

The Roveries, 53 – 63 Cox Lane West Ewell Surrey KT19 9NR

Demolition of derelict dwelling house and erection of ten flats (four studios, four 2-bed and two 3-bed) in a three storey building with seven parking spaces.

Ward:	Ruxley
Contact Officer:	John Robinson

1 Plans and Representations

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

Link:<http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O7MMMZGYL9200>

2 Summary

- 2.1 This application proposes the demolition of a derelict dwelling house and the erection of ten flats (four studios, four 2-bed and two 3-bed) in a three storey building with seven parking spaces.
- 2.2 The application has been submitted to committee at the request of the Ward Councillor Jan Mason because of concerns about parking levels and the height of the building.
- 2.3 The application is recommended for APPROVAL.

3 Site description

- 3.1 The application site which has an area of 0.07ha is located at the north western end of Cox Lane, close to the junction with Pemberley Close. The site is largely overgrown with small trees and shrubs and is currently occupied by a vacant two storey dwelling which is in a state of disrepair.
- 3.2 The site is located along the historic route of Cox Lane. Cox Lane was re-routed in conjunction with the development of the area as a residential suburb, but the original route remained the main access to the site. The properties to the east of the site are also accessed by the original Cox Lane, whereas beyond the application site to the west, the old road is now totally overgrown and impassable.

- 3.3 Newer residential properties are located to the south, west and east of the site. To the immediate south is a modern housing estate, with a mixture of 2-storey terraced houses (backing onto the application site) and a 4-storey apartment building (slightly further to the south). To the west is a 2-storey terrace. A single-storey detached dwelling is located on the plot to the immediate east. To the north, the site is bounded by a green sward, beyond which is (the re-routed) Cox Lane.

4 Proposal

- 4.1 This application seeks permission for the demolition of a derelict dwelling house and the erection of ten flats (four studios, four 2-bed and two 3-bed) in a three storey building with seven parking spaces.
- 4.2 The new flat-roofed, three-storey building would have a roughly square footprint, set centrally on the rectangular site. It would be setback some 4.5m from the (rear) northern boundary, 12m from the front (southern boundary) and 1.3m/1m from the respective western and eastern flank boundaries.
- 4.3 Vehicular and pedestrian access would be via (the currently unpaved) Cox Lane. Additional pedestrian access would be provided along the site's northern boundary.
- 4.4 Private amenity space for the ground floor units as well as communal amenity space would be provided.
- 4.5 The building would be of contemporary style and the western and eastern flank elevations would incorporate "green walls", with planting growing on wires attached to the facades. The southern (front) and northern (garden) elevations have been designed as shallow curves, clad in timber, with small rendered elements. A brick internal layer which would sit behind the overall white rendered "shell". These elevations would be further articulated by steel-framed projecting balconies.
- 4.6 It is proposed to provide 7 parking spaces to the front of the building, and a bicycle storage facility. Refuse storage would also be located in the frontage area, adjacent to the parking area.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 32 neighbouring properties, a press and site notice. To date (31.08.2016) 7 letters of objection have been received regarding:
- Impact on ecology
 - Out of character
 - Lack of parking
 - Overlooking.

6 Consultations

- 6.1 County Highway Authority: No objections. The access road to the property is not adopted highway and the proposed increase in traffic using the access is negligible and would not cause a severe impact on the surrounding highway network. Notes that there appears to be a shortfall of spaces for the development. (see officer comments below at para 9.15).
- 6.2 Tree Officer: No objection. Two low quality trees proposed to be felled.
- 6.3 Contaminated Land Officer: Please place a contaminated land informative on any consent granted due to the fact that the property is situated adjacent to a site formerly occupied by a scrapyards.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/00489/FUL	15.12.2015	Demolition of existing dwelling house and erection of 8 flats in a two-storey building with associated parking spaces. (Description amended 16.09.2015)	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 7: Requiring Good Design

Core Strategy 2007

Policy CS1	General Policy
Policy CS3	Biodiversity and Nature Conservation
Policy CS4	Open spaces and green infrastructure
Policy CS5	Built Environment
Policy CS6	Sustainable Development
Policy CS7	Housing Provision
Policy CS8	Housing Location
Policy CS16	Highways

Development Management Policies Document 2015

Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM 20	Environmentally Sustainable Development Standards/ Renewable Energy
Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM10	Design requirements for new developments
Policy DM11	Housing Density
Policy DM12	Housing standards

Policy DM35 Transport and New Development

Supplementary Planning Guidance

Sustainable Design 2012

Parking Standards for Residential development 2015

9 Planning considerations

Principle of Development

- 9.1 The principle of demolishing the dwelling and the redevelopment of the site has been established through the extant permission (15/00489/FUL) for the erection of eight flats in a two-storey building with associated parking spaces.
- 9.2 The redevelopment of this site within an already developed residential area is an appropriate and sustainable location for such development and in principle accords with the policies contained within national and local planning policy.

Visual Impact

- 9.3 The building would have an overall height of 8.64m; around 2.3m higher than the ridge height of the adjoining terrace to the west.
- 9.4 The difference in height between the new building and the adjacent terrace is considered to be acceptable as the top floor would be set back. This would reduce the perceived massing of the building and in any event the building would not be visible in the street scene due to the extensive vegetation/trees along the highway and flank boundaries.
- 9.5 The southern (front) and northern (garden) elevations, which are designed as shallow curves, would reduce the apparent depth of the building as seen from the east and west.
- 9.6 The predominant use of timber cladding (with “green” flank walls) has been carefully considered and detailed, albeit in a contemporary manner. This combination of materials would help to integrate the new building with the retained and proposed landscaping.
- 9.7 It is therefore concluded that the proposed scheme in terms of its design, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with Policy DM9 and DM10.

Residential Amenity

- 9.8 The front elevation of the proposed scheme would face the rear elevations of the properties in Pemberley Close and Pemberley Chase at a distance of some 20m. This is considered adequate to avoid significant loss of privacy. (It is also noted that existing trees along the boundaries of the affected properties would provide an additional element of screening).

- 9.9 The shallow curved footprint of the front and rear elevations would prevent the new building from conflicting with a 45-degree outlook angle subtended from the nearest ground floor windows of the adjoining properties.
- 9.10 Translucent glazed screens to the terraces on the top floor would prevent overlooking to the neighbouring properties.
- 9.11 A condition requiring the upper floor flank windows to be obscurely glazed would prevent any overlooking of the gardens of the affected adjoining properties.
- 9.12 The proposed scheme would therefore accord with Policy DM10.

Amenity Space

- 9.13 Access to private amenity space for the ground floor flats (Nos 3 and 4) would be provided, whilst flats 1 and 2 would have balconies. First floor flats would also be provided with balconies, and top floor flats would have access to private terraces. Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation, and would comply with the requirements of policy DM12 for amenity space for flatted developments.

Parking/Access

- 9.14 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”.
- 9.15 Seven parking spaces are proposed which would comply with the Council’s adopted parking standards. The adopted standards require 1 and 2 bedroom flats outside of the Town Centre to have 1 space per unit, and 3 bedroom flats to have 1.5 spaces. There is no category or requirement for studio flats which are characterised by a single large multipurpose room, within our adopted standards. The development is in a sustainable location, within proximity of a local bus route and the parking provision is therefore acceptable.
- 9.16 A pedestrian access would be provided along the site’s northern boundary, which would enable visitors, to use the public parking spaces in the embayment along Cox Lane, directly opposite the site.
- 9.17 Refuse storage would be provided in a refuse store located at the south-western corner of the site, adjacent to the parking area.
- 9.18 The Highway Authority has no objection in principle to the development.

Sustainability and Renewable Energy

- 9.19 Core Strategy Policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development. The applicants propose to utilise photo-voltaic panels, which they submit would provide 10% of the schemes predicted energy needs from renewable or low carbon sources.
- 9.20 The proposal is indicative in the main and an appropriate planning condition is recommended to secure their inclusion.

Ecology

- 9.21 Policy DM4 of the Development Management Policy Document states that every opportunity should be taken to secure net benefit to the borough's biodiversity. The application site clearly has some biodiversity and nature potential interest as it contains a number of self-set trees; other vegetation has been felled and left lying on the site, along with areas of dense bramble.
- 9.22 The applicants have submitted a Protected Species Survey which concluded that no bats were found to be using the roof void of the existing dwelling and that the site was not constrained by the presence of great crested newts, dormice, or badgers.
- 9.23 The proposed scheme would incorporate green walls which would provide compensation for the increased building footprint on the site. In addition it is recommended that conditions be imposed requiring the provision of both bat and bird boxes within the site.
- 9.24 In view of the above and the proposed mitigation measures, it is considered that the proposed scheme would be in accordance with Core Strategy Policy CS3 and Policy DM4.

Trees

- 9.25 The application is supported by a Tree Survey which indicates that two trees are to be felled as a result of the proposed development. The trees to be removed are mainly poor quality and some of the trees could be replaced by appropriate new tree planting. The Tree Officer raises no objection to the proposed scheme. Details of hard and soft landscaping are secured by an appropriate condition.

Affordable Housing

- 9.26 Policy CS9 requires the provision of 20% of the 10 units in the scheme as affordable units, which equates to 2 units. In terms of our Supplementary Planning Document (SPD) - Developer Contributions, on site provision of affordable housing will always be sought in the first instance.
- 9.27 The applicant submitted a Viability Report which stated that there is insufficient value in the proposal to support the full contribution.

9.28 This evidence has been scrutinised by the Council's independent valuer who is in agreement that whilst the scheme is unable to support a fully policy compliant affordable housing scheme, it would be able to support a level of contributions, albeit at a low level of £44,000.

9.29 Following subsequent negotiations with the applicant's Viability consultants, the applicant has agreed to offer £44,000 as the commuted sum, payable on implementation of the scheme. Officers have agreed that this sum is acceptable, and the commuted sum will be secured by way of an appropriate legal agreement.

Community Infrastructure Levy

9.27 The proposed scheme is CIL liable.

10 Conclusion

10.1 The proposal seeks to erect a new residential building in a location which is considered appropriate. The new building would not harm the wider character of the area, nor lead to a loss of neighbouring residential amenities. In light of the above it is recommended that planning permission is granted.

11 Recommendation

Part A:

11.1 Subject to a legal agreement being completed and signed by 4 November 2016 to secure the following heads of terms:

A commuted sum of £44,000

11.2 The Committee authorise the Head of Place Development to grant planning permission subject to the following conditions:

Conditions:

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

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

(2) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form

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

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

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

- (4) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the Tree Protection Plan by Andrew Day, dated 7 September 2015, have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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

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

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

- (6) The residential units hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

- (7) No development shall take place until details and location of the installation of bat boxes to enhance the biodiversity interest of the site have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

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

- (8) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for 7 vehicles/10 bicycles to be parked. Thereafter the parking area shall be retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

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

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) HGV deliveries and hours of operation
- g) vehicle routing
- h) measures to prevent the deposit of materials on the highway
- i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007

- (9) The upper floor windows in the flank elevations of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3, 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 Document 2015.

- (10) Any trees proposed to be felled as a result of the development hereby permitted shall be replaced by other trees in accordance with a scheme to be submitted to and approved by the local planning authority, and all planting in accordance with such an approved scheme shall be completed within a period of twelve months from the date on which the development of the site is commenced or shall be carried out in the first planting season following completion of the development.

Reason: The trees within the site make a substantial contribution to the visual amenities enjoyed by residents in the area and the felling of any trees without replacement would be detrimental to such amenities and contrary to Policies DM5 and DM9 of the Development Management Policies Document 2015.

- (11) Prior to the commencement of development, a 1:20 scale vertical section through the front and flank elevations including details of windows (including head, sill and window reveal details), balcony balustrade, rainwater goods, as well as a 1:50 scale typical elevation, 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 the character and appearance of the wider area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies Document 2015.

- (12) No development shall take place until full details, of the proposed “green wall”, including a schedule of maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved “green wall” (including planting) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate “green wall” 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 Document 2015.

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

A.03 Site Plan

A.04 Ground floor

A.05 First floor

A.06 Second floor

A.07 East elevation

A.08 South elevation

A.09 West elevation

A.10 North elevation

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

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) The Council has identified that the property is situated close to a former scrapyards site that has been remediated. In the event that contamination is found at any time when carrying out the development, works should be suspended and it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and remediation carried out as is necessary, subject to the approval in writing of the local planning authority.**
- (3) No burning of materials obtained by site clearance shall be carried out on the application site.**
- (4) The water efficiency standard required under condition 6 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1.**

The applicant is advised that this standard can be achieved through either:

- a) using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or**
- b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.**

Part B:

- 11.3 In the event that the section 106 Agreement referred to in Part A is not completed by 4 November 2016, the Head of Place Development be authorised to refuse the application for the following reasons:**

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with CS9 (Affordable Housing) and CS12 (Developer Contributions) of the 2007 Core Strategy in relation to the provision of a commuted sum in lieu of the on –site provision of affordable housing units