

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

1 Plans and Representations

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

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

2 Summary

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

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

3 Site description

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

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4 Proposal

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

5 Revisions

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

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

6 Comments from third parties

Original Application

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

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

Revised Application

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

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

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

7 Consultations

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

7.2 **Tree Officer:** No objections

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

8 Relevant planning history

8.1 None relevant upon this site

In proximity to the site:

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

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

9 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development
Paragraphs 8 – 12 and 14

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

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

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

Chapter 15 Conserving and enhancing the natural environment

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

Chapter16 Conserving and enhancing the historic environment
Paragraphs 189 - 197

Core Strategy 2007

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

Development Management Policies Document 2015

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

Supplementary Planning Document 2015

Parking Standards for Residential Development

10 Planning considerations

Principle of Development

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

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

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

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

Visual Impact

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

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

Effects on the amenity of neighbouring properties

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

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

Housing Space Standards

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

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

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

Amenity Space

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

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

Trees and Landscaping

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

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

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

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

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

10.52 The proposal is therefore considered to comply with Policy DM5

Car parking and Access

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

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

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

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

Access

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

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

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

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

Parking

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

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

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

10.63

Waste Collection

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

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

Sustainability of the Site

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

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

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Sustainability

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

Ecology/Biodiversity

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

Community Infrastructure Levy

- 10.77 The scheme would be CIL liable

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11 Planning Balance and Conclusion

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

12 Recommendation

- 12.1 Approval, subject to the conditions detailed below:

Condition(s):

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

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

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

AH P2 J PROPOSED SITE PLAN

AH P3 D PROPOSED PLANS

AH P4 C PROPOSED ELEVATIONS

ITB15503-GA-001 B PROPOSED SITE ACCESS ARRANGEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

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

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

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

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

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

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

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

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

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(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) HGV deliveries and hours of operation

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

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

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

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

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

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

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

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

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

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- (17) Prior to the commencement of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy (2007)

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

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

Informative(s):

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

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

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

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

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

- (5) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- .
- (6) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

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- (7) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (8) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:

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

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

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

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