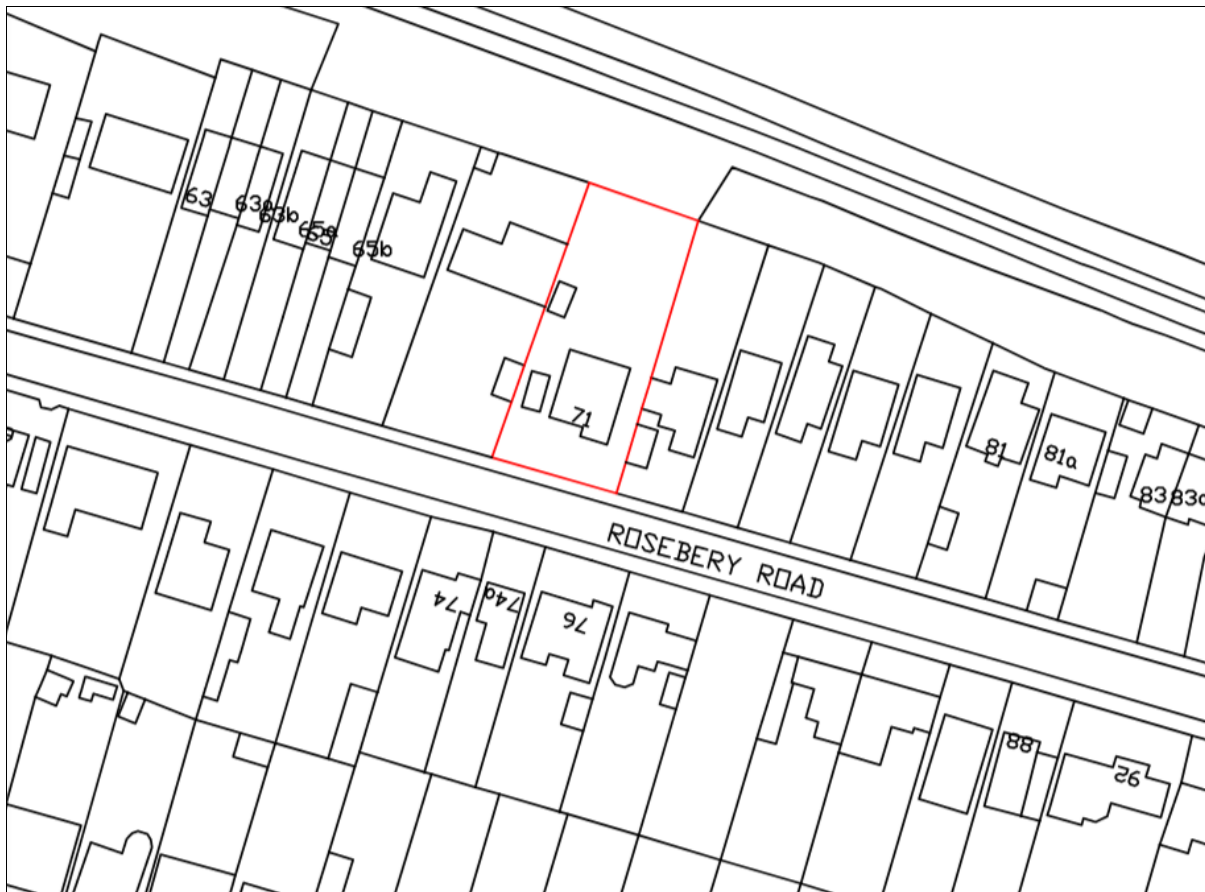


**24/00992/FUL – 71 Rosebery Road, Epsom, KT18 6AB**

<b>Application Number</b>	24/00992/FUL
<b>Application Type</b>	Full Planning Permission (Minor)
<b>Address</b>	71 Rosebery Road, Epsom KT18 6AB
<b>Ward</b>	Woodcote and Langley Vale
<b>Proposal</b>	Demolition of existing single storey dwelling and construction of 3 x 3-bed residential units with car parking, and associated access
<b>Expiry Date</b>	08 November 2024
<b>Recommendation</b>	Approval, subject to conditions, informatives and s106 legal agreement
<b>Number of Submissions</b>	6 (5 objecting, 1 neutral)
<b>Reason for Committee</b>	Called in by Member of the Council
<b>Case Officer</b>	George Smale
<b>Contact Officer</b>	Simon Taylor, Interim Manager
<b>Plans, Documents and Submissions</b>	Available at <a href="#">24/00992/FUL- 71 Rosebery Road</a>
<b>Glossary of Terms</b>	Found at the following link: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. The proposal is for the demolition of the existing single storey bungalow and its replacement with a terraced townhouse building comprising of 3 x 3-bedroom dwellings with associated access, parking provision, and landscaping.
- 1.2. The application is before the Planning Committee as it has been called in by Councillor Bernice Froud who raises concerns of impact on the neighbouring amenity of 73 Rosebery Road and substandard amenity space provision.
- 1.3. The site is located on the northern side of Roseberry Road in the Langley Vale residential settlement area to the south of the Borough. To the rear/north of the site north is the Epsom Downs Nature Conservation Area and designated Green Belt.
- 1.4. The main considerations with the assessment of the impact on the character and appearance of the proposal, the quality of accommodation, and the impact on neighbouring amenities. Five letters of objection (including from Woodcote Residents Association and the Epsom Civic Society) and one neutral letter were received. Objections mostly raise the above considerations as well as the potential impact of the proposal on the highway network.
- 1.5. The proposal will make a positive contribution in boosting housing supply within the Borough. It will not adversely affect the character and appearance of the area. The building's setback and positioning on the plot, height, scale, and form is not dissimilar to properties in the surrounding area.
- 1.6. There is some impact on landscape character through the creation of additional hardstanding. This weighs in the planning balance. The Council's Tree Officer has raised some landscaping concerns but not raised any in-principle objection in terms of impacts to existing trees.
- 1.7. The overall quality of accommodation is acceptable to serve the future residential occupiers. Despite a shortfall of garden amenity space, compensatory front garden amenity space is provided.
- 1.8. There will be limited but acceptable impacts on the immediate neighbouring properties. Parking provision is acceptable for each new dwelling and access arrangements onto the highway are not sought as part of this application. Highways, surface water drainage, and ecological enhancement conditions are recommended.

- 1.9. Biodiversity Net Gain (BNG) obligations are mandatory for new development and will be secured through a section 106 legal agreement.
- 1.10. It is recommended that the proposal is approved subject to a section 106 legal agreement and conditions.

## PROPOSAL

### 2. Description of Proposal

- 2.1. The proposal involves the following works:
- The demolition of the existing single storey detached bungalow
  - Subdivision of the site into three plots
  - Associated engineering operations and excavation works to level the site
  - The erection of a two-storey residential block comprising of 3 x 3-bedroom townhouses
  - Provision of access, car parking, amenity space, tree planting and soft and hard landscaping works
- 2.2. Amended plans were submitted on 11 October 2024 revising the front elevation and on 24 October 2024 to increase soft landscaping to the frontage of all three properties and to remove the rear garden access for the middle property, thus increasing garden area and depth. None of the changes necessitated reconsultation.

### 3. Key Information

	Existing	Proposed
Site Area	780m <sup>2</sup>	
Units	1	3
Floorspace	80m <sup>2</sup>	Unit 7A & 7C- 114m <sup>2</sup> Unit 7B- 118m <sup>2</sup>
Number of Storeys	1	2 with a second floor loft
Density	12.8	38.5
Affordable Units	0	0
Car Parking Spaces	2	6
Cycle Parking Spaces	0	6

## SITE

### 4. Description

- 4.1. The site is in the residential settlement area of Langley Vale on the northern side of Rosebery Road to the south of the Borough. Forming a

linear plot, the site inclines from the street to the rear. The plot has a moderately sized front garden area, followed by a single storey detached bungalow, and a large rear garden.

- 4.2. A single-track rear driveway extends from the highway to a single storey detached garage. There are several trees within and adjacent to the rear boundaries of the site.
- 4.3. There is an inconsistent building line on the northern side of Rosebery and a mixed typology of detached, semi-detached, and terraced dwellings in the area. The street scene is also characterised by a variety of different architectural styles and design forms with no defined identity.
- 4.4. Epsom Downs borders the site to the north as well as land associated with equine training. The site is designated within a built-up area but adjoins green belt land. Part of the rear garden is sited within a Nature Conservation Area.

## 5. Constraints

- Built Up Area
- Settlement Edge (Adjoining the Green Belt)
- Nature Conservation Site (rear)
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (low habitat suitability)
- Land Adjacent to Tree Inspections (Epsom Downs House Boundaries)
- Tree Preservation Order 97/T17- Cypress Tree
- Flood Zone 1
- Unclassified Road

## 6. History

6.1. The following applications relate to the site:

App No.	Description	Status
88/00709/FUL	Two storey side extension	Granted 24 February 1989
89/00412/FUL	Conservatory addition at rear	Granted 20 July 1989

## CONSULTATIONS

Consultee	Comments
<b>Internal Consultees</b>	
Trees	Some initial concerns with past felling of trees and ambiguity of Tree Protection Plan and the extent of hardstanding to the frontage of the property but no in-principle objection raised
Highway Authority	No objection subject to conditions

Consultee	Comments
Ecology	No comments received
Waste	No comments received
<b>External Consultees</b>	
Natural England	No comments received
<b>Public Consultation</b>	
Neighbours	<p>The application was advertised by means of notification to 10 neighbouring properties, concluding on 29 August 2024. Six submissions (five objection letters and one neutral comment) were received. They raised the following issues:</p> <p><b>Character and Design</b></p> <ul style="list-style-type: none"> <li>• The scheme fails to harmonise with the surrounding built environment and to integrate with local distinctiveness.</li> <li>• The current proposal, despite its singular block form, reads as three distinct and separate units.</li> <li>• Visually cluttered and overcrowded appearance disrupts the street character.</li> <li>• The rear elevation of the building and its three-storey appearance of the building is overly dominant.</li> <li>• Prevailing scale and elevated massing are out of keeping with the surrounding properties which are predominantly two storey dwellings with modest single storey extensions</li> <li>• Height and bulk appear disproportionate with the context of the immediate area when viewed from neighbouring gardens and rear facing windows. Substantially higher roof line than the current property.</li> <li>• Design and Layout is cramped and over-intensive</li> <li>• Overdevelopment of the site.</li> <li>• Detraction from the spacious and open coherent character of the street scene.</li> <li>• Semi-detached property would be a more appropriate residential scheme.</li> <li>• Detrimental character harm is exacerbated by the removal (completed) of two moderate quality trees.</li> </ul> <p>Officer comment: This is discussed in the body of the report. A different typology of housing has not been proposed and is not relevant to the assessment of the application.</p>

Consultee	Comments
	<p><b>Neighbouring amenities</b></p> <p>Set back of the building will result in an overbearing and dominant form to the neighbouring property of No.73 reducing the enjoyment of its outdoor amenity space and interior rooms.</p> <ul style="list-style-type: none"> <li>• Change in outlook from the neighbouring properties.</li> <li>• Harm to the views from neighbouring properties.</li> <li>• The proposed side windows will result in overlooking of No.73's rear garden and living spaces.</li> <li>• The single storey element of the building breaches the 45-degree line resulting in an unacceptable reduction of daylight and sunlight to No.73 particularly during winter months.</li> <li>• The proposal would result in a substantial reduction of residential amenity of No.73.</li> <li>• Incorrect statement in the submitted daylight and sunlight report in respect to the movement of the sun.</li> <li>• Adverse noise.</li> <li>• Conflict with the Single Plot and Other Types of Residential Infill Development supplementary planning guidance in respect to separation distances.</li> </ul> <p>Officer comment: This is discussed in the body of the report. Overbearing concerns are noted although there is no right to a view.</p> <p><b>Residential amenity</b></p> <ul style="list-style-type: none"> <li>• Private (outdoor) amenity space would be substantially below the 70m2 requirement, especially in the case of No.71A &amp; No.71B.</li> <li>• Substandard level of amenity would fail to meet the needs of families with young children.</li> </ul> <p>Officer comment: A departure with the outdoor amenity space requirement is noted with respect to the rear garden. However, it is complemented by front garden space which, overall, is acceptable. See the body of the report.</p> <p><b>Trees and Ecology</b></p> <ul style="list-style-type: none"> <li>• The submitted arboricultural report identifies potential damage to the protected Lawson Cypress Tree.</li> <li>• Ambiguity about the extent of the Root Protection Area and the canopy spread appears larger than what is shown on the RPA plan.</li> <li>• Potential pruning of the new tree by the new occupiers.</li> <li>• Adverse harm to protected species, namely bats, owls, and woodpeckers.</li> </ul>

Consultee	Comments
	<p>Officer comment: This is discussed in the body of the report. The potential pruning of the Lawson Cypress tree is a hypothetical statement which is not relevant to the determination of the application.</p> <p><b>Highways and Traffic</b></p> <ul style="list-style-type: none"> <li>• Adverse impacts on parking and traffic from the development.</li> <li>• Reference to previous applications and concerns about parking and traffic.</li> <li>• Incorrect statement that there will be an increase in parking provision, with reference to existing parking arrangements and habits.</li> <li>• More vehicle movements adversely impacting on traffic and the environment.</li> <li>• It is not practical for vehicles to park one behind each other and may give rise to further off-street parking.</li> <li>• Concerns that there would be an adverse impact on highway safety.</li> <li>• Construction works and impact on the highway network.</li> <li>• Side parking would be more appropriate.</li> </ul> <p>Officer comment: This is discussed in the body of the report. There are no issues with driveway parking. The applicant's statement on parking provision refers to on-site parking provision rather than off-site. Side parking has not been proposed and is not relevant to the assessment of this application.</p> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Concerns that if planning permission is granted, the scheme won't be built out. Suggestions of a conditional deadline for completion.</li> <li>• Impact on property value.</li> <li>• Incorrect information provided in the application submission.</li> </ul> <p>Officer comment: The LPA cannot impose a mandatory build-out condition, and this would not meet any of the six tests for a condition as set out in paragraph 55 of the NPPF. Property value is not a material planning consideration. The applicants supporting information has been reviewed and is not deemed to be fundamentally inaccurate or misleading.</p> <ul style="list-style-type: none"> <li>• Policy concerns regarding housing delivery within the borough.</li> </ul> <p>Officer comment: Planning policy matters regarding wider housing supply issues are not relevant to determination of this application.</p>

Consultee	Comments
Ward Member	<p>The application has been called in to planning committee by Councillor Bernice Froud who raises the following concerns:</p> <ul style="list-style-type: none"> <li>• Impact on the neighbouring amenities of No.73 Rosebery Road.</li> <li>• Substandard amenity space provision.</li> </ul> <p>Officer comment: This is discussed in the body of the report.</p>

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Housing and Planning Act 2016
- 7.4. Levelling-Up and Regeneration Act 2023
- 7.5. Community Infrastructure Levy Regulations 2010

### 8. Planning Policy

- 8.1. National Planning Policy Framework 2023 (NPPF)
  - Section 2: Achieving Sustainable Development
  - Section 4: Decision-Making
  - 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 and Beautiful Places
  - Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
  
- 8.2. 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 CS12: Developer Contributions to Community Infrastructure
  - Policy CS16: Managing Transport and Travel
  
- 8.3. 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 DM19: Development and Flood Risk
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards
- Policy DM38: Rear Servicing

## 9. Supporting Guidance

- 9.1. National Planning Policy Guidance (NPPG)
- Biodiversity Net Gain (draft)
  - Climate Change
  - Community Infrastructure Levy
  - Design: Process and Tools
  - Determining a Planning Application
  - Effective Use of Land
  - Noise
  - Tree Preservation Orders and Trees in Conservation Areas
  - Use of Planning Conditions
- 9.2. Supplementary Planning Documents and Guidance
- Single Plot and Other Types of Residential Infill 2003
  - Parking Standards for Residential Development Supplementary Planning Document 2015
  - Surrey County Council Vehicular and Cycle Parking Guidance 2018
  - Surrey Transport Plan 2022–2032
  - Sustainable Design Supplementary Planning Document 2016
- 9.3. Other Documentation
- Solar Panel Guidance Note for Domestic Installation 2011
  - Technical Housing Standards – Nationally Described Space Standards 2015
  - Community Infrastructure Levy Charging Schedule 2014
  - Housing and Economic Development Needs Assessment (HEDNA) 2023

## PLANNING ASSESSMENT

### 10. Presumption in Favour of Sustainable Development

- 10.1. Paragraph 11 of the NPPF 2023 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.

- 10.2. Paragraph 11(d) of the NPPF 2023 is engaged where 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.

## **11. Principle of Development**

### **11.1. Location of Development**

- 11.2. The site is located within the built-up area of Langley Vale 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.

### **11.3. Housing Delivery**

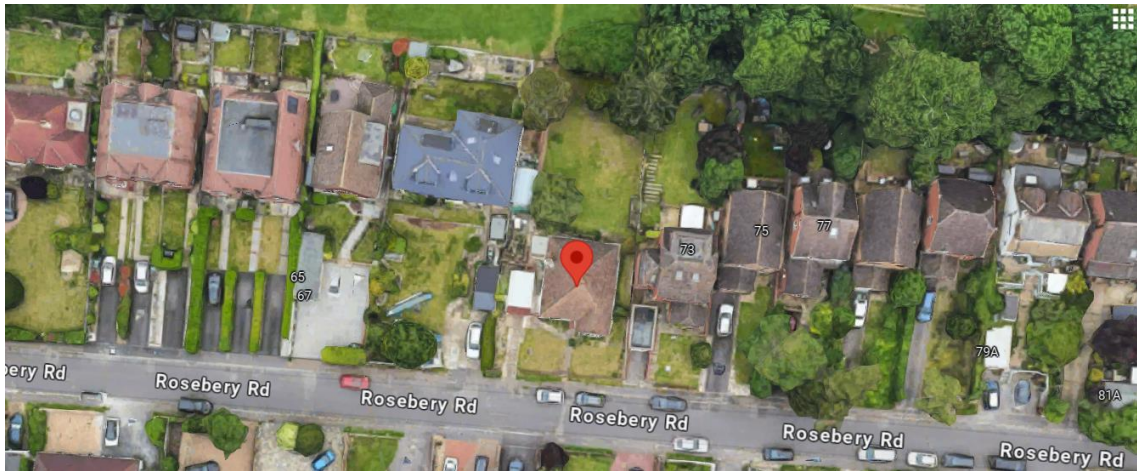
- 11.4. Paragraph 60 of the NPPF Paragraph 60 aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. The Council's housing targets are contained in Policy CS7 of the CS, which is updated via the Council's Housing and Economic Development Needs Assessment 2023 (HEDNA).
- 11.5. The Council has calculated its five-year housing land supply position as being 1.56 years. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply. The proposal will make a modest contribution to improving housing delivery within the Borough given the provision of two additional family sized dwellinghouses on the site.

## **12. Design and Character**

### **12.1. Built Form, Pattern and Layout**

- 12.2. Paragraphs 129, 135 and 139 of the NPPF 2023 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.

- 12.3. On the northern side of Rosebery Road there is no distinct and uniform pattern of development. Some buildings are cited centrally within the plot or set back a considerable distance from the frontage whereas others are sited further forward. There is no consistent building line, the layout of buildings appears somewhat sporadic.
- 12.4. There is also a stark difference between the set back of some properties on Rosebery Road to each other. For example, there is a substantial 14m distance between the frontage of the existing property and No.69. A similar relationship can also be identified between properties such as No.57 and No.59.



- 12.5. The existing bungalow is sited well forward of the building line. The coverage of development on the plot is modest but openness and spaciousness is not the predominant character. Parking is typically located to the front of properties across single bay width with soft landscaping infilling the rest of the frontage.
- 12.6. The proposed development will be sited at least 14.5m from the site frontage which is around 8.3m further back than the existing dwelling. The building will have a stepped nature and will be sited slightly further forward than No.71 and around 7m further back from No.73's building line.
- 12.7. The set back of the new building would more closely align to the prevailing building line of the immediate row of surrounding properties. Whilst the difference in the building line between the proposal and No.73 is recognised, given the variation discussed this will not result in harm to the character or built pattern of the proposed development.
- 12.8. The individual three plots would be relatively narrow. Yet, they are not as narrow as the terraced dwellings on separate plots at No. 63-65b and at Nos. 97-109, all of which offer an appropriate level of internal amenity. There is therefore recent precedent in close proximity.

12.9. In terms of development coverage on the site, the existing dwelling and incidental buildings accord for 17% of the site area compared to 26% for the proposed dwelling respectively. A 9% increase of on-site built form is modest and the development coverage of 26% is not dissimilar to other plots in the surrounding area. For instance, No.65a – No.65c, has a development coverage of 27% of the site area.

12.10. The proposal affords suitable separation distances from the side flanks to the side boundaries of the neighbouring properties; 1.6m to the western boundary and 1.7m to the eastern boundary. Linear rear gardens will also be maintained in a similar layout to other properties. In light of these findings, the proposal does not result in the overdevelopment of the site.

**12.11. Density**

12.12. 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 limited to 40 dwellings per hectare or higher where there is good site sustainability and it conforms to the surrounding townscape.

Planning unit	Dwellings	Dwellings per hectare
Existing site	1	13.3
Proposed site	3	40
Surrounding area		27.5

12.13. The proposal is policy compliant in the proposed housing density does not exceed 40 units per hectare. It is also broadly consistent with the surrounding area, which includes a density of 55-66 dwellings per hectare within the examples cited above. This illustrates the acceptability of the scale and typology of the scheme in this locality.

**12.14. Scale, Size, Height, Form, and Activity**

12.15. The proposal comprises of a large two storey-built form separated into three equally sized terraced dwellings. From No.71c to No.71b and No.71a there will be stepped back nature to the building and three two storey gable features on the front façade of each dwelling.

12.16. The development comprises a proportionate pitched roof main form that reaches a maximum ridge height of 8.8m and an eaves height of 5.4m. The width of the building will be maintained at 14.3m and at a depth of 13.7m with an overall footprint of 195m<sup>2</sup>.

12.17. In respect to design and architectural styles, there is considerable variety on Roseberry Road. Many adopt a standard pitched style, others adopt hipped roof forms, and there is a mix of typologies such as detached, semi-detached, terraces, and flatted units, and design forms such as dormers or bay windows.

- 12.18. Concerns have been raised from the consultation with the adverse design impacts of the stepped back building along with its excessive scale and height.
- 12.19. It is acknowledged that the steeped back nature of the building results in reduced architectural cohesiveness of the structure. However, some of the properties on Rosebery Road have adopted side extensions of a variety of sizes, so this design style is not necessarily absent or alien to the character of the area. Furthermore, each of the dwellings have an equal proportions and the same design features ensuring coherence and visual symmetry. Given the distance of the building line from the frontage, it is also likely that the step back will appear somewhat inconspicuous or less prominent from the street scene.
- 12.20. In respect to building height, the proposal will have a consistent ridge line of 8.8m above ground level. While a pitched roof form exacerbates bulk and massing, there are appropriate separation distance between the side flank of the proposal and the side flank of the neighbouring properties, maintaining views between properties. Furthermore, the proposal would only be slightly taller than the neighbouring property No.73 and is not as tall as some of the properties on the northern side of Roseberry such as No.87 & No.87a (in excess of 10m).
- 12.21. As such, the proposal will not appear visually dominant or oppressive when viewed in conjunction with the neighbouring properties or the street scene.
- 12.22. The gable design features are proportionate to each other and the building and add articulation. They also integrate well into the overall design, whilst contributing to the character of surrounding terraced dwellings (No.63 – No.65b). Roof lights and solar panels are common features on the front roof plane.
- 12.23. The design additions to the rear are not excessive or out of keeping. Dormers are sited centrally and form within the centre of the roof slope; away from the eaves line, below the ridge, and appropriate distance from the side of the roof. The first floor of the proposal projects five metres further than the proposal although there a similar distance separating the side flanks of the development and the neighbouring property. This will mitigate any concerns of visual dominance of the proposal to the rear of the building.
- 12.24. The single storey extensions are modest in size and scale. The overall depth of the proposal is substantial but is similar to many properties in the immediate surrounding area.

### **12.25. Materiality**

12.26. Section 6.29 of the application form states that primary materials used will be brickwork, clay roof tiles, and metal/ UPVC rainwater goods. Windows will comprise of double or triple glazed uPVC aluminium frames.

12.27. While there is some detail there is some ambiguity with the materials selected. Moreover, the external cladding for the gables and dormers has not been specified. As such, it is necessary to impose a pre-commencement condition to ensure that confirmed materials are specified and deemed acceptable by the local planning authority.

### **12.28. Landscape Character**

12.29. Paragraph 180 of the NPPF 2023 requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

12.30. There will be a significant change to the landscape character to the front of the site because of the introduction of two additional driveways. However, given the set back of the new building, there is also an opportunity to enhance landscape and biodiversity features to the front of the site, offering improvements to the streetscene.

12.31. The site plan provided shows an indicative landscaping plan showing provision of two parking spaces per dwelling, one behind another. The space either side will be laid to hardstanding, albeit permeable. Planting beds are proposed along each boundary, with their depth increased in the most recent plans. This arrangement is not necessarily uncommon for the surrounding area (a similar amount of greenery is proposed to No.63 – No.65b) though hardstanding is still prominent. There is an objection raised on this point by the Council's Tree Officer. The overall impact on the streetscene is minor but still weighs in the planning balance. Notwithstanding, a condition requiring hard and soft landscaping details allows for improvements to this layout prior to the commencement of the development.

12.32. The applicant also proposes tree and hedgerow planting to the rear with soft landscaping making up the majority of the rear gardens. The Tree Officer has raised some initial concerns that tree and hedgerow planting may not be achievable, mostly with respect to the soil type and planting pits. However, this would not be fatal to the application insofar as there is adequate growing space and species selection can be considered. The past removal of two conifer trees within the subject site were Spruce trees. Replanting is conditioned which will need to generate viable tree that mitigate the loss of existing tree features in terms of canopy cover.

12.33. Overall, with a relatively extensive landscape scheme and limited detail or specifications, it will be conditioned that a hard and soft landscaping scheme is submitted prior to commencement of the development. This would extend to boundary treatments.

### **12.34. Sustainability in Design**

12.35. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.

12.36. 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.

12.37. Paragraph 125 of the National Design guide states that well designed homes and buildings are efficient and cost effective to run. They help to reduce greenhouse gas emissions by incorporating features that encourage sustainable lifestyles. They have good ventilation, avoid overheating, minimise sound pollution and have good air quality, while providing comfort personal control for their users.

12.38. A selection of sustainability measures has been set out in the submitted Planning, Design and Access Statement. This includes the installation of a PV Solar Panel System, Air and Ground Source Heat Pumps, and water efficiency measures. These measures are satisfactory but not enforceable as the documentation does not indicate that it will be delivered. As such, delivery of these requirements are conditioned.

## **13. Trees and Landscaping**

13.1. Paragraph 136 of the NPPF 2023, 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.

13.2. The Lawson Cypress tree in the rear garden of No.73 (T4 on the arboricultural documentation) is subject to Tree Preservation Order (97/T17) though there is some ambiguity with the Council's records. Nonetheless, the Council's Tree Officer views this as an unremarkable C category tree as classified under the BS 5837 quality assessment. It is formed of 3 separate stems the largest of which is approximately 420mm in diameter at 1.4m above ground level. This gives a root protection radius of 5.1m. The closest of the proposed dwellings has a clearance of approximately 9.5m from the tree which is comfortably outside the root protection area. A condition is applied requiring compliance with the tree

protection plan and methods contained within the arboricultural report produced by Ecology Resources dated March 2024.

- 13.3. There are no level details on the arboricultural implications plan, though providing the rear garden follows the land contours there should be no risk of root damage. Site levels are conditioned as assurance.
- 13.4. The dominance and shading of the Cypress tree could be kept under control by the recommended periodic pruning thus not prejudicing the use of the subject sites. Overall, no objection is raised in relation to protection of existing trees.

#### **14. Quality of Accommodation**

##### **14.1. Internal Amenity**

- 14.2. Paragraphs 135 and 162 of the NPPF 2023, 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, including with respect to layout, orientation, and massing.

<b>Unit</b>	<b>Beds</b>	<b>Aspect</b>	<b>Orientation</b>	<b>Depth</b>
71A	3	Northern	West - East	13.7m
71B	3	Northern	West – East	13.7m
71C	3	Northern	West - East	13.7m

- 14.3. All the properties on the northern side of Roseberry Road are north facing. It is presumed that many of these buildings are set back from the frontage of the plot to maximise daylight to modest-sized front gardens and natural light to front windows.
- 14.4. The ground floor lounge and first floor bedrooms to the front of the building will be provided with a considerable level of natural light throughout the day.
- 14.5. To the centre of the ground floor, the front of the kitchen is situated less than 8m from the bi-fold doors to the rear of the property. Even though the properties would have a north facing garden, an acceptable level of natural light and air would pass through to this area.
- 14.6. Bedrooms 1 and 3 to the rear of the building host large windows which will also allow acceptable internal amenity provision.
- 14.7. The development is functional as a family home and has been provided with appropriate facilities to accommodate such occupiers. No objections are raised.

##### **14.8. Internal Space**

- 14.9. 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 11.5m<sup>2</sup> and a single bedroom is required to have a floor area of at least 7.5 m<sup>2</sup>.

Unit	Beds	Persons	Floorspace	Required	Complies
71A	3	5	114m <sup>2</sup>	99m <sup>2</sup>	Yes
71B	3	5	118m <sup>2</sup>	99m <sup>2</sup>	Yes
71C	3	5	114m <sup>2</sup>	99m <sup>2</sup>	Yes

Unit	Beds/ Persons	Bed 1	Bed 2	Bed 3	Storage	Complies
71A	3B/5P	14m <sup>2</sup>	14m <sup>2</sup>	13m <sup>2</sup>	>3m <sup>2</sup>	Yes
71B	3B/5P	14.5m <sup>2</sup>	14.5m <sup>2</sup>	14m <sup>2</sup>	>3m <sup>2</sup>	Yes
71C	3B/5P	14m <sup>2</sup>	14m <sup>2</sup>	13m <sup>2</sup>	>3m <sup>2</sup>	Yes

14.10. The proposal complies with technical standards and no objection is raised.

#### 14.11. Outdoor Space

14.12. 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 70m<sup>2</sup>.

Unit	Beds	Provided		Required		Complies
		Depth	Area	Depth	Area	
1	3B/5P	8.4m	43m <sup>2</sup>	10m <sup>2</sup>	70m <sup>2</sup>	No
2	3B/5P	10.2m	49m <sup>2</sup>	10m <sup>2</sup>	70m <sup>2</sup>	No
3	3B/5P	12m	78m <sup>2</sup>	10m <sup>2</sup>	70m <sup>2</sup>	Yes

14.13. Unit 71C does comply with the local plan policy standard whereas Units 71A & 71B do not meet the standard by a substantial level.

14.14. Notwithstanding, although not fully private, the front garden amenity space should be taken into consideration. As with many other properties on the northern side of Rosebery Road, the sun's orientation is maximised at the front of the property rather than to the north facing rear.

14.15. The shortfall of amenity space to the rear of the properties can be outweighed by the amenity provision on the frontage of the site. Furthermore, the outdoor amenity space provided is not dissimilar to many other properties on Roseberry Road.

- 14.16. The underlying conclusion is that whilst not policy compliant, the proposal does not result in a substandard level of amenity for future occupants. However, it is still prudent to remove permitted development rights with respect to rear extensions (Class A) and outbuildings (Class E) to protect the level of rear amenity space.

## 15. Neighbour Amenity

- 15.1. 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 191 of the NPPF 2023 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.

- 15.2. The main properties that will be impacted by the proposal are the two immediate neighbours, No.73 and No.69. Noise impacts are also discussed.

### *No.73 Rosebery Road*

- 15.3. The main concern arisen from the public consultation is that the setback of the development on the plot would appear visually dominating and overbearing from the neighbouring property and would result in adverse overshadowing impacts from the garden.

- 15.4. Leading out from rear bi-fold doors of the neighbouring property is a rear patio with a retaining wall and a small area of grassland. Steps lead out to a garden area beyond. When stepping out the rear patio doors, the extension would be visible from a western outlook. However, the central view across the rear garden would be largely unobstructed given the separation distances between the properties. The majority of the garden remains open.

- 15.5. The single storey element will retain a 1.6m distance between the boundary and will be partially obscured by hedge planting along the eastern boundary of the site. Given that the area adjacent is predominantly used as side access to the main garden and is not the primary patio space, there are no concerns that the single storey extension is detrimentally harmful.

- 15.6. The first floor of the proposal would project 5.4m from the rear building line of its neighbour but a 4.6m separation distance would be maintained between both side flanks. The new ridge line of No.71C would align with the rear building line of the neighbour, reducing height as the first-floor depth extends.

- 15.7. There is a similar relationship between the first floor set back of No.75 to No.73, with a much smaller separation distance between both properties. These relationships described are common on the northern side of Rosebery Road. Much of the issue arises from the inconsistency in the

building line rather than any unsatisfactory elements of the subject proposal.

- 15.8. As a result, the proposal will not appear visually dominant and overbearing to the neighbouring property. The respectable separation distances observed will limit a sense of enclosure to an acceptable extent.



- 15.9. The ground floor rear elevation window nearest to the boundary shared with No.71C is the only one which is likely to be impacted by the development in terms of overshadowing, as well as part of the rear garden. The ground floor windows on the western side extension of the building are screened by existing vegetation and will not be impacted by the development.
- 15.10. A daylight and sunlight report has been provided to support the application. In Section 6 of the report, the daylight findings indicate that three individual windows, serving two rooms of 73 Rosebery Road, fall short of the BRE guidance in terms of breaching the 25-degree angle of the horizontal which is taken from the ridge line of the proposal. However, the report highlights that both of these rooms are served by multiple windows. The report also finds that the Vertical Sky Component (VSC) for the rooms affected meets BRE guidance.
- 15.11. The LPA have reviewed the findings and can confirm the results are accurate. However, the 25-degree angle taken from the horizontal is only applicable to one kitchen/living room windows of No.73. It is agreed that the daylight level within the rooms will not be adversely impacted by the development.
- 15.12. Section 7 informs of a sunlight analysis which has been undertaken, confirming accordance with BRE Guidance. For the first floor of No.71C, the 45-degree rule is not breached on plan or elevation form. The rule is breached on plan form for the single storey extension element, but this

would not be the case on elevation form given the separation distances within the property and modest height.

- 15.13. In terms of analysing the pathway of the sun and the impact on garden amenity of the neighbouring occupiers, in the winter months there would be no loss of afternoon sunlight for the occupiers of No.73. In the summer months, there would be little to no effect to the garden of the neighbouring property. The sun will be higher in the sky for longer during the afternoon and will be in the pathway of sunlight to the property during the evening. Furthermore, the impact of the development and the pathway of the sun is not too dissimilar to existing plot, albeit the existing property is not two storey.
- 15.14. The findings of the report reveal that the main rear garden of the proposal retains 93% of its current amenity, and the LPA agree that this is accurate. While there will be a marginal impact on overshadowing of the neighbouring, this is not deemed to result in detrimental material harm.
- 15.15. In terms of overlooking, there is one proposed first floor side window on No.71C which serves a staircase. To mitigate against potential impacts of overlooking it will be conditioned that this window is obscurely glazed and fixed shut.
- 15.16. The first and second floor windows in the rear elevation will face directly towards the rear garden, only resulting in oblique views of the neighbouring property. This will not result in detrimental harm.

*No.69 Rosebery Road*

- 15.17. The proposal does not extend further than the rear building line of No.69 and therefore it is not anticipated that there will be any overshadowing or overbearing impacts.
- 15.18. In respect to overlooking, one window is proposed on the first floor and one on the second floor of the eastern side elevation of Unit 71A. The first-floor window will serve a bathroom. The second-floor window will serve a bedroom yet is not the primary window for the habitable room. As such, it is appropriate to impose a condition to ensure these windows are obscurely glazed.
- 15.19. The first and second floor windows in the rear elevation will face directly towards the rear garden, only resulting in oblique views of the neighbouring property. This will not result in detrimental harm.

*Noise*

- 15.20. The additional noise impacts foreseen from an additional two small family-dwellinghouses in an existing residential area on an appropriately sized plot is not deemed to be detrimentally harmful to neighbouring occupants.

## **16. Parking and Access**

16.1. 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.

### **16.2. Car Parking**

16.3. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for two parking spaces for a 3-bed dwelling. Parking spaces are to be 2.4m x 4.8m or 3m x 5.5m within a garage.

16.4. The proposal involves the creation of six parking spaces to the front of the site - two for each of the three dwellings, and they will be sited one behind each other on each plot. The scheme is compliant in this regard and meets the required space standards. There are no issues with the stacked arrangement, which is commonplace in a residential setting.

16.5. Provision of one electric vehicle charging point per dwelling will be conditioned as part of the decision notice.

### **16.6. Cycle Parking**

16.7. 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.

16.8. The Highways Officer has recommended a cycle storage condition. However, cycle storage provision has been provided as part of the development proposal in safe and secure areas of the site. Compliance is the only conditional requirement.

### **16.9. Pedestrian and Vehicle Access and Manoeuvrability**

16.10. Paragraph 114 of the NPPF 2023 requires safe and suitable access, paragraph 115 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 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles.

16.11. Access onto the highway has not been shown for two of three dwellings but it is achievable and this does not prevent the Council from recommending approval. A separate planning consent to carry out dropped kerb works to the existing access is required which is on Surrey

County Highway land. There is no in-principle objection to this via a Section 278 Agreement. Reversing onto the road is acceptable on account of its unclassified status.

#### **16.12. Traffic Generation**

16.13. The traffic generated by four additional cars is not foreseen to have adverse implications on the highway network. The Highway Authority have not objected on these grounds.

#### **16.14. Construction Management**

16.15. Concerns have been raised that the construction works from the proposal will adversely impact the amenities of neighbouring properties. Development works are only temporary, and a construction management condition will be imposed to ensure any adverse impacts of works will be adequately mitigated.

### **17. Ecology and Biodiversity**

#### **17.1. Ecological Impact**

17.2. Paragraphs 180 and 186 of the NPPF 2023, 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.

17.3. An ecological survey was submitted with the application which indicates that the demolition of the existing building is unlikely to affect bats or other protected species.

17.4. The site is within a SSSI Impact Risk Zone Area. However, due to the minor nature of the proposal and as the site is in built-up area with low ecological status, there is no foreseeable harm to protected species and no objection raised. An informative is included to cease works if protected species are encountered during construction.

17.5. No ecological enhancement opportunities have been specified. This will also be added as a prior to occupation condition.

#### **17.6. Biodiversity Net Gain**

17.7. Schedule 7A of the Town and Country Planning Act 1990 and Section 180 of the NPPF require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient

to current and future pressures with the overall intention to deliver a more or better-quality natural habitat than there was before development.

- 17.8. The application was accompanied by a BNG Assessment and Metric Tool. A Baseline Assessment has been undertaken which identifies that the proposal results in a net loss of 95.02% of Biodiversity Units on site. This includes the additional hedgerow units added to the landscaping proposal.
- 17.9. The applicant has indicated that the 10% biodiversity net gain will be delivered as off-site contributions. There is no objection by the local authority to this as it appears the most realistic outcome and a s106 legal agreement will be agreed.

## **18. Flooding and Drainage**

### **18.1. Flood Risk and Vulnerability**

- 18.2. Paragraphs 165 and 173 of the NPPF 2023, 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.
- 18.3. The site is within Flood Zone 1 and is unlikely to be susceptible to adverse fluvial flood risk or represent an increase in vulnerability.

### **18.4. Sustainable Drainage**

- 18.5. Paragraph 173 of the NPPF 2023, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 18.6. No sustainable urban drainage scheme has been provided and given the increase in the footprint of building works in a different location on the site, it is necessary to impose a condition in this regard. The site is not within a critical drainage area and a sequential test is not required.

## **19. Refuse and Recycling Facilities**

- 19.1. 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 6m 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.
- 19.2. Refuse storage will be located in the eastern corner of the front of the site, an appropriate distance away from the highway for ease of collection and storage. There are no objections to this arrangement.

## **20. Accessibility and Equality**

- 20.1. 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 dwellings have ample space at the frontage for accessible parking provision and the plans indicate that level access into the dwelling could be achievable with very minor modifications. The proposal exhibits adaptable credentials in terms of building regulations and no objection is raised.
- 20.2. 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.
- 20.3. There would be no adverse impacts because of the development.

## **21. Planning Obligations and Community Infrastructure Levy**

- 21.1. Paragraphs 55 and 57 of the NPPF 2023 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. Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 21.3. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments because it involves a net increase in dwellings. It is payable at £125/m<sup>2</sup> index linked.

## **CONCLUSION**

## **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 8 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. Economic Considerations**

- 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. This benefit is given moderate weight in the planning balance. Additionally, there are minor economic benefits associated with the construction phase.

#### **22.6. Social Considerations**

- 22.7. The proposal would deliver family sized dwellings in an appropriate neighbourhood. This attracts limited to minor weight in the planning balance.

#### **22.8. Environmental Considerations**

- 22.9. The proposal results in a satisfactory design that will not harm the character, appearance, or visual amenity of the surrounding area. The building's set back and positioning on the plot, and its height, scale, and form is not dissimilar to properties in the surrounding area.
- 22.10. The impact on landscape character is of some minor detriment that weighs negatively in the balancing exercise though it is minor in its nature.
- 22.11. The overall quality of accommodation is acceptable to serve the future residential occupiers. Despite a shortfall of garden amenity space, compensatory front garden amenity space is welcomed.
- 22.12. The assessment has demonstrated that there will be limited impacts of the development on the immediate neighbouring properties which is not unacceptable but given the net change in built form, there is minor weight applied to this impact.

#### **22.13. Conclusion**

- 22.14. The adverse impacts attract minor weight and would not significantly and demonstrably outweigh the benefits of additional housing when assessed against the NPPF as a whole. The application is recommended for

approval subject to a section 106 legal agreement and planning conditions.

## RECOMMENDATION

### PART A

To grant planning permission subject to a S106 Legal Agreement with the following Heads of Terms:

- a) BNG delivery and monitoring

and the following conditions and informatives:

### PART B

If the Section 106 Agreement referred to in Part A is not completed by 07 February 2025, 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, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015.”**

## CONDITIONS

### 1) Timescale

The development hereby permitted shall be commenced within three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

### 2) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plans numbered 10:010 C, 10:011 A, 10:012 A, 10:013 A, 10:014 A, 10:015 A and 10:016 A.

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

**3) Materials**

Prior to the commencement of the development, materials to be used in the construction of the external surfaces of the extension be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

**4) Hard and Soft Landscaping details**

No development shall take place until full details, of both hard and soft landscape proposals, including details of the design and external appearance of the boundary treatment and 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 within the first planting season after 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.

**5) Site Levels**

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

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

**6) Sustainable Urban Drainage System (SUDS)**

No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the occupation of the building and thereafter retained in that condition.

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.

**7) Biodiversity Enhancements**

No development shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter maintained.

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

**8) Sustainability details**

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

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Section 15 of the National Planning Policy Framework and Policy CS6 of the Core Strategy 2007.

**9) Compliance with Arboricultural Report**

Prior to the commencement of the development (including demolition) hereby permitted, tree protection for all retained trees at the site and on adjacent land shall be installed in accordance with protection plan and methods contained within the arboricultural report produced by Ecology Resources dated March 2024 and BS5837:2012.

The fencing shall protect the root protection area calculated as described in Table 2 of that British Standard for the duration of all site works undertaken in connection with the development. No service runs shall be provided within the root protection area of any tree to be retained at the site or on adjacent land unless details are submitted to and approved by the local planning authority.

Protective fencing shall be 2.4m high and conform to Figure 2 of BS5837:2012 i.e., a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of

3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

Unless otherwise shown on the drawings hereby approved, no tree within the curtilage of the site shall be wilfully damaged or destroyed and no tree shall be removed, lopped, topped, felled, or uprooted during the construction of the development hereby approved.

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

#### **10) Construction Transport Management Plan**

No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary security hoarding behind any visibility zones
- (f) wheel washing facilities
- (g) measures to control the emissions of dust and dirt during construction
- (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works
- (i) hours of operation.

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 in accordance with Policy CS16 of the Core Strategy 2007 and Policy DM35 of the Development Management Policies Document 2015.

#### **11) EV Charging**

The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with the Access and Servicing Strategy set out in the approved proposed site access & servicing plan (ref: 0603A) and the details set out on page 36 of the approved Design & Access Statement (ref: PROPOSAL (DAS Part II)).

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF 2023 and to accord with Policies DM36 (Sustainable Transport for New

Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

**12) Provision of Car and Cycle Parking**

The development hereby permitted shall not be first occupied until the car parking spaces and cycle parking/storage has been provided in accordance with the approved plans. The car parking shall thereafter be used for no purpose other than the parking of vehicles and turning.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Section 9 of the National Planning Policy Framework 2023, Policy CS16 of the Core Strategy 2007 and Policies DM35 and DM37 of the Development Management Policies 2015.

**13) Working Hours**

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 2015.

**14) No Roof Gardens**

The roof of the single storey rear extension hereby permitted shall not be used as a terrace, balcony, or similar amenity area.

Reason: To safeguard the privacy of the occupants of adjoining properties in accordance with Policy DM10 of the Development Management Policies 2015.

**15) Obscure Glazing**

The first-floor window in the western side elevation, the first floor side window in eastern elevation, and the second floor side window in the eastern elevation of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut unless the parts of the window/s which can be opened are more than 1.7m above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupants of adjoining properties in accordance with Policy DM10 of the Development Management Policies 2015.

**16) Removal of Permitted Development Rights**

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

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

**17) Provision of Access**

The development hereby approved shall not be commenced until an application for dropped kerbs serving all three dwellings has been submitted to and approved by the local planning authority. Thereafter, the respective dwellings shall not be occupied until the approved details have been fully implemented.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

**Informatives**

**1) Section 106 Agreement**

This permission should be read in conjunction with the legal agreement dated # under section 106 of the Town and Country Planning Act, the obligations in which relate to this development.

**2) Biodiversity Net Gain**

The applicant is reminded of their obligations to deliver mandatory biodiversity net gain on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990, including (a) submitting a Biodiversity Gain Plan that accords with the National Planning Practice Guidance and the approved BNG Assessment and Metric Tool; and (b) not operating prior to a completion report being agreed by the local planning authority.

**3) Positive and Proactive Discussion**

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.

**4) Building Control**

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.

**5) Working Hours**

When undertaking building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

**6) Party Wall Agreement**

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 or 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.



**7) Highway Works**

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 or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).

**8) Wheel Washing**

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) Damage to Highway**

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) Encroachments**

No part of the development including foundations or guttering, shall encroach upon the adjoining property.

**11) Protected Species**

The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

**12) Separate Permission**

This consent does not grant planning permission for the dropped kerb or works to the highway, for which separate permission is required under the Town and Country Planning Act 1990.

**13) Changes to the Approved Plans**

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.