the site are a modest size and there are small roughly a metre separation distances between side facing walls of the properties. Some properties benefit from private driveways whilst others utilise on street parking. The existing buildings are constructed using a variety of finishes including render, Mock Tudor facades and facing red brickwork.
- 3.7 The character of West Street is verdant, with trees to grass verges, hedges and shrubs to front gardens, the dwelling houses are nestled behind the greenery and step back from the road, enhancing the sense of openness and space of the street.

4 Proposal

- 4.1 The applicant is seeking planning permission for the demolition of the existing detached house and construction of two houses and three flats.
- 4.2 The proposed flats would be 12 metres in width; 9.3 metres in depth; 7.1 metres to the eaves; and, 9.5 metres to the roof ridge.
- 4.3 House 1 would be 7.9 metres in width; 9 metres in depth; 7.5 metres to the eaves; and, 9.6 metres to the roof ridge.
- 4.4 House 2 would be 7.9 metres in width; 9 metres in depth; 7.5 metres to the eaves; and, 9.6 metres to the roof ridge.

12 March 2020

- 4.5 The proposed dwelling would be constructed from the same materials and design as the approved plans for the approved development 19/00015/FUL. The maximum height of the dwellings would match that of the approved three dwelling houses.
- 4.6 The contemporary design of the buildings would not match the building architecture of other nearby properties other than those approved. However, the finishes and design are considered to be of a high architectural merit.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 13 neighbouring properties. To date (13.09.2019) 135 letters of objection have been received regarding:

- Design and character
- Overlooking
- Car parking
- Scale of the development
- Overdevelopment
- Impacts upon heritage asset

9 letters of support were received regarding

- Housing need
- Optimising the site
- Design and character

6 Consultations

- 6.1 Design and Conservation – Comments regarding design – No objections
- 6.2 Highways – No Objections Subject to Conditions

Specific comments - The proposed development comprises 2 x 3 bed houses, 1 x 1 bed flat and 2 x 2 bed flats. These dwellings will be served by 7 off street car parking spaces. This parking provision meets the Epsom & Ewell Residential Parking Standards.

12 March 2020

The site is currently served by an existing vehicular access which is shared with the recreation ground car park. It is proposed that this access will be retained, and a new vehicular access created onto West Street to the east of this existing access. The County Highway Authority raises no objection to this proposal, but does recommend that a revised access plan be submitted demonstrating visibility splays from the proposed new access. West Street is an unclassified road subject to a 30mph speed limit. In accordance with Manual for Streets an access onto a 30 mph street should provide visibility splays of 2.4m 'x' distance by 43m 'y' distance. The CHA notes that the proposed site access plan does include visibility splays, however, the full 43m extent of these splays is not included on the plan.

6.3 Ecology – No Objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
06/00972/FUL	18.01.2007	Proposed detached 4 bedroom house with integral garage.	Permit
19/00015/FUL	16.05.2019	Construction of 3 new houses.	Permit
19/00801/FUL	27.06.2019	Demolition of existing detached house and construction of Two houses and Four flats.	Refuse

8 Planning Policy

National Planning Policy Framework (NPPF) 2019

Householder Design Guidance 2004

Planning Committee Planning Application
Number: 19/01604/FUL
12 March 2020

Local Development Framework – Core Strategy 2007

- Policy CS01 - General Policy
- Policy CS05 - Built Environment
- Policy CS06 - Sustainable Development
- Policy CS07 - Housing Provision
- Policy CS08 - Housing Location
- Policy CS16 - Highways

Development Management Policies Document – 2015

- Policy DM8 - Heritage Assets
- Policy DM9 - Townscape Character and Local Distinctiveness
- Policy DM10 - Design Requirements for New Developments
- Policy DM11 - Housing Density
- Policy DM12 - Housing Standards
- Policy DM 37 - Parking Standards

Planning considerations

- 8.1 The planning system requires that sustainable development and its objectives of economic, social and environmental is pursued in a positive way and at the heart of which is a presumption in favour of sustainable development.
- 8.2 The development plan sets out that high quality development will be expected, which respects, takes advantage of, and enhances the positive elements and distinctive features of the Borough.
- 8.3 The main issues for consideration in relation to this application are as follows:
 - Principle of development
 - Design and Character
 - Conservation Area / Heritage Impact
 - Transport
 - Flood risk

Planning Committee Planning Application
Number: 19/01604/FUL
12 March 2020

Landscaping

Ecology

Quality of Accommodation

Impact on Amenity

Refuse

Sustainability

Community Infrastructure Levy

Principle of development

- 8.4 When considering both the principle of development upon the site and decision making the National Planning Policy Framework (hereafter referred to as the Framework) is fundamental. The latest iteration of the framework was republished in February 2019 and is a key consideration in relation to the determination of this application and a material consideration.
- 8.5 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.
- 8.6 Paragraphs 7 and 8 of the Framework state that there are three dimensions to sustainable development: economic, social and environmental. 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.
- 8.7 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 making efficient and effective use of land to improve the environment.
- 8.8 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Framework para 11d and footnote 7).
- 8.9 Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).

Planning Committee Planning Application
Number: 19/01604/FUL

12 March 2020

- 8.10 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 8.11 The Governmental standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 695 under the housing delivery test as published on 13th February 2020. The Council is presently falling significantly short of this requirement and cannot demonstrate five years Housing Land Supply.
- 8.12 Paragraph 11d of the Framework is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a 5 year supply. The practical application and consequence of this is that unless the site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the Framework as a whole.
- 8.13 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the re-publication of the Framework 2019 and subsequent update 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.
- 8.14 Local Plan policies DM10 and DM13 set out that in-fill dwellings must provide adequate space separation, and maintain the character and appearance of the area, including landscaping, density and layout.
- 8.15 Policy DM11 states that in principle proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area are supported and that housing proposals must demonstrate how the density of development would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and not lead to a net loss of biodiversity.
- 8.16 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 now determined by local need.

12 March 2020

- 8.17 The Core Strategy pre-dates the Framework and in accordance with paragraph 213, 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.
- 8.18 The proposed C3 use of the site is established by the existing house. This development seeks to subdivide the existing house but retain the same Use Class, therefore, the principle of this development is acceptable subject to the scheme being acceptable in terms of Design and Character; Quality of Accommodation, Impact on Amenity, Transport, Refuse, and Sustainability.
- 8.19 The site is located within the built area and as such, the principle of replacement is considered acceptable subject to the impact of the development with specific regards to issues such as design, heritage, highways and housing.

Design and Character

- 8.20 Local Policy and the Framework promote 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.
- 8.21 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.
- 8.22 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

12 March 2020

- Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

- 8.23 The design of the proposed properties is contemporary in character and is considered to be of a very high architectural standard. The roof heights decrease towards the boundaries of the site which softens the impact of the height of the property.
- 8.24 As the application site is located within a conservation area, a high standard of design and quality is required. The proposed properties contrast to the properties in the surrounding area. However, their high standard of design is considered to positively contribute towards the merit of the conservation area, provide a positive modern element and would be acceptable in this case.
- 8.25 The proposed development would continue the building line of the properties approved in planning permission 19/00015/FUL. It would be of the same style and character helping to contribute towards the contemporary nature of this element of the conservation area and would be of a high architectural value.
- 8.26 The proposed flats would increase the massing of the development over that of the existing approved scheme on the adjacent plot. This mass would be noticeable, however not unacceptable given that its design, character and height would be aligned with the character of the properties approved and as yet unimplemented in 19/00015/FUL.
- 8.27 The proposal has retained greenery at the front boundary of the site which helps screen and soften the properties and mitigates the more developed appearance of the development.
- 8.28 The previous application 19/00801/FUL was refused on design grounds due to the scale and massing of the flats. The reduction in unit numbers has enabled the flats to be more evenly spread across the site with the flats being set in from the boundary. This has reduced the visual impacts and has resulted in them sitting more comfortably on the site with less bulk and reduced massing to that previous refused.
- 8.29 Epsom & Ewell's Design and Conservation Officer has made comment in regard to massing and scale of the proposal, and has not objected to the scheme, citing less than substantial harm needing to be considered in the Planning Balance.

12 March 2020

Conservation and Heritage

- 8.30 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 8.31 Paragraph 185 states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
 - The desirability of new development making a positive contribution to local character and distinctiveness.
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.32 Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.33 Paragraph 195 further states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site;
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;

Planning Committee Planning Application
Number: 19/01604/FUL

12 March 2020

- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 8.34 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.35 The second phase of development raises some concerns regarding its impact on the streetscape of this suburban site.
- 8.36 With narrow spacing between the developments, they may take on the appearance of a single block of flats and houses which will be seen in the context of the first phase of the scheme. The varying heights and repeated gables will help to break up this massing and the lack of separation will contrast with the more spacious detached and semi-detached two storey houses in the area.
- 8.37 These taller buildings would have a greater presence in the streetscape than the approved adjacent development (19/00015/FUL) as they are three storeys with gables and would be closer to the verge, which is narrower at the site subject of this application than at the first phase. This contrasts with the generous front gardens behind wide pavement to the front of the two storey houses opposite (Most of which front onto the street with sloped or hipped roof, further reducing the impact of their height).
- 8.38 The first phase (subject of earlier approval) of the development starts with two, three storey houses and then reduces to a two storey house as the site narrows. This reduced the scale and massing of the development appropriately as the site narrowed.
- 8.39 The second phase (subject of this application) of the development now increases back up to three storeys and because the flats three storeys under the three successive gables the massing increases at the narrowest part of the site.
- 8.40 The flank wall at the western end of the development overlooks the entrance to the cricket ground and faces into the conservation area. This mainly blank three storey elevation would have an imposing and negative impact of some pedestrian level views from the west. However, it is set in from the boundary of the site in contrast to the refused application (in 19/00801/FUL) which proposed the flats to directly abuts the boundary of the site.

12 March 2020

- 8.41 The general design approach to the buildings is a good one as it builds upon the character of the approved scheme - albeit in a more intensely massed form.
- 8.42 The materials of the proposal have changed slightly from the first development e.g. UPVC windows are proposed. In this location they would be unacceptable and as such, a higher specification of suitable materials would be secured by as a condition.
- 8.43 Overall it is considered that the proposed development is of a contemporary and high quality architecture and the context of the adjacent approval is considered an acceptable approach to development upon this site. The Council's Conservation Officer has advised that the design of the scheme would result in less than substantial harm to be weighed in the planning balance.

Conservation and Heritage Conclusion

- 8.44 Paragraph 196 states that where less than substantial harm is identified this should be weighed against the public benefits of the development including achieving it optimum viable use.
- 8.45 The proposed development although more dense than the previous approved development would fit on the site and meet all internal space standards.
- 8.46 Concerns regarding its character in relation to surrounding properties are mitigated by the fact that its character although not strictly in keeping with other properties is of a high standard and seeks to add to the Ewell Village Conservation Area's high architectural merit, whilst being unique in its own right and thus is not required to strictly conform to the surrounding character of the properties.
- 8.47 The proposed development would result in an increase from one to six new residential units which is not insignificant increase is given the Council's need for housing and the lack of provision in the borough.
- 8.48 Overall, given the less than significant harm to the character of the conservation area and the fact that there are significant public benefits in the form of the provision of an additional four residential units the proposed impacts upon the conservation area is considered to be acceptable in this case.

Planning Committee Planning Application
Number: 19/01604/FUL

12 March 2020

- 8.49 As an additional note officers would like to add that this application comes as a resubmission following a refusal at planning committee on 07.11.2019 (Application - 19/00801/FUL). The massing of the flats in this proposal has been reduced from the previous refusal and it is worth noting that this does lessen the visual prominence of the proposed flats. Given the context of the development within the Ewell Village Conservation Area, this change is a positive amendment taking into account concerns raised by members at planning committee.
- 8.50 Overall the design changes would result in a reduced impact to the character and appearance of the conservation area and would reduce the extent to which design impacts of the scheme in the final planning balance.

Transport

- 8.51 The proposed development includes seven parking spaces. The dwelling house would be allocated with two spaces each and the flats would be allocated one space per unit. This meets the council's minimum parking standards that sets out that family sized units (3+ bedrooms) should have a minimum of two car parking spaces and 1-2 bedroom units should have one car parking space.
- 8.52 The proposal includes a minimum of one bicycle storage space per flat and four per house which would be in line with Surrey County Council cycle allocation standards of two cycle storage spaces per new family sized unit.
- 8.53 Concerns regarding deliveries of materials, machinery and how these would access to the property were raised during the consultation process. Details of parking and deliveries and the times of operation will all be required to be detailed within the construction management plan which will be secured by planning condition in order to minimise disturbance and maintain constant access to Gibraltar recreation ground.

Transport conclusion

- 8.54 The proposed development provides a policy compliant level of car parking. The previous application on the site for four flats and two houses was refused for reasons relating the non-compliance with Epsom & Ewell's Parking Standards.
- 8.55 This submission addresses the concerns regarding onsite parking provision and delivers a policy compliant level of parking and overcomes the previous reason for refusal. Therefore, Officers do not have any transport or parking objections to this scheme.

12 March 2020

Flood Risk

- 8.56 Policy DM19 of the Development Management Policy Document - 2015 states that In order to manage flood risk, we will take a sequential approach to the allocation of sites in a Site Allocations Policy Document and when determining planning applications.
- 8.57 The proposed development is located within Flood Zone 1 and as such, the development is not considered to present future potential flood risk for the owners/occupiers of the development. A condition will be attached to the application requiring details of the implementation of a Sustainable Urban Drainage System (SUDS).

Landscaping

- 8.58 The proposal includes details of hard landscaping at the front and locations of vegetation however there are no definitive details of soft landscaping or plant species. Details of soft and hard landscaping would be required via a condition to be discharged should the application be approved. These details will be required to be a high standard to soften the impact of the development upon the streetscene which at present features front gardens. This condition will be discharged in co-operation with Epsom & Ewell's Ecology Officer to ensure that new plant species are of a high ecological value.

Ecology

- 8.59 The applicant has provided a Phase 1 Habitat Survey and no suitable habitats or evidence of protected species were found on the site of any protected species was found within the proposed development. Epsom & Ewell's Ecology Officer has confirmed no objection to the proposal.
- 8.60 The proposal will be required to include bird and bat boxes. This would be secured by condition to ensure a high ecological value, the condition will include the requirement for swift bricks (Condition 17).

Quality of Accommodation

- 8.61 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for bedrooms within new dwellings of 7.5 m² for single bedroom and 11.5 m² for a double bedroom. All new units should be designed in accordance with the National Space Standards.

12 March 2020

- 8.62 The application proposes the erection of two new dwellings and three flats. Both dwellings would have three bedrooms and the flats would comprises of 2 two bedrooms and a single bedroom unit. The minimum space standards for a three storey three bedroom property is 90 m² of internal floor space. The minimum standards for a one bedroom flat and two bedroom two storey flat is 39 m² and 70 m² of internal floor space respectively.

8.63

Property	Bedroom 1 (m2)	Bedroom 2 (m2)	Bedroom 3 (m2)	Total Internal Floorspace (m2)	Private Amenity Space (m2)
Flat 1	13.8	9.2		73	32
Flat 2	10.3			41	5
Flat 3	14.9	12.3		89	10.6
House 1	13.2	17.5	8.75	119.6	70
House 2	13.2	17.5	8.75	115.7	70

he proposed properties meet the minimum internal floor space standards as set out in the National Space Standards. Therefore, the quality of accommodation would be acceptable in this regard.

- 8.64 The private amenity space required for a family size unit (3+ Bedrooms) is 70 m². The amenity space require for a flat is 5 m² plus an additional 1 m² per intended occupant. The proposed external amenity space would meet the minimum square footage of external amenity space as shown in the table above and would therefore result in an acceptable quality of accommodation in this regard.

Impact on Amenity

- 8.65 Policy CS05 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 8.66 The main properties to consider in an assessment of the impacts upon neighbouring amenity are the neighbouring properties at Land at The Lodge, West Street to the east.
- 8.67 To the east of the proposed development there is a development site that has received planning consent for three dwelling houses. This application would be built to align with the front and building lines of the approved dwellings in application 19/00015/FUL. As such, it would not project beyond the rear of any of the approved properties and would be acceptable in terms of overshadowing, daylighting/sunlighting and overbearing to the neighbouring properties.

12 March 2020

- 8.68 The proposal includes balconies to the rear of the properties for each of the flats and the houses and ground floor flat would have garden space to the rear. The houses would have an additional internal terrace at first floor level. In the interest of preserving the privacy of neighbouring properties all balconies would be required to be screened at the sides and would be obscurely screened and non-openable from 1.7 metres above finished floor level.
- 8.69 To the rear of the site is the Gibraltar Recreation Ground. There are no residential properties and the proposed development would be set well back from the rear of the site and would not result in any overbearing, overshadowing, overlooking or daylighting/sunlighting impacts to any neighbouring properties.
- 8.70 The proposed development would be separated from other properties along West Street by the road. It would maintain a normal separation distance from the front elevations of neighbouring properties and would not be considered to result in any unacceptable loss of outlook, overbearing, overlooking or loss of daylighting/sunlighting impacts to my neighbouring properties.

Refuse and recycling

- 8.71 The application has proposed to locate the refuse and recycling bins in bin stores at the front of the properties. This would be considered to be acceptable as it would mitigate any increase in street clutter. Details of the size and materials of the bin store would be confirmed by condition.

Sustainability

- 8.72 Core Strategy Policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 8.73 An appropriate planning condition is recommended to secure their inclusion should the application be recommended for approval (Condition 16).

Community Infrastructure Levy

- 8.74 The proposed scheme is CIL liable.

9 Conclusion

- 9.1 The surrounding Ewell Village Conservation Area is of a mixed high quality building typology. The proposed property although of a different building style would be of a high standard of design and would be considered to contribute to the architectural quality and interest of the surrounding area.

12 March 2020

- 9.2 The massing and location of the property would not be considered to result in any unacceptable impacts upon neighbouring amenity as the building would not be located in close proximity to any nearby residential properties and would be built to align with the approved plans from application 19/00015/FUL.
- 9.3 The car parking provision on site would conform with Epsom & Ewell Borough Council's parking standards and would be acceptable in this regard.
- 9.4 The LPA have applied the presumption in favour of sustainable development outlined in paragraph 11d of the Framework. The benefits of the proposal have been identified and weighed. When assessing the any adverse impacts from this proposal they are not considered to significantly and demonstrably outweigh the benefits when assessed against the Policies of the framework as required by paragraph 11. As such, the proposals are considered an acceptable form of sustainable development that is recommended for approval.

10 Recommendation

- 10.1 Planning permission be granted subject to conditions

Conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:
- 0117-P-61 Rev.A– Proposed Block Plan**
 - 0117-P-62 Rev.A– Proposed Site Plan**
 - 0117-P-63 Rev.A– Proposed Site Access Plan**
 - 0117-P-425 Rev.A– Proposed Ground Floor Plan**
 - 0117-P-426 Rev.A– Proposed First Floor Plan**
 - 0117-P-427 Rev.A - Proposed Second Floor Plan**
 - 0117-P-428 Rev.A – Proposed Roof Plan**
 - 0117-P-429 Rev.A– South View From West Street**
 - 0117-P-430 Rev.A – Proposed North Elevation**
 - 0117-P-500 Rev.A– Proposed Ground Floor Plan**
 - 0117-P-501 Rev.A – Proposed First Floor Plan**
 - 0117-P-502 Rev.A - Proposed Second Floor Plan**
 - 0117-P-503 Rev.A– Proposed Roof Plans**

12 March 2020

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).

Pre-commencement conditions

- (3) **Prior to the Commencement of development hereby approved, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (4) **No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme 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) **No development shall commence until a Construction Transport Management Plan, to include details of Note: Notice in writing must be given by the Local Planning Authority to the Applicant that if planning permission is granted this condition is intended to be imposed, or pre-authorisation from the applicant must be sought before recommending the imposition of this condition. The Validation requirements for planning applications needing the submission of a Construction Management Plan will provide this notice.):**

- (a) parking for vehicles of site personnel, operatives and visitors**
- (b) loading and unloading of plant and materials**
- (c) storage of plant and materials**
- (d) measures to prevent the deposit of materials on the highway**
- (e) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused**
- (f) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

12 March 2020

(g) When undertaking works on site, no work shall be undertaken 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.

(h) No deliveries or the operation of any heavy machinery shall be undertaken on Weekends or Bank Holidays.

Reason & Policy: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

- (6) No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.**

Reason: These details are required prior to commencement of development because the details would affect the subsequent design of other elements of the scheme and must be agreed at the outset and to prevent the increased risk of flooding in accordance with Policy CS6 (Sustainable Development) of the LDF Development Management Policies Document Adopted October 2015

- (7) No development shall take place till a scheme of Hedgehog Holes Bat, swift bricks and bird boxes are to be installed on the dwelling are submitted to and approved in writing by the Local Planning Authority. The development shall be conducted in strict accordance with the approved details prior to the occupation of the development hereby approved and thereafter maintained.**

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

- (8) No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning**

12 March 2020

Authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variation shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- Details of maintenance regimes
- Details of any new habitat created on site
- Details of management responsibilities

Reason: To ensure that the wildlife areas are protected and managed appropriately. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted Policy DM4 in the Development Management Policies Document (2015) of the Epsom & Ewell Local Plan.

- (9) 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 visual amenities of the area and 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.

- (10) The demolition works hereby permitted shall not be carried out before a contract for the carrying out of the works of redevelopment has been made and evidence of the construction contract has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that premature demolition does not take place before development works start in order to safeguard the visual amenities of the area Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

Pre-occupation conditions

- (11) No part of the development shall be first occupied unless and until the proposed vehicular access to West Street has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

12 March 2020

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

- (12)** The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for a minimum of 7 vehicles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 37 Parking Standards of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

- (13)** 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 a minimum of 5 cycles to be securely parked. Thereafter the cycle parking areas shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 37 Parking Standards of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

- (14)** The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019.

- (15)** Before any occupation of the development hereby permitted, window/s on the side elevations, shall be constructed so that no part

12 March 2020

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 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.

- (16) The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including the treatment of boundaries and means of enclosure. Such scheme shall include the location of all existing trees and hedgerows on the site and details of those to be retained. The approved scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the buildings hereby approved.

Reason: In the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015

- (17) The residential unit hereby approved shall not be occupied until they have 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).

Regulatory conditions

- (18) The garage or car parking accommodation shown upon the approved drawings shall be provided with a hard bound dust free surface, adequately drained before the development to which it relates is occupied and thereafter it shall be kept free from obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.

12 March 2020

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.

- (19) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses or buildings shall be erected within the curtilage.**

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (20) 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 building hereby approved without the prior written consent of the Local Planning Authority.**

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

- (21) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following occupation of the buildings or completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

12 March 2020

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.**
- (3) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.**
- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:**

12 March 2020

- 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.
- (5) 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".
- (6) 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-and-licences/vehicle-crossovers-or-dropped-kerbs
- (7) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from un-cleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (8) 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.