

## **Land West Of Old Malden Lane Worcester Park Surrey KT4 7PU**

Outline application (Layout) for the construction of a detached two-storey dwelling

<b>Ward:</b>	<b>Cuddington</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

### **1 Plans and Representations**

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O6QU5TGYL3400>

### **2 Summary**

- 2.1 The application site is located on the west side of Old Malden Lane within the built up area of Worcester Park. The application site comprises pasture land some 0.09 ha in extent. The application seeks outline permission for the construction of a detached two-storey dwelling.
- 2.2 The application is recommended for APPROVAL.

### **3 Site description**

- 3.1 The application site is located on the west side of Old Malden Lane within the built up area of Worcester Park. The application site comprises pasture land some 0.09 ha in extent. Adjacent to the site are two stable buildings located on the western boundary. Old Malden Lane has a sylvan semi-rural character and the application site has a densely planted embankment (including mature Oak trees) adjacent to the road, and along the bank of the Hogsmill River.
- 3.2 The site is bounded to the west by the River Hogsmill, beyond the western boundary is designated Open Land which is within the Royal Borough of Kingston. To the north, separated by an access drive, is a detached two-storey dwelling known as Riverside Cottage and to the south is a new two-storey dwelling known as The Lodge.
- 3.3 The site falls slightly from north to south, but more steeply east to west, towards the Hogsmill River, The highest point of the site abuts Old Malden Lane, with the lowest point at the river's edge.

- 3.4 There are no tree preservation orders on the site. The site falls within the floodplain of the Hogsmill River and Flood Zone 1.

#### **4 Proposal**

- 4.1 The application seeks outline permission for the construction of a detached two-storey dwelling.
- 4.2 This is an outline application which merely seeks to establish the principle of the proposed layout of the scheme, with the detailed appearance, access, scale and landscaping to be dealt with at a later date. This means that the illustrative plans are not submitted for formal approval. The eventual details could be quite different to the illustrative plans. Permission is only being sought for development within the broad parameters of floorspace within defined boundaries. The appearance, access scale and landscaping of the residential development are “reserved matters” and a further application would be required before any development could commence. The Local Planning Authority can set conditions to define the detail of how that development may be implemented (e.g. in relation to height, protected trees).
- 4.3 The new dwelling, which would have a roughly rectangular footprint, would be sited to the northern corner of the site, in line with the built development at Riverside Cottage. Whilst access is a reserved matter and not for consideration at this stage, it is proposed to utilise the existing access, which currently serves the stables.

#### **5 Comments from third parties**

- 5.1 Site notice displayed, and the occupiers of 8 neighbouring properties notified via letter. To date (27.07.2016) one letter of objection have been received regarding:
- Highway safety
  - Loss of light/overbearing
  - Visual Impact
  - Flood Risks

#### **6 Consultations**

- 6.1 Highways Officer: There is no problem with the construction of one dwelling on the site and the access from the existing private access road. However, the visibility at the junction with Old Malden Lane is poor and could be improved by the removal of some of the saplings on the boundary at the junction within the property. There should be no pedestrian access point on the corner as shown as this could lead to vehicles entering the site at this point in the future leading to safety concerns.
- 6.2 Tree Officer: No objection

- 6.3 Surrey CC Archaeological Officer: The proposed development is outside of the Area of High Archaeological Potential designated around the Worcester Park Gunpowder Works; however, historic maps indicate that structures associated with the works may have extended along the east bank of the Hogsmill as far as the development site. It is possible, therefore, that the site contains currently buried Heritage Assets with archaeological significance that may illuminate both knowledge of the origin and development of the Gunpowder works, and/or earlier occupation and activity in the area. Appropriate condition to be imposed on any planning permission granted

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
06/01021/OUT	16.01.2007	Outline application (layout and scale) for four detached dwelling	REFUSED. Appeal dismissed 2008

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2012

Paragraph 17	Core Planning Principles
Chapter 6	Delivering a Wide Choice of Quality Homes
Chapter 7	Requiring Good Design

### Core Strategy 2007

Policy CS1	Sustainable Development
Policy CS4	Open Space
Policy CS5	Built environment
Policy CS16	Managing transport and travel

### Development Management Policies Document 2015

Policy DM6	Open Space Provision
Policy DM9	Townscape character and local distinctiveness
Policy DM10	Design requirements for new developments
Policy DM11	Housing density
Policy DM12	Housing Standards
Policy DM20	Environmentally sustainable development

## 9 Planning considerations

### 9.1 Previous Application and Appeal Decision

- 9.2 A different (but similarly residential) scheme for development (06/01021/OUT) seeking outline permission for the erection of four detached dwellings was refused under delegated authority in January 2007 on the following grounds:

- 9.3 The proposed development is considered to have an adverse impact on an important area of open space and visual link to the adjoining Metropolitan Open Land and would therefore cause serious harm to the character and appearance of the surrounding area contrary to Policies DC1 (ii), DC14 (i) HSG11 (i) and OSR2 (A) and, (B) of the Epsom and Ewell District Wide Local Plan 2000.
- 9.4 The application was dismissed on appeal in January 2008. The Inspector concluded that the development proposed would be harmful to the area's character and that there were no circumstances present to outweigh that harm and justify a grant of planning permission. The Inspector's appeal decision is therefore a material consideration in assessing this application.
- 9.5 The current application is materially different to the previous (refused) scheme in the following ways:
- The previous scheme sought permission for four dwelling on a much larger parcel of land.
  - The current scheme proposes one dwelling on a significantly reduced site area.

#### Other material Considerations

- 9.6 Changes in Planning Circumstances: Planning Policy
- 9.7 The material changes in Policy Context since the refusal of outline planning permission for the site in 2007, is as follows:
- The Council's Core Strategy Plan was adopted in July 2007.
  - The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government's most up-to date vision for future growth.
  - The Council's CIL Charging Schedule adopted in April 2014
  - The Council's Development Management Policies Document, which replaces the historic policies contained within the Local Plan 2000, was adopted in September 2015
  - The Council's Parking Standards for Residential Development SPD adopted 2015

### Principle of Development

- 9.8 The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by re-using land that has been previously developed. Core Strategy Policy CS1 requires development and the use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development in Epsom. Policy CS5 states that development should make efficient use of land and have regard to the need to develop land in a comprehensive way. Core Strategy Policy CS8 states that new housing will be located within the defined built up area of Epsom and Ewell.
- 9.9 The redevelopment of this site for a residential scheme is therefore appropriate in principle, subject to compliance with other relevant Development Plan policies.

### 9.10 Density

- 9.11 Policy DM11 Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the borough's urban area will be supported in principle. The scheme proposes a density of around 11 units per hectare. Policy DM11 states that the density of new housing developments in most cases should not exceed 40 dwellings per hectare.
- 9.12 This would be in keeping with the immediate area but would also have regard for the transition between the open land and the built form to the north, and would therefore comply with Policy DM11

### Layout/Impact on Character

- 9.13 Policy DM10 sets out that development proposals will be required to incorporate principles of good design, the most essential element identified as contributing to the character and local distinctiveness of a street which should be respected, maintained or enhanced. As such the prevailing typology, scale, layout, height, form and massing should be respected.
- 9.14 The west side of Old Malden Lane is characterised by well-spaced and sporadic development, which has helped to maintain its unique semi-rural character. The application site forms part of the last remaining undeveloped site on the west side of Old Malden Lane and presently acts as a visual and physical barrier between the semi-rural area to the south and the urban area to the north. The overall site, as open space, therefore makes a significant contribution to the local area's character.
- 9.15 It also acts as a visual connecting link between the undeveloped woodland site opposite (on the eastern side of Old Malden Lane) and the Metropolitan Open Land on the opposite side of the Hogsmill River. (Falling within the Royal Borough of Kingston)

- 9.16 Indicative drawings show that the dwelling would be sited to the northern corner of the (overall) site, in line with the built development at Riverside Cottage. The current scheme significantly reduces the site area from the previous scheme. In excess of two thirds of the site would remain undeveloped recreational land which would ensure that the proposal retains the spacious sylvan character of the area, without a significant diminution of the openness of the overall site that would prevent it from continuing to contribute to the area's predominantly open character.
- 9.17 The proposal would therefore address the Inspector's previous grounds for refusal and would comply with Core Strategy Policy CS1 and Development Management policy DM11

#### Impact on Neighbour Amenity

- 9.18 The submitted indicative drawings indicate that the proposed new dwelling would not have a materially harmful impact on the amenity of the adjoining properties in terms of loss of privacy, overlooking and outlook.
- 9.19 The proposal would therefore comply with Development Management Policy DM10.

#### Parking and Access

- 9.20 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are "severe".
- 9.21 The County Highways Authority has no objection to the proposal, subject to the imposition of appropriate highway conditions.

#### Landscaping and Ecology

- 9.22 Policy CS3 requires that biodiversity will be conserved and enhanced and where development is detrimental to biodiversity, adequate mitigation measures should be provided. Policy DM4 mirrors this requirement and requires that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 9.23 As landscaping as a reserved matter it will be important in any subsequent application that adequate soft landscaping that can provide for wildlife habitat is retained or planted on site. The indicative layout of the dwelling demonstrates that there is sufficient space to provide both hard and soft landscaping, which could be secured by a future condition.
- 9.24 The application is supported by an ecology report which concludes that the site contains suitable habitat for bats and breeding birds. It further states that provided the development is a minimum of 15 metres away from the mature trees, the development would be compliant with regards to the legislation and bats.

- 9.25 Subject to appropriate conditions, the proposal would comply with Core Strategy policy CS3.

#### Flood Risk

- 9.26 Policy DM19 states that Development in flood risk zones 2 & 3 or on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding will not be supported unless it meets certain criteria.
- 9.27 The application site does not fall within flood Zone 2 or 3, but is located within Flood Zone 1. The previous (refused) scheme was accompanied by a Flood Risk Assessment, which addressed the impact of the scheme of the floodplain. The assessment concluded that the site falls within Flood Zone 1 which has a low to medium flood risk and is designated most suitable for development.

#### Sustainability

- 9.28 Policy CS6 requires development to be provided in a sustainable environment and reduce or have a neutral impact upon pollution and climate change. This will be a matter for future determination.

#### Community Infrastructure Levy (CIL)

- 9.29 The proposal falls under development which is liable for CIL at £125 per square metre of gross internal floor space

### **10 Conclusion**

- 10.1 The proposed scheme would comply with policy and is therefore acceptable. The scheme is therefore recommended for APPROVAL

### **11 Recommendation**

- 11.1 Outline Planning permission is granted, subject to the following conditions:

#### **Conditions:**

- (1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Details of the access, appearance, scale and landscaping, "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.**

**Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**

- (2) Prior to the commencement of development, details and samples of the materials to be used for the external surfaces of the development shall**

be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interest of safeguarding visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and policy DM10 of the Development Management Policies Document 2015.

- (3) Prior to the commencement of any development works, including ground preparation and demolition, a detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall show the root protection areas of all trees to be retained as set out in British Standard 5837. The AMS shall contain details of:

- The specification and location of tree protection (barriers fixed into the ground and/or ground protection as detailed in chapter 9 of BS5837);
- Any construction activity, excavation or level changes that may take place within the protected root area of trees shown on the TPP and the supervision and monitoring programme for these activities.

Tree protection shall be erected prior to demolition, ground preparation and development works and shall remain in place for the duration of the construction works. The protection barriers shall only be removed on the completion of all construction activity and with the written agreement of the Local Planning Authority. All works shall be carried out in strict accordance with the approved details.

**Reason:** To ensure satisfactory protection of trees in the interest of amenity as required by policy DM5 of the Development Management Policies Document 2015

- (4) Prior to the commencement of the development details of sustainability measures shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials and shall include means of providing the energy requirements of the development from renewable technologies. Thereafter, the development shall be carried out in strict accordance with the approved details.

**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 and to comply with policy CS6 of the Core Strategy (July 2007).

- (5) Prior to the commencement of the development full details of the new areas of hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. Such details shall show that the



**hardsurface will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site. Thereafter, the development shall be carried out in accordance with the approved details and so maintained.**

**Reason: To reduce surface water run-off from the site in line with policy CS6 of the Core Strategy (July 2007).**

- (6) The development shall not commence until an Ecology and Bat Report has been submitted to and approved by the Local Planning Authority. The protection, mitigation and enhancement measures detailed in the ecological assessment shall be implemented prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the ecological assessment and plan. The approved measures shall thereafter be maintained.**

**Reason: To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.**

- (7) Prior to the commencement of any building or engineering operations, a Method of Construction Statement shall be submitted to and approved in writing with the local planning authority. This shall include details of:**

- **Parking of the vehicles of site personnel, operatives and visitors;**
- **Loading and unloading of plant and materials;**
- **Storage of plant and materials used in constructing the development;**
- **Programme of works (including measures for traffic management);**
- **Provision of boundary hoarding behind any visibility zones;**
- **HGV deliveries and hours of operation;**
- **Vehicle routing;**
- **Measures to prevent the deposit of materials on the highway; Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;**
- **On-site turning for construction vehicles**

**All of which shall be kept clear of the highway and the proposed access. Only the approved details shall be implemented during the construction period.**

**Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Core Strategy 2007**

- (8) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.**

**Reason:** To ensure that the redevelopment does not destroy any surviving archaeological Heritage Assets, in accordance with the National Planning Policy Framework and Policy DM8

- (9) The development hereby approved shall not be first occupied unless and until the proposed vehicular access to the existing access road off Old Malden Lane has been constructed and provided with visibility zones in accordance with the approved plans, and a scheme to be submitted to and approved in writing by the Local Planning Authority for improvements to the visibility at the existing junction with Old Malden Lane and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

**Reason:** To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Core Strategy 2007

- (10) The only means of access to the development hereby approved shall be from the existing access road.
- There shall be no means of vehicular/pedestrian/cycle access from the development hereby approved to Old Malden Lane.
  - The development hereby approved shall not be first occupied unless and until a permanent physical barrier fronting Old Malden Road has been erected to prevent the formation of unauthorised access to that road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter that permanent physical barrier shall be permanently retained and maintained to the satisfaction of the Local Planning Authority.
  - The development hereby approved shall not be commenced/ unless and until existing access/es from the site to Old Malden Lane have been permanently closed and any kerbs, verge, footway, fully reinstated.

**Reason:** To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Core Strategy 2007

- (11) The development hereby permitted is based on the following indicative plans : J002348 PL02 J002348 PL03 J002348 PL04

**Reason:** For the avoidance of doubt and in the interests of proper planning as required by Policy BE1 (General Policy on the Built Environment) ,DC1 (General policy) of the Epsom and Ewell District Wide Local Plan 2000 and Policy DM10 of the Development Management Policies submission document (November 2014).

**Informatives:**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.**
- (2) If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or [contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk).**
- (3) Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council. The permission hereby granted shall not be construed as authority to carry out any 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 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.**