

140 - 142 Ruxley Lane, Epsom, Surrey, KT19 9JS

Application Number	23/00588/FUL
Application Type	Full Planning Permission (Major)
Address	140 & 142 Ruxley Lane, Ewell, Surrey, KT19 9JS
Ward	Ruxley Ward
Proposal	Demolition of existing dwellings and erection of 14 new dwellings within two blocks with associated car parking and landscaping
Reason for Committee	Major development
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Expiry Date	18 December 2023
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor
Plans and Documents	Found at the following link: 140 Ruxley Lane
Glossary of Terms	Found at the following link: Glossary and Terms



SUMMARY

1 Summary and Recommendation

- 1.1 The application is classified as a major planning application and is referred to Planning Committee in accordance with the Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.2 The application seeks planning permission for the demolition of the existing 2 no. two storey dwellings and the construction of a three storey building at the front and a two storey building at the rear comprising a total of 4 no. one bedroom units, 5 no. two bed units, 4 no. three bed units and 1 no. four bedroom semi-detached house. The proposal also involves a new access to the main highway, an internal access road and parking provision.
- 1.3 An application for residential development on this site was first heard at the November 2020 Planning Committee (20/00288/FUL - demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping) where it was refused for the following reason:
 1. 'The proposed development by reason of its design, scale, and massing, gives rise to an unacceptably cramped and over-developed layout, leading to an overbearing relationship with the adjacent properties and the local street scene, contrary to the established character, and local distinctiveness of the local area. The proposal is contrary to para 127 (c) of the NPPF, Policy DM9 and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007'.
- 1.4 The Planning Inspector dismissed the subsequent appeal, upholding the Council's concerns regarding scale, overdevelopment, and overbearing relationship with the adjacent buildings.
- 1.5 A further application (21/01406/FUL) also for the demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping was heard at Committee in March 2022. This application was appealed on the basis of non-determination and Members resolved that they would have refused the application had the applicant not appealed, for the following reasons:
 1. In the absence of an appropriate legal agreement to secure the provision of affordable housing within the meaning of the NPPF, the proposal would fail to create a sustainable, inclusive and mixed community, contrary to Policy CS9 of the Core Strategy 2007 and paragraph 65 of the NPPF 2021.

2. As a result of its scale and intervening hard surfacing, the proposed development would represent an overdevelopment of the site that would conflict with the pattern of development in the locality and would give rise to an overbearing relationship with the adjacent buildings. Furthermore, as a result of its contrived design, the proposed development would be visually unattractive and an unsympathetic addition to the street scene, causing harm to the character and appearance of the area. In accordance with paragraph 134 of the NPPF 2021, the permission should be refused as it would be contrary to paragraph 130 of the NPPF 2021, Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies 2015, the Epsom and Ewell Borough Council Character Study and the Epsom and Ewell Single Plot and other types of Residential Infill Development SPG 2003.
 3. The proposed development would fail to provide all future occupiers with adequate internal living conditions as a result of sub-standard quality of accommodation and would fail to provide all future occupiers with private outdoor amenity space. The proposed development would fail to deliver a high standard of amenity and resulting in inadequate living conditions to the detriment of future occupiers. As such, it is considered that the proposal would fail to comply with paragraph 130 of the National Planning Policy Framework 2021, Policy DM12 of the Development Management Policies Document 2015 and the Technical Housing Standards - Nationally Described Space Standards 2015.
 4. The proposed development, as a result of its scale, design and proximity to boundaries, would result in an unacceptable loss of sunlight, day light, outlook privacy and would appear unduly overbearing to the extent that it would materially harm the amenities of the occupiers of surrounding neighbouring properties, contrary to Policy DM10 of the Development Management Policies Document 2015.
- 1.6 This appeal was dismissed by the Inspector on 22 August 2023, with the Inspector upholding the Council's reasons for refusal on all identified matters.
- 1.7 The application now before this Planning Committee seeks to address the concerns raised by Members and the Planning Inspectorate against the previous applications.
- 1.8 Although the current application still seeks two separate buildings on the site, the scale of the buildings has been much reduced and a significant gap retained between the neighbouring building, Willow Court, which has reduced the impact on the amenity of the occupiers of this property.

- 1.9 The number of units sought under this current scheme is 14, a reduction of 6 in comparison to the previous schemes. A scheme of this nature would be expected to provide 3 affordable units on the site to be policy compliant.
- 1.10 A Financial Viability Appraisal, prepared by S106 Management and dated 08 March 2023 has been submitted in support of the application to justify the scheme as an exemption from policy compliance. This has been reviewed by the Council's appointed Independent Viability Consultant and concluded that the scheme is unlikely to support a contribution towards affordable housing.
- 1.11 Whilst the proposal would result in the loss of trees from the site, the trees to be removed are not of any considerable amenity value of the surrounding area and would be replaced by a greater number of new trees planting and meaningful landscaping.
- 1.12 The proposal would meet the requirements of the National and local requirements for internal floor area and the provision of both private and communal provision of amenity space within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.
- 1.13 The layout, scale, form and design of the proposed development would reflect the characteristics of the context that surrounds it, with particular reference to the established Alpine Close.
- 1.14 It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 1.15 Officers are satisfied that the proposal would therefore resolve the reasons for refusal set out under paragraphs 1.6 and 1.7 of this report.
- 1.16 Whilst the proposal would not meet the Council's parking standards, the submitted Transport Statement concludes that a shortfall of 3.0 vehicle parking spaces can be accommodated on the local highway network without having a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking. However, the failure to provide vehicle parking in accordance with local policy is an adverse impact in the planning balance.
- 1.17 The proposal would accord with the Council's policies in relation to ecology, flood risk, land contamination and environmental sustainability.
- 1.18 The Council currently does not have a 5-year housing land supply. This means that the presumption in favour of sustainable development (paragraph 11 of the NPPF 2023, also known colloquially as the 'tilted balance') is engaged, and that planning permission should be granted

unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF 2023 as a whole.

- 1.19 Overall, the adverse effects of the proposed development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

KEY INFORMATION

	Existing	Proposed
Site Area	0.19 Hectares	
Land Use	Residential	Residential
Units	2	14
Height	2 storeys	2-3 storeys
Density	10 dwellings per hectare	74 dwellings per hectare
Affordable Housing Units	Nil	Nil
Car Parking Spaces	4	15
Cycle Parking Spaces	0	19

SITE AND PROPOSAL

2 Description of Site

- 2.1 The application site comprises the curtilage of 2 no. residential dwellings, 140 and 142 Ruxley Lane. The site has a total area of 0.19 hectares
- 2.2 The existing residential buildings are detached and two-storey in scale, set well back within the plots, providing generous front curtilages facing the highway.
- 2.3 Although the land surrounding the site is predominantly residential, there are a mix of uses within the locale, with a supermarket to the north east of the site and High School located opposite the site, beyond the adjacent highway.

3 Description of Proposal

- 3.1 The proposal involves the following:
- The demolition of the existing two storey residential dwellings and erection of 2. no block of residential units, ranging between two –

three storeys. One block would front Ruxley Lane, whilst the other would be set to the rear of the site.

- There would be hard surfacing for vehicle parking, a communal garden area and landscaping inventing between the two blocks
- The block fronting onto Ruxley Lane would measure 22 metres in width, 21 metres in depth and would have an overall height of 11.0 metres. The accommodation would be set out over three floors and would comprise 4 no. one bedroom units, 4 no. two bedroom units, 3 no. three bedroom units and 1 no. four bedroom semi-detached dwelling
- The block sited to the rear would measure 19.2 metres in width, 12.7 metres in depth and would have an overall height of 8.2 metres. The accommodation would be set out over two floors and would comprise 1 no. two bedroom units and 1 no. three bedroom unit, with vehicle parking below.
- The existing access to the site would be stopped up and a new Bellmouth access would be provided to serve the site. 15 vehicle parking spaces would serve the proposed development; 5 no. vehicle parking spaces would be provided to the frontage of Ruxley Lane; 4 no. vehicle spaces would be set out within the centre of the site, with the final 6 no vehicle parking spaces provided at ground floor level in the rear block.

CONSULTATIONS

Internal Consultees

Trees	No objection
Ecology	No objection, subject to conditions
Waste	No objection
Contaminated Land	No objection, subject to conditions
Environmental Health	No comments received

External Consultees

Highway Authority	No objection, subject to conditions and informative
Flood Authority	No objection, subject to conditions
Environment Agency	No comments received
Surrey Archaeology	No comments received
Thames Water	No objection subject to informative

Public Consultation

Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to neighbouring properties, concluding on 30 June 2023. 6 submissions were received. They raised the following issues:</p> <ul style="list-style-type: none"> Noise pollution to 1 Alpine Close and 8 Alpine Close Impacts from bin storage close to 1 Alpine Close Sets future precedents Increase in traffic Impacts of children's safety given proximity of School Loss of light/overbearing to 8 Alpine Close Overlooking to 2 Alpine Close Loss of outlook to 8 Alpine Close Loss of greenery/mature trees Inconsiderate parking issues Out of character with neighbouring properties <p>Officer comment: The third-party matters summarised above are discussed in the body of the report.</p>
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PROPERTY HISTORY

App No.	Description	Status
22/00477/FUL	Erection of 9 Houses and associated hard and soft landscaping following the demolition of the existing dwellings	Refused 07.10.2022
21/01406/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping	Non determination Appeal Refused 22.08.2023
20/00288/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping. (Amended scheme received 28.07.2020)	Refused 23.11.2020 Appeal Refused 21.05.2021

SITE CONSTRAINTS

- Built Up Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (low habitat suitability)
- Potentially contaminated Land
- Flood Zone 1
- Classified B road

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS16: Managing Transport and Travel

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM16: Backland Development
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

Revised Developer Contributions Supplementary Planning Document 2014

- Part 1: Overview
- Part 2: Affordable Housing
- Part 3: Site-Specific Infrastructure Obligations

Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2021
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

Other Documentation

- Technical Housing Standards – Nationally Described Space Standards 2015
- Strategic Housing Market Assessment Update 2019

APPRAISAL

4 Presumption in Favour of Sustainable Development

- 4.1 Paragraph 11 of the NPPF stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 4.2 Paragraph 11(d) is engaged as the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects 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 would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 4.3 The site is located within a built-up area and does not affect assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF. When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

5 Principle of Development

Location of Development

- 5.1 The site is located within the built-up area of Epsom and the principle of development is acceptable in terms of the principles, objectives and policies in the CS, the DMPD and supporting guidance and documents.

Housing Delivery

- 5.2 Paragraph 60 of the NPPF aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements in accordance with Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum.
- 5.3 The Council has calculated its five-year housing land supply position as being 1.56 years. The Council is presently falling significantly short of requirement and cannot presently demonstrate five years housing land supply.

Development of a Residential Garden

- 5.4 Policy DM16 of the DMPD indicates a presumption against the loss of rear gardens to maintain local character, amenity space, green infrastructure, and biodiversity, unless there is retention of green infrastructure for residents and wildlife and of neighbour amenity, avoidance of long access roads, development of a lesser scale and protection of trees, shrubs and wildlife habitats.
- 5.5 Given the significant housing need within the Borough, it is considered that the increased residential use of the site within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

6 Density

- 6.1 Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is generally limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 6.2 Although the proposed housing density per hectare of the site is 74 dwellings per hectare, Officers acknowledge that the site is in a sustainable location with excellent access to facilities and transport and that the Council's density policy has reduced weight in decision making.
- 6.3 Although the density proposed under this current application is a considered improvement on the 105 units per hectare sought under the previous schemes, the failure to provide a policy compliant density is an adverse impact of the scheme to be weighed in the planning balance.

7 Housing Mix

- 7.1 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal. Chapter 3 of EEBC's Strategic Housing Market Assessment Update 2019 recommends the breakdown of dwellings by size, as follows:

Beds	Required	Provided
1	10%	29%
2	50%	35%
3	30%	29%
4+	10%	7%

- 7.2 Although the proposal development involves a higher proportion of smaller units than encouraged within the Council's Strategic Housing Market Assessment Update 2019, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location would be appropriate, as it would result in a more efficient use of land.
- 7.3 The proposed mix is in accordance with Policy DM22 of the Development Management Policies Document 2015, which requires a minimum of 25% of the development as 3+ bedroom units. On this basis, the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.

8 Affordable Housing

- 8.1 Paragraph 63 of the NPPF states that affordable housing should be on site unless a contribution is robustly justified and that it contributes to the objective of creating mixed and balanced communities. Paragraph 65 requires at least 10% affordable homes, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 8.2 Whilst the NPPF requires at least 10% affordable housing on quantifiable sites, Policy CS9 of the CS specifies residential development of between 5 and 14 dwellings (or on sites between 0.15 and 0.49ha) to include at least 20% as affordable. This policy seeks to maximise the contribution of affordable housing from each site having regard to the individual circumstances and viability of development on this site and meets the

NPPF aim to significantly boost the supply of homes and that the needs of groups with specific housing requirements are addressed

- 8.3 Paragraph 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
- 8.4 Paragraph 3.12.11 of the CS states that where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 8.5 To be fully policy compliant, the proposed development would be required to provide 3 affordable units.
- 8.6 The proposal would not provide any on site affordable provision or any financial contribution. A Financial Viability Appraisal, prepared by S106 Management and dated 08 March 2023 and subsequent correspondence, also prepared by S106 Management dated 01 October 2023 has been submitted in support of the application to justify the scheme as an exemption from policy compliance. The Council appointed an Independent Viability Consultant to fully review this Appraisal and to provide professional recommendations on its soundness and conclusions.
- 8.7 The Council's Viability Consultant has reviewed all the details supporting the Financial Viability Appraisal and has concluded that a robust case has been made to demonstrate that the scheme would not be able to support any contribution towards affordable housing as a result of the high benchmark land value, build costs (which have been independently reviewed by a third party Quantity Surveyor instructed on the Council's behalf by the Council's Viability Consultant) and the finance rate costs.
- 8.8 The Council's Viability Consultant has recommended a review mechanism that could capture any positive viability changes in costs and values in the future if site or economic factors change. It is considered reasonable to secure this review mechanism through a Section 106 Agreement.

9 Quality of Accommodation

Internal Amenity

- 9.1 Paragraphs 130 and 157 of the NPPF, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity.
- 9.2 The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

Flat Number (bed/person)	National Standard	Proposed Internal Area
Unit 1 (4b/5p)	86m ²	119m ²
Unit 2 (1b/2p)	50m ²	50m ²
Unit 3 (3b/4p)	74m ²	75m ²
Unit 4 (3b/4p)	74m ²	75m ²
Unit 5 (1b/2p)	50m ²	52m ²
Unit 6 (1b/2p)	50m ²	52m ²
Unit 7 (1b/2p)	50m ²	50m ²
Unit 8 (3b/4p)	74m ²	75m ²
Unit 9 (3b/4p)	74m ²	75m ²
Unit 10 (2b/3p)	61m ²	74m ²
Unit 11 (2b/3p)	61m ²	61m ²
Unit 12 (2b/3p)	61m ²	61m ²
Unit 13 (3b/4p)	74m ²	85m ²
Unit 14 (2b/3p)	61m ²	82m ²

- 9.3 The above table demonstrates that all the proposed units would exceed the technical housing standards. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.
- 9.4 Officers are satisfied that the proposed units would have an acceptable level of internal amenity, complying with Policy DM12 of the Development Management Policies Document 2015 and the Nationally Described Space Standards 2015.
- 9.5 The windows and balconies to the rear of the front block would be over 19 metres from the windows to the front of the rear block. This distance would prevent any direct or unreasonable overlooking into the internal amenity areas between the two developments, thereby retaining the privacy of future occupiers.

Outdoor Space

- 9.6 Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and a minimum depth of 10m and area of 70m² for 3 + bedroom houses and a minimum of 5m² for 1-2 person dwellings with an additional 1m² per additional person.

Flat Number (bed/person)	National Standard	Proposed Internal Area
Unit 1 (4b/5p)	70m ²	70m ² and 13m depth
Unit 2 (1b/2p)	5m ²	20m ²
Unit 3 (3b/4p)	7m ²	18m ²
Unit 4 (3b/4p)	7m ²	25m ²
Unit 5 (1b/2p)	5m ²	12m ²
Unit 6 (1b/2p)	5m ²	5m ²
Unit 7 (1b/2p)	5m ²	5m ²
Unit 8 (3b/4p)	7m ²	7m ²
Unit 9 (3b/4p)	7m ²	7m ²
Unit 10 (2b/3p)	6m ²	10m ²
Unit 11 (2b/3p)	7m ²	12m ²
Unit 12 (2b/3p)	7m ²	10m ²
Unit 13 (3b/4p)	8m ²	45m ²
Unit 14 (2b/3p)	7m ²	23m ²

- 9.7 In addition to the above private amenity space, the site would also be supported by 244m² of communal area.
- 9.8 The first-floor rear balconies associated with the front block would be fitted with privacy screens to prevent any direct overlooking to the private amenity areas associated with the proposed development. In the event planning permission is granted, Officers would seek a condition to secure the detailing of these private screens and retention in perpetuity.
- 9.9 The area identified for private amenity area for Unit 10 would be located over 12 metres from the windows associated with Unit 1, which would be sufficient to prevent any clear views of this private amenity area.
- 9.10 Whilst the majority of the communal space would be overlooked by the proposed development, given that the properties also have private amenity area, this would not compromise the private amenities of the future occupiers of the development.

10 Trees and Landscaping

- 10.1 Paragraph 131 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape

features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

- 10.2 The application is accompanied by an Arboricultural Report and Method Statement prepared by DPA Arboricultural Consultants, dated April 2023. The report confirms that it is proposed to remove 8 trees at the site, all of which are Category C trees that are considered not to be significant to the local or wider landscape.
- 10.3 The proposal seeks to plant 33 replacement/new trees, 11 of which would be large specimen sized trees.
- 10.4 Officers have thoroughly reviewed the submitted documents in light of no objection raised by the Council's Tree Officer to the previous scheme and found them to provide a fair representation of the tree situation on site. As the previous schemes on this site did not raise any objection from the Council's Tree Officer to the loss of the identified trees and no concerns raised relating to the future health of the trees to be retained and the footprints of the proposed buildings and the hard and soft landscape schemes are not significantly changed, Officers are satisfied that the removal of existing trees and their replacement with appropriate tree planting is acceptable.
- 10.5 In the event permission is granted, conditions to secure an Arboricultural Method Statement and Tree Protection Plan to ensure that the trees marked for retention are protected during construction works and the operational phase, as well as conditions to secure a soft landscaping scheme with associated maintenance plans are recommended.

11 Design and Character

- 11.1 Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 11.2 The site lies in Character Area 10 as defined in the Epsom and Ewell Borough Council Character Study 2008. The study identifies the predominate built form of this character area to be two storey, semi-detached development from the 1930's and 1950's -1970's, together with occasional blocks of flats, terraces and detached properties.

- 11.3 To the north east of the site is a corner plot that accommodates a three-storey flatted development (Willow Court) which has frontages to both Ruxley Lane and Cox Lane. Adjacent to Willow Court on Cox Lane frontage are a row of three storey town houses, beyond which is a more densely built-up suburban area of predominantly two storey development.
- 11.4 In comparison, the buildings adjacent to Willow Court on the Ruxley Lane frontage are two storey and to accommodate for this, Willow Lodge steps down from three storey to two storey adjacent to this built form. The site has a generous, deep open frontages are verdant in character, with the existing associated built form set well back from the highway.
- 11.5 The proposed development would replace the existing two storey dwelling and bungalow with a three storey block fronting Ruxley Lane and a two storey block of flats set behind, hard up against the rear boundary, which abuts a garage court serving Larkspur Way. Access to the site would be via Ruxley Lane and the to accommodate the Council's parking standard on the site, a considerable amount of hard standing is proposed on site, intervening between the two proposed blocks of residential units.
- 11.6 The planning history of the site is a material planning consideration in the assessment of this application. Of relevance is the first of the dismissed appeals under previous refusal 20/00288/FUL, in which the Inspector noted that the scale of the development was the crux of the matter for consideration, as there was no objection from either the Council or the Inspectorate in principle to residential development on this site, or indeed to a flatted development.
- 11.7 When considering the issue of scale, the Inspector considering the refusal of 20/00288/FUL paid special attention to eaves height of the southern (front) block of flats in comparison to adjacent Willow Court and 144 Ruxley Lane, noting that 'the proposed development would give rise to an overbearing relationship with both adjacent buildings on Ruxley Lane, significantly so in respect of no. 144; and which would be harmful to the character and appearance of the street scene' (paragraph 10, Appeal ref: APP/P3610/W/20/3263842).
- 11.8 The sentiments of the Inspector were also repeated in the appeal of 21/01406/FUL, in which that Inspector concluded that 'the height and scale proposed [it] would both tower over No 144 and unduly contrast with the prevailing pattern of development in the vicinity' (paragraph 7, Appeal ref: APP/P3610/W/22/3291215).
- 11.9 The Inspector considering the refusal of 20/00288/FUL also gave consideration to the cumulative effect of the two blocks of flats within the site, stating that 'the combination of the two-storey block to the rear and the intervening hard surfacing..... the site would appear over developed and would be in conflict with the.... suburban pattern of development'. (Paragraph 8 Appeal ref: APP/P3610/W/20/3263842).

11.10 Again, this was reflected in the conclusion of the Inspector considering the refusal of 21/01406/FUL, who noted that ‘although it has been stated that the amount of landscaped communal amenity space has been increased by approximately 14%, a considerable proportion of the site would still consist of either hardstanding or built form. This would be at odds with existing pattern of development in the area which generally consists of residential development at a fairly low density’. (Paragraph 10 Appeal ref: APP/P3610/W/20/3263842).

11.11 In considering design, the Inspector considering the refusal of 21/01406/FUL noted that ‘the front block of flats would exhibit an assortment of dormer window styles, roof forms, and balconies which would undermine the visual coherence of the building. This would exacerbate the harm caused to the character and appearance of the area’. (Paragraph 11 Appeal ref: APP/P3610/W/20/3263842).

11.12 The following table provides relevant comparison of important measurements between the current and previous schemes:

	20/00288/FUL	21/01406/FUL	Current
Height of Front Building	12 metres	11.7 metres	11.4 metres
Width of Front Building	22 metres	22 metres	22 metres
Depth of Front Building	21 metres	21 metres	21 metres
Height of Rear Building	6.3 metres	10 metres	8.1 metres
Width of Rear Building	25 metres	19 metres	19 metres
Depth of Rear Building	11 metres	10 metres	12 metres
Distance between Front Building and 144 Ruxley Lane	5.7 metres to boundary 6.0 metres to wall	5.6 metres to boundary 6.0 metres to wall	1.2 metres to boundary 1.6 metres to wall
Distance between Front Building and Willow Court	0.8 metres to boundary 3.6 metres to wall	0.8 metres to boundary 3.6 metres to wall	5.4 metres to boundary 8.3 metres to wall
Amount of hardstanding	768m ²	791m ²	671m ²

11.13 This current application continues to promote the layout of two buildings on the site, one to the south (front) of the site and one to the north (rear). Although this layout still creates intervening hard surfacing between the two buildings, which is necessary for an internal access road and vehicle parking, the amount of hard surfacing has been reduced in comparison to previous schemes and the appearance of the hard surfacing would be softened by the provision of a significant amount of communal garden and landscaped strips, thereby reducing the dominance of hard materials on the site in comparison with the previously refused schemes.

- 11.14 The front building would be part 2 storey, part 2.5 storey and part 3 storey and has been significantly reduced in scale, bulk and mass from that sought under previous schemes. It is entirely compatible with the surrounding street scene.
- 11.15 In particular, the resulting relationship between the front building and the neighbouring built forms, 144 Ruxley Lane and Willow Court is welcomed. With respect to 144 Ruxley Lane, although the current scheme would reduce the separation gap sought under 21/01406/FUL, the built form of the front building has been reduced and the overall height would now mirror the eaves and ridge height of this neighbouring property. A boundary setback of 1.2m at this height is entirely reasonable and not inconsistent with the surrounding area. Although the eaves height of the front building would continue to a height far greater than the eaves of the two storey element of Willow Court, a significant increase in the separation gap (8.3 metres) would prevent the front building from having a dominating appearance over Willow Court.
- 11.16 In terms of design, the proposed front building has taken design cues from surrounding built form, replicating traditional elements such as hipped roof, front gables and bargeboard gable dormers. The concerns of a lack of visual coherence raised by the previous Inspector are resolved.
- 11.17 With respect to the rear building, under the previous schemes, this took the form of a 2.5 storey element and was contrived in design as a result of seeking to mitigate its overall massing. In contrast, the rear building in the current scheme would be a simplistic, two storey built form that would sit well within the rear of the plot. Its scale and location to the rear of the site, behind the front building prevents it from being a highly visible feature from the Ruxley Lane street scene, although it would be glimpsed from the access. The main views of the rear building would be obtained from the forecourt of Alpine Close and the garages to the rear and whilst back land development is not prevalent in the area, the rear building would be seen in these main views in context with the residential development along Larkspur Way, rather than in isolation. Furthermore, there are a number of backland garage courts serving Larkspur Way that disrupt any perception of a green corridor to the rear of this section of Ruxley Lane that would ordinarily occur within back-to-back residential gardens.
- 11.18 Although the proposal would increase the quantum of development on the site, this would be read in conjunction with the established Alpine Close, a two-storey development to the rear of Willow Court. Should permission be granted, a condition to secure materials is recommended, in order to ensure they are of a high quality that would contribute towards the proposed development integrating into the character and appearance of the area.

12 Neighbour Amenity

- 12.1 Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 12.2 The neighbouring properties most effected by the proposed development would be 144 Ruxley Lane, Willow Court, 1 Alpine Close and 126 Larkspur Way.

144 Ruxley Lane

Overbearing/Outlook Implications

- 12.3 The front block would retain a separation gap of 3.6 – 3.8 metres between the main built form of 144 Ruxley Lane, with the separation distance to the attached garage being 1.7 metres. Although the built form of the front building would extend 5.0 beyond the first-floor rear elevation of 144 Ruxley Lane and 2.0 metres beyond the ground floor rear elevation of 144 Ruxley Lane, the overbearing impact upon the occupiers of this neighbouring would be mitigated by the retained separation distances.
- 12.4 The rear block would be located at a distance and orientation more than sufficient to prevent any issues of loss of outlook or any overbearing impacts upon the occupiers of this neighbouring property.

Daylight/Sunlight Implications

- 12.5 The north east side elevation of 144 Ruxley Lane features two high level windows and a kitchen window at ground floor level and one window at first floor level. The proposal would introduce two storey development within 1.6 – 3.8 metres of this flank elevation. However, the light currently achieved into this kitchen window is already severely compromised by the siting of the deep garage associated with 142 Ruxley Lane, which measures 2.7 metres in height and lies hard up against the boundary of 144 Ruxley Lane. The proposal would set the built form back 1.0 metres from the shared boundary and 3.6 metres from this window. Although the proposal would be of a height greater than the existing garage at 144 Ruxley Lane, the impact upon the light levels received by this kitchen window would not be so significant upon the amenities of the occupiers of this property to warrant a reason for the refusal of this application.
- 12.6 The high level windows in the garage would not serve any primary accommodation and therefore loss of light to these windows would not significantly compromise the level of amenity enjoyed by the occupiers of 144 Ruxley Lane.

- 12.7 144 Ruxley Lane features windows in the rear elevation at both ground floor and first floor level, and the proposal would extend beyond this elevation by 5.0 metres at first floor level and 2.0 metres at ground floor level. However, the windows in the rear elevation of this neighbouring property would meet the 45° test set out in the Council's Residential Extensions SPG and the proposal would not cause any significant loss of light to these windows as a result.
- 12.8 The rear block would be located at a distance sufficient to prevent any issues of loss of daylight or sunlight upon internal living accommodation associated with this neighbouring property.
- 12.9 In terms of loss of daylight and sunlight to the rear curtilage of this neighbouring property, the application is supported by a Sunlight Study, prepared by Form Design Group, reference PL300d and PL303a, which demonstrates that the front block would cast a partial shadow over the curtilage closer to the main dwelling from 08:00 in the summer months. However, this is for a short period with the shadow receding and resulting in the rear curtilage being free from any overshadowing from the front block from 10:00 onwards.
- 12.10 The rear block would cast a marginal partial shadow of the far curtilage of 144 Ruxley Lane from 08:00 in the summer months, which again would be free overshadowing from 10:00. During the period of 08:00 – 10:00, the majority of the far rear curtilage is free from any overshadowing. It is also noted that the majority of the overshadowing of the curtilage during these hours can be attributed to the built form of the main dwelling at 144 Ruxley Lane itself.
- 12.11 In the winter months, the proposal would not cause any significant overshadowing the rear curtilage of this neighbouring property through the main periods of the day.

Overlooking/Privacy Implications

- 12.12 The front block does not contain any windows in the south west side elevation that would overlook the windows existing in the north east side elevation of 144 Ruxley Lane.
- 12.13 As the existing building on the site adjacent to 144 Ruxley Lane is a bungalow, the proposal would introduce new opportunities for overlooking from windows at first floor level and above. However, the views achieved from these windows would be directed towards the far rear curtilage associated with this neighbouring property, rather than the more private patio area, a situation considered to be typical in built up urban residential areas.

- 12.14 It is noted that balconies are proposed on the rear of the front building that may provide opportunities to overlooking into the patio areas and far rear curtilage associated with 144 Ruxley Lane. Whilst the overlooking into far rear curtilage would be a typical situation, Officers welcome the provision of privacy screening on the side elevation of the balconies, to prevent direct views into the private patio areas of this neighbouring property, and in the event permission is granted, would seek a condition to secure their detailing and retention in perpetuity.
- 12.15 The rear block contains a number of windows at first floor level in the elevation, all of which, bar one, serve primary accommodation.
- 12.16 The rear block is orientated so as not to provide any opportunities for direct overlooking into the internal areas associated with 144 Ruxley Lane and the distance of over 30 metres from these window to the windows associated with this neighbouring property would prevent any overlooking impacts.
- 12.17 In terms of overlooking into the rear curtilage associated with 144 Ruxley Lane, again the orientation and distance of the first-floor windows associated with the rear block would prevent any clear and direct overlooking into the curtilage associated with this neighbouring property.
- 12.18 In the event planning permission was granted, it would be reasonable to recommend a condition to prevent any new windows in the side elevations of both the front and rear blocks in order to protect private amenity of the neighbouring properties in the future.

Willow Court

Overbearing/Outlook Implications

- 12.19 The front block would be located 5.7 metres from the boundary shared with Willow Court and there would be an 8.3 metre distance retained between the two built forms. This retained distance would prevent any loss of outlook or overbearing impacts upon the occupiers of this neighbouring building.
- 12.20 The rear block would be located at a distance and orientation more than sufficient to prevent any issues of loss of outlook or any overbearing impacts upon the occupiers of this neighbouring building.

Daylight/Sunlight Implications

- 12.21 The south west side elevation of Willow Court contains windows at first floor level serving primary accommodation (a bedroom serving Flat 4 and a kitchen window serving Unit 5).

- 12.22 These windows are currently subjected to overshadowing from the existing two storey building at 140 Ruxley Lane from 14:00 onwards. Although the proposal would create a greater distance between built form and these neighbouring windows than the existing situation, the additional height of the proposal would negate any benefit this distance may have had on the existing overshadowing impacts. The proposal would therefore continue to replicate the existing situation in terms of overshadowing.
- 12.23 The proposal would not extend beyond the existing front balcony and serving windows associated with Flat 4 and will therefore not cause any overshadowing to this beyond any currently created from the existing situation on site.
- 12.24 There is a balcony to the rear of Willow Court, serving Unit 5. The proposal would extend beyond this balcony and it likely to cause some overshadowing impacts after 14:00. However, this balcony is already disadvantaged as a result of its orientation, design and the presence of an existing 1.8 metre high privacy screen, which prevents much sunlight from reaching it. Although the proposal would cast a shadow on this balcony from 14:00 onwards in the summer and winter months, this would not exacerbate the existing situation.

Overlooking Implications

- 12.25 The front block contains a number of windows on the north east side elevation that would serve primary accommodation.
- 12.26 These windows would face onto the south west side elevation of Willow Court containing the bedroom window associated with Flat 4 and the kitchen and balcony associated with Flat 5.
- 12.27 The bedroom window associated with Flat 4 is served by an oriel window, one side of which is obscurely glazed. Due to this design, the proposal would not provide any direct views into the living accommodation of Flat 4 through this window.
- 12.28 The kitchen window serving Flat 5 lies flush with the wall and directly faces the proposed development. However, the windows associated with the proposed development would not directly face this kitchen window (i.e. they are offset), and taking this into consideration, along with the small scale of the kitchen window and distance of 8.5 metres retained, Officers are satisfied that the proposal would not allow for direct or unreasonable views into the internal living area of this kitchen.
- 12.29 Flat 5 has a rear balcony that would be directly overlooked by windows on the north east side elevation windows of the proposed development at the same level. However, this balcony has an existing 1.8 metre high privacy screen that would prevent any direct views from future occupiers of the development upon the users of this balcony.

- 12.30 Although the north east side elevation windows of the proposed development also face onto a third-floor shared terrace associated with Willow Court, they are set at a height that would only afford direct views of the slope of the hipped roof, rather than the actual terrace area itself. Furthermore, as a result of a distance of over 12 metres between these windows and the terrace, the privacy of the users of the shared terrace would be preserved.

1 Alpine Road

Overbearing/Outlook Implications

- 12.31 The front block would be located at a distance more than sufficient to prevent any loss of outlook or overbearing impacts upon the occupiers of this neighbouring property.
- 12.32 The north east side elevation of the rear block would be within 7.0 metres of the front curtilage associated with this neighbouring property. The built form of the proposal would be set fully forward of the built form of 1 Alpine Close and the retained distance would prevent any issues of overbearing or loss of outlook for the occupiers of this neighbouring property.

Daylight/Sunlight Implications

- 12.33 The Daylight Study demonstrates that the proposed rear block would contribute to the overshadowing of the front curtilage of this neighbouring property from 16:00 onwards in the summer months, although the majority of the overshadowing would be the result of the orientation of this neighbouring property in relation to its front curtilage.

Overlooking/Privacy Implications

- 12.34 The balconies proposed to the rear of the front block would be over 28 metres from the windows associated with 1 Alpine Road, which would prevent any issues of direct overlooking into the private internal amenity areas associated with this neighbouring property.
- 12.35 The windows proposed on the north east side elevation of the rear block are not directed towards any curtilage associated with 1 Alpine Road. In the event permission is granted, it would be reasonable to recommend a condition to prevent any new windows in the side elevations of both the front and rear blocks in order to protect private amenity of the neighbouring properties in the future.

General Amenity

- 12.36 Officers acknowledge that as a result of the increase in built form on the site, the proposal would have a greater presence upon the occupiers of the surrounding neighbouring properties than the existing situation.

However, as demonstrated above, the material impacts would not be so harmful as to warrant a reason to refuse this application.

- 12.37 Whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context.
- 12.38 There are third party concerns in respect of the siting of the proposed bin storage and the potential odour and noise this would create. The main bin storage point is located at the front of the site and would be an enclosed storage. Should permission be granted, Officers recommend a condition to ensure that this storage would be designed to remain closed when not in use to prevent undue odour transfer. Furthermore, the proposed bin store would be located 10 metres beyond the front elevation of 144 Ruxley Lane and its associated windows. This condition and this distance would prevent any lasting odours from the bin store from affecting the occupiers of this neighbouring property.
- 12.39 In terms of noise, it is likely that the bin store would cause some noise as a result of its intended use. However, such noise is associated with residential dwellings and is would not be so significant as to harm the amenities of the occupiers of future residents or neighbouring properties.
- 12.40 A small bin store is proposed to the rear of Unit 13, which would be located hard up against the boundary of the far rear curtilage associated with 144 Ruxley Lane. Again, should permission be granted, a secured design would be conditioned and the distance of over 21 metres from the rear windows and patio area associated with 144 Ruxley Lane would prevent any lasting odours from the bin store affecting the occupiers of this neighbouring property.
- 12.41 There are concerns that the pathway leading from the amenity space of Unit 13 to the bin store has the potential to reduce personal security and increase the risk of crime to 144 Ruxley Lane. Officers do not share the same level of concern but in the event permission is granted, Officers would seek a condition to secure details of all boundary treatment prior to occupation to ensure that appropriate security is provided within the site.
- 12.42 The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirements of planning conditions if permission were to be granted.

13 Highways, Access and Parking

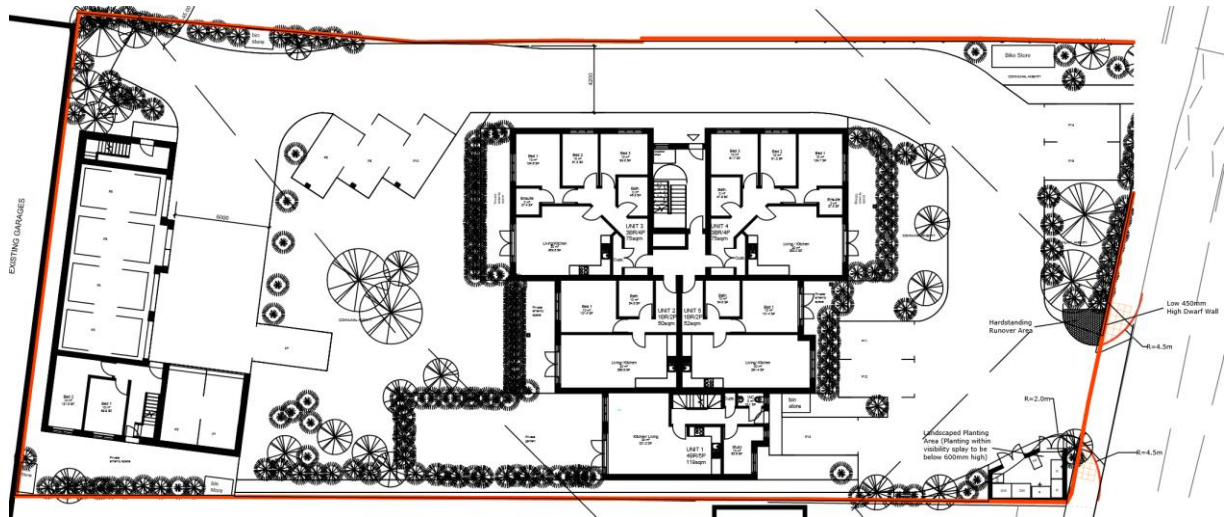
- 13.1 Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

Site Sustainability

- 13.2 Paragraphs 104, 110 and 112 of the NPPF seek to ensure the growth of sustainable transport in managing development and approval of planning applications.
- 13.3 Paragraph 85 of the NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 13.4 The application is supported by a Transport Statement prepared by Lanmor Consulting, reference 201249/TS/JR/RS/05 rev A and dated May 2023, which gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site.
- 13.5 The County Highway Authority have assessed this highway account and have confirmed that it gives a fair representation of the site and surrounding highway context.

Pedestrian and Vehicle Access and Manoeuvrability

- 13.6 Paragraph 110 of the NPPF requires safe and suitable access, paragraph 111 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 112 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.
- 13.7 The proposal involves closing the existing access point onto Ruxley Lane and creating a new vehicular/pedestrian access further south to the site. The new access arrangement would be in the form of a bellmouth and would incorporate tactile paving across the entrance, as shown in the diagram over:



- 13.8 It has been demonstrated that the visibility for the proposed access would be 43m to both left and right of the access, which meets the recommendations in Manuals for Streets for a 30mph road. Pedestrian visibility of 2.0 metres has also been provided for the new access.
- 13.9 Tracking plans supporting the proposal have demonstrated that vehicles, including service/delivery vehicles can leave the site in a forward gear.
- 13.10 The County Highway Authority have assessed the detailed design of the proposed vehicle access and internal road network and have confirmed that sufficient space would be provided within the site for vehicles to park and for vehicles to turn, in order for them to enter and leave in forward gear.

Traffic Generation

- 13.11 Policy DM35 of the DMPD requires consideration of the impact upon the transport network via a Transport Assessment or Statement.
- 13.12 In order to predict the traffic generation and flow associated with the proposed development, the Transport Statement advises that TRICS (Trip Rate Information Computer System) database has been used, using sites that are similar in characteristics with the proposed development. The TRICS database estimates a daily total of 60 vehicle trips would be associated with the proposed development.
- 13.13 The Transport Statement has considered the impact of this additional traffic generation on the local transport network, giving particular attention to the traffic pattern flows generated by Epsom and Ewell High School, the main access to which is directly opposite the site and is served by a dedicated right turn lane, and has concluded that the small increase in traffic flow would have a minimal impact and unnoticeable in the flow of traffic on Ruxley Lane, including in peak times.

- 13.14 The County Highway Authority is satisfied that the TRICS Assessment undertaken and reported within the Transport Statement provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

Car Parking

- 13.15 Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for new residential developments.
- 13.16 The Council's Parking Standards for Residential Development SPD 2015 requirements for car parking provision within residential developments are a minimum of 1.0 vehicle space for one and two bed flat units and 1.5 spaces for three bed flats. The scheme would therefore be required to provide 18 vehicle parking spaces within the site in order to be policy compliant.
- 13.17 The proposal would provide 15 off street vehicle parking spaces to serve the proposed development, which is a shortfall of 3 vehicle parking spaces.
- 13.18 The County Highway Authority have noted the in shortfall in parking provision when assessed against the Council's Residential Parking Standards and appreciates that the Council has its own vehicle parking standards to consider. From a highway safety and capacity perspective, which is the County Highway Authority's remit, they raise no objection to the shortfall in parking.
- 13.19 When assessing new development that does not accord with the Council's Parking Standards, Officers need to consider whether the displacement of vehicle(s) from new development would exacerbate the parking stress on surrounding areas that are currently already close to tolerance, as a result of the number of residential developments within the surrounding area.
- 13.20 In considering existing parking stress on the surrounding road network, whilst the immediate section of highway to the site prohibits any on street vehicle parking due to the pedestrian crossing, is noted that parts of the nearby Cox Lane is not subject of any parking restrictions and has low parking stress. The displacement of 3.0 vehicles from the development could be accommodated on Cox Lane without having a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking.
- 13.21 Notwithstanding this, the failure to provide vehicle parking in accordance with local policy is an adverse impact in the planning balance.

- 13.22 In order to support the sustainable transport objectives of the NPPF as well as National and Local objectives, in the event permission is granted, the County Highway Authority have recommended a condition to secure electric vehicle charging points to serve each of the proposed vehicle parking spaces.

Cycle Parking

- 13.23 Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.
- 13.24 The Council's Parking Standards requires cycle parking provision to be in line with the minimum levels identified in the Surrey County Council Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development (2021). The proposal would be expected to provide a minimum of 19 secure cycle parking spaces to meet this guidance.
- 13.25 Although the supporting documents appear contradictory over the cycle parking spaces to be provided on site, it is clear from all documents that a minimum of 19 secure cycle spaces can be accommodated on the site. Units 1, 13 and 14 would all have dedicated cycles stores and provision for 15 bikes would be provided in a secure, undercover and enclosed cycle store to serve units 2 – 12. Details are secured by condition.

Construction Management

- 13.26 In the event permission is granted, the County Highway Authority have recommended that a pre-commencement condition to secure a Construction Transport Management Plan is imposed.

14 Refuse and Recycling Facilities

- 14.1 Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6 metres of the public highway. If more than four 240L bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 14.2 It has been demonstrated within the Transport Statement by Swept Path Assessment that a refuse/recycle vehicle can enter the site, turn and exit the site in a forward gear, even in the event that the vehicle parking spaces within the site are occupied. The Swept Path Assessment has been reviewed by the County Highway Authority and the Council's Waste Manager has raised no concerns in this regard.

- 14.3 Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity, storage and access.

15 Ecology and Biodiversity

- 15.1 The Local Planning Authority have a duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 15.2 Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 15.3 The application is supported by an Updated Ecological Survey, prepared by Aae Environmental Consultants, dated August 2023, which follows up a full Ecological Survey of the site dated March 2020. The Updated Ecological Survey concludes that there was no evidence of protected species on the site, either within the existing building or within the site itself, which includes semi mature trees, small ornamental pond and typical residential amenity grassland and perennials.
- 15.4 The Council's Ecologist is satisfied that the methodology and conclusions set out in the Ecological Survey are sound and advises that, in the event permission is granted, a condition to secure the biodiversity enhancements as set out in the Updated Ecological Survey.
- 15.5 Subject to the abovementioned condition, should permission be granted, the Local Planning Authority are satisfied that they have carried out their duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

16 Flooding and Drainage

- 16.1 Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.

- 16.2 Paragraph 167 of the NPPF, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 16.3 The site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps and outside of a Critical Drainage Area
- 16.4 The application is supported by a Flood Risk Assessment and Drainage Strategy, prepared by Lanmor Consulting, reference 201249/FRA/MK/RS/05 Rev A ,dated May 2023 and subsequent correspondence prepared by Lanmor Consulting, reference 221533/ml/KL01,dated 25 July 2023.
- 16.5 In terms of fluvial flooding, the site and therefore the development, would be wholly in Flood Zone 1. As such, the development has low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood
- 16.6 As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 16.7 With respect to pluvial flooding, the site does not fall within a Critical Drainage Area. Although the site is currently developed and contains hard surfacing, the proposal would introduce a greater volume of hard surfacing, thereby increasing the impermeability of the site.
- 16.8 The geology of the site demonstrates that infiltration drainage techniques would not be suitable on the site, and it is therefore proposed to attenuate surface water runoff into underground attenuation tank through permeable paving. A hydro brake would then release the attenuated run off at a controlled rate into the existing nearby surface water public sewer network.
- 16.9 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2021 and has recommended that should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.

17 Contamination and Remediation

- 17.1 Paragraph 183 of the NPPF and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users. The site is listed as potentially contaminated on the Council's register.

- 17.2 The site lies adjacent to a former sawmill. As such, the Council's Contaminated Land Officer has recommended contamination conditions, in the event permission is granted, in order to ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

18 Environmental Sustainability

- 18.1 Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water and light pollution.
- 18.2 The application is supported by a Design and Access Statement, prepared by Form Design Group, reference 1726 and dated July 2021 which (at Section 6.26 – 6.38) demonstrates how the proposed development would incorporate a number of sustainability and energy efficiency measures, such as thermal bridges to ensure heat loss is reduced, mechanical ventilation systems to introduce fresh air, cost effective condensing gas boilers, water efficient measures and sustainable construction measures, to minimise distances and ensure locally sourced and environmentally certified materials where possible.
- 18.3 The proposal indicates siting for proposed solar panels on the roofs of both buildings. In the event permission is granted, it would be reasonable to secure further details of these panels by way of a condition and to ensure they are installed prior to occupation of the proposed development.
- 18.4 Subject to a condition to secure these sustainable measures as part of a detailed design in the event permission is granted, the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

19 Accessibility and Equality

- 19.1 Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development. The proposal would meet 13 of the 16 Lifetime Home Standards, making the units more easily adaptable for lifetime use. The three criteria not met is due to the nature of the nature of flatted development. The criteria is set out on page 22 of the supporting Design and Access Statement, prepared by Form Design Group, reference 1726 and dated July 2021. On this basis, no objection is raised.

- 19.2 The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

20 Climate Change

- 20.1 On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 20.2 The site lies within a sustainable location within reasonable walking distance of six bus stops that provide good connections to wider public transport serves, such as rail services and is within reasonable walking distance of local facilities and services.
- 20.3 Furthermore, the proposal seeks to provide all vehicle parking spaces with Electric Vehicle Charging points.

21 Community Infrastructure Levy

- 21.1 Paragraphs 55 and 57 of the NPPF requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 21.2 The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments because it involves additional floor area in excess of 100m². It is payable at £125/m² index linked.

CONCLUSION BALANCE

22 Planning Balance

- 22.1 As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 7 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 22.2 The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

- 22.3 Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 22.4 Officers are satisfied that the proposal would resolve the reasons for refusal set out under paragraphs 1.6 and 1.7 of this report.

Social Benefits

- 22.5 The proposed development would make a meaningful contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. Given the pressing need for housing in the Borough, as demonstrated by the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight.
- 22.6 The proposal would create a choice and mix of housing, thereby contributing towards the Borough being comprised of balanced and sustainable communities. This benefit is given moderate weight.

Economic Benefits

- 22.7 The proposal would provide economic benefits through employment during the construction phase and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this would amount to a minor benefit.
- 22.8 Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional expenditure to the Borough and therefore this would amount to a minor benefit.

Environmental Benefits

- 22.9 The proposed landscaping scheme would provide nesting opportunities for birds once established and flowering plants would be of benefit to invertebrate species.
- 22.10 Biodiversity would also be further enhanced by the provision of roosting and nesting opportunities through installing bird and bat boxes on suitable vegetation or in suitable locations in the new build.

- 22.11 Whilst the proposal would result in the loss of eight trees, it is proposed to plant a 33 replacement trees, including 11 larger specimen sized trees.
- 22.12 However, the proposal would increase the amount of hardstanding and built form on the site, beyond the existing situation. The benefits of the additional landscaping would therefore amount to a minor benefit.

Social Adverse Impacts

- 22.1 Whilst the proposal would fail to provide any on site housing or off-site commutable sum, it has been robustly justified that the scheme would not be viable to do so. However, a review mechanism is recommended to capture any positive viability changes in costs and values. As such, this adverse impact is attributed minor adverse weight.
- 22.2 The conflict with the Strategic Housing Market Assessment Update 2019 is attributed minor adverse weight, as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.

Environmental Adverse Impacts

- 22.1 The shortfall of on-site car parking spaces would not be policy compliant. However, there is robust justification for the shortfall, given that the displacement of the shortfall can be accommodated within the existing unrestricted road network without having a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking. The site is also sustainably located with alternative modes of transport providing good connections to services and facilities. This policy conflict is therefore attributed minor adverse weight.

Overall Balance

- 22.2 Overall, whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

RECOMMENDATION

PART A

To grant planning permission subject to the S106 Legal Agreement to secure a viability review mechanism in the event that the development has not reached first floor slab level on both buildings within 20 months of the decision date.

PART B

In the event that the Section 106 Agreement referred to in Part A is not completed by 18 March 2024, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 as amended, the applicant has failed to comply with Policy CS9 of the Core Strategy 2007.”

Conditions

1. Time Limit

The development hereby permitted shall begin 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. Approved Details

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

Site Location Plan at 1:1250 Drawing Number PL10-002

Drawing Number PL10-003fa
Drawing Number PL10-004a
Drawing Number PL13-001e
Drawing Number PL13-001f
Drawing Number PL13-002g
Drawing Number PL13-003d
Drawing Number PL13-004g
Drawing Number PL13-100g
Drawing Number PL13-101d
Drawing Number PL13-103b
Drawing Number PL13-104c
Drawing Number PL13-120c
Drawing Number PL13-101d
Drawing Number PL30-001e
Drawing Number PL31-001o
Drawing Number PL101z
Drawing Number PL102g
Drawing Number PL40n
Drawing Number PL103g
Drawing Number PL28-001d
Drawing Number DPA-5046-04h
Drawing Number 201249/TR/41 Rev E

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

Pre-Commencement Conditions

3. Construction Transport Management Plan

No development shall commence unless and until a Construction Transport Management Plan, to include details of:

- (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) provision of boundary hoarding behind any visibility zones
- (e) HGV deliveries and hours of operation
- (f) measures to prevent the deposit of materials on the highway
- (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (h) no HGV movements to or from the site shall take place between the hours of 7:45 and 9.15 am and 3.00 and 4.30 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane or Cox Lane during these times
- (i) on-site turning for construction vehicles (or measures for traffic management)

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 for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

Post Demolition/Pre-Above Ground Conditions

4. Materials

No development (except demolition) shall commence unless and until details of the external materials to be used for the development are 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 Policy DM10 of the Development Management Policies 2015.

5. Access and Cross Over Provision

No development (except demolition) shall commence unless and until the proposed access has been constructed, as a heavy duty crossover providing simultaneous two-way entry and exit, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

6. Tracking Details

No development (except demolition) shall commence unless and until full tracking details for vehicles (particularly refuse, delivery and emergency) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

7. SuDS Details

No development (except demolition) shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- (a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2.3 l/s.
- (b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

- (c) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- (d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- (e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Only the approved details shall be implemented during the construction of the development and maintained thereafter.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015

8. Landscaping

No development above ground level shall commence unless and 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 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. Ground Contamination

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

- (i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. Only the approved details shall be implemented during the construction of the development.

and 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: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

Pre Occupation Conditions

10. Access Closure and Remediation

The development hereby approved shall not be first occupied unless and until any existing access from the site to Ruxley Lane have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015) and Policy CS16 of the Core Strategy 2007.

11. Parking and Turning

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 for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

12. Visibility Splay

The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the proposed access to Ruxley Lane, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the

objectives of the NPPF 2023 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

13. Electric Vehicle Charging Points

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 to meet the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

14. Refuse/Recycling Store Details

The development hereby approved shall not be first occupied unless and until details of the facilities for the secure and covered refuse/recycle stores within the development site have been provided in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

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 Policy DM10 of the Development Management Policies 2015.

15. Cycle Store Details

The development hereby approved shall not be first occupied unless and until the facilities for the secure and covered cycle storage within the development site have been provided in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and 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 to meet the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

16. Solar Panels

The development hereby approved shall not be first occupied unless and details of the proposed solar panels are submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved solar panels shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

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

17. Drainage Verification Report

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015

18. Ground Contamination Remediation Scheme

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 9 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

19. Boundary Treatment Detail

Prior to any occupation of the development hereby permitted, details of all boundary treatment for the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the units are brought in

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

20. Privacy Screening Details

Prior to any occupation of the development hereby permitted, details of privacy screening for the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the terrace is first brought into use.

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

During and post development conditions

21. Groundwater Remediation Strategy

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

22. Compliance with Tree Protection

The tree protection measures are to be carried out in strict accordance with the Arboricultural Report and Method Statement prepared by DPA dated April 2023.

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

23. Compliance with Ecological Report

The proposal shall be carried out in strict accordance with the conclusions and recommendations of the Updated Ecological Survey, prepared by Aae Environmental Consultants, dated August 2023.

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

24. Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in Section 6.26 – 6.38 of the Design and Access Statement, prepared by Form Design Group, reference 1726 and dated July 2021, prior to the first occupation of the building, and 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.

25. Hours of Work

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

26. No Additional Windows/Openings

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 shall be formed in the development 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 of the Development Management Policies Document Adopted October 2015.

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. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

4. 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. Please refer to:
www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs
5. 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/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
7. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
8. 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).
9. 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.

10. A build over agreement with Thames Water is required before development commences as Thames Water believe that the proposed development is within three meters of a public sewer (of which the internal diameter is less than or equal to 150mm). The applicant is advised to contact Thames Water to apply.
11. Thames Water do not permit driven piles within 15m of a public sewer.