

**The Roveries 59 - 63 Cox Lane West Ewell Surrey KT19 9NR**

Demolition of derelict detached house and erection of a block of eight flats with seven parking spaces

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

**1 Plans and Representations**

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI9QBUGYN3K00>

**2 Summary**

- 2.1 The application proposes the demolition of the existing dwelling to provide a new two-storey flatted development comprising a mixture of studio, 1, 2 and 3 bed units (totalling 8 units) and associated parking.
- 2.2 This application has been submitted to committee at the request of Cllr Jan Mason.
- 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 which is largely overgrown with small trees and shrubs 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 greensward, beyond which is (the re-routed) Cox Lane.

#### **4 Proposal**

- 4.1 The application seeks permission for the demolition of the existing dwelling to provide a new 2-storey flatted development comprising 2 studio, 2 one bedroom, 2 two bedroom and 2 three bedroom flat units (totalling 8 units) and associated parking.
- 4.2 The new flat-roofed, two-storey building would have a roughly square footprint, set centrally on the rectangular site.
- 4.3 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.
- 4.4 Vehicular and pedestrian access would be via (the currently unpaved) Cox Lane. Additional pedestrian access would be provided along the site's northern boundary.
- 4.5 Private amenity space for the ground floor units as well as communal amenity space would be provided.
- 4.6 The contemporary style of the building would comprise "flat" facades alongside the western and eastern flank boundaries. These 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. .
- 4.7 It is proposed to provide 7 parking spaces to the front of the building, and a bicycle storage facility. Refuse storage would be located in 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 41 neighbouring properties, and site notice. To date (20.02..2017) one letter of objection has been received regarding:
- Out of keeping.
  - Overbearing, overlooking and increased noise and disturbance to No 31 Pemberton Chase

## **6 Consultations**

- 6.1 County Highway Authority: No objections. Conditions to be imposed on any permission granted.
- 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**

- 7.1 15/00489/FUL: Demolition of existing dwelling house and erection of 8 flats in a two-storey building with associated parking spaces: GRANTED
- 7.2 16/00296/FUL: Demolition of derelict dwelling house and erection of ten flats (four studio, four 2-bed and two 3-bed) in a three storey building with seven parking spaces: REFUSED. Appeal UPHOLD

## **8 Planning Policy**

### Core Strategy 2007

Policy CS1	General Policy
Policy CS3	Biodiversity and Nature Conservation
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 DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM12	Housing Standards

### Supplementary Planning Guidance

Sustainable Design 2016  
Parking Standards for Residential development 2015

## **9 Planning considerations**

### Previous Application and Appeal Decision

- 9.1 A similar residential scheme for development (15/00489/FUL) seeking detailed planning permission for the erection of 8 flats in a two-storey building with associated parking spaces was granted permission under delegated authority in December 2015.

- 9.2 A subsequent residential scheme for development (16/00296/FUL) seeking detailed planning permission for the demolition of the existing building and the erection of ten flats (four studio, four 2-bed and two 3-bed) in a three storey building with seven parking spaces was refused by Committee in October 2016 on inter alia the following grounds:
- The proposed scheme would provide insufficient on-site parking contrary to Policy DM37 of the Development Management Policies 2015 and the Council's adopted Parking Standards for Residential Development SPD 2015
  - 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
- 9.3 In his decision the Inspector noted that whilst the Council considered that the proposal would provide off-street parking in accordance with the development plan, the studios could be converted to one-bedroom flats which would result in a greater demand for off-street parking than the scheme provides. However, the Inspector stated that there was no evidence to substantiate this claim, and the floor areas of the studios suggested that their use as 1-bedroom flats would be unlikely. The parking provision would therefore comply with the Council's Parking Standards for Residential Development Supplementary Planning Document 2015, which does not require parking for studios. He concluded that on this issue, there would be no conflict with DMP Policy DM37 which requires developments to demonstrate an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking and local traffic conditions.
- 9.4 Referring to the financial contribution in lieu of the on-site provision of affordable housing, the Inspector noted that a material consideration of considerable importance and weight is the Court of Appeal judgment of 11 May 2016 in respect of a challenge to the Written Ministerial Statement of 28 November 2014 (WMS). The intention of the WMS was to ensure that financial contributions should not become a disproportionate burden to small developers and thereby frustrate housing supply; it stated that '*for sites of 10 units or less....affordable housing and tariff style contributions should not be sought*'. The Court upheld that this should be considered as national planning policy defining the specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale development. The Inspector stated that it was a material consideration to which he attached great weight.

- 9.5 Whilst the Inspector accepted that there is significant need in the Borough for affordable housing, and he noted the Council's efforts to reduce the burden under the Policy taking into account viability. However, he stated that this did not outweigh Policy CS9 when considered against the benefit of the increased housing supply intended under the WMS. He concluded that whilst he accorded significant weight to the objective of CS Policies CS9 and CS12 in the light of the affordable housing need in the Borough, on the evidence before him, it did not outweigh Government policy. Accordingly, a planning obligation in this respect was not necessary to make the development acceptable in planning terms.
- 9.6 The extant permission and the Inspectors appeal decision are therefore a material consideration in assessing this application.

Principle of Development

- 9.7 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 erection of 8 flats in a two-storey building with associated parking spaces.
- 9.8 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

- 9.9 The building would have an overall height of 6.1m; around 400mm lower than the ridge height of the adjoining terrace to the west. The southern (front) and northern (garden) elevations designed as shallow curves would reduce the apparent depth of the building as seen from the east and west.
- 9.10 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
- 9.11 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.
- 9.12 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

- 9.13 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 which 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).
- 9.14 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.
- 9.15 A condition requiring the upper floor flank windows to be obscurely glazed would prevent any overlooking of the gardens of the affected adjoining properties.
- 9.16 The proposed scheme would therefore accord with Policy DM10

Amenity Space

- 9.17 Access to private amenity space for the ground floor flats (No 3 and 4) would be provided, whilst units 1 and 2 would have private terraces. Upper floor flats would be provided with balconies. Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation, and would comply with policy DM12's requirement for amenity space for flatted developments.

Parking/Access

- 9.18 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".
- 9.19 The development would provide 7 parking spaces and a total of 10 bicycle spaces. The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units and 1.5 spaces for 3 bed flats. (There is no category/requirement for studio flats) The development is in a sustainable location, within proximity of a local bus route and the parking provision is therefore acceptable.
- 9.20 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.
- 9.21 Refuse storage would be provided in a refuse store located at the south-western corner of the site, adjacent to the parking area.
- 9.22 The Highway Authority has no objection in principle to the development.

- 9.23 The proposed scheme would therefore comply with Policy DM37 of the Development Management Policies 2015 and the Council's adopted Parking Standards for Residential Development SPD 2015

Sustainability and Renewable Energy

- 9.24 Core Strategy Policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 9.25 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.
- 9.26 The proposal is indicative in the main and an appropriate planning condition is recommended to secure their inclusion.

Ecology

- 9.27 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.
- 9.28 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.
- 9.29 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.
- 9.30 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

- 9.31 The application is supported by a Tree Survey which indicates that 2 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 Borough's Tree Officer raises no objection to the proposed scheme. Details of hard and soft landscaping are secured by an appropriate condition.

Affordable Housing

- 9.32 Policy CS9 requires the provision of 20% of the 8 units in the scheme as affordable units, which equates to 1.6 units. In terms of the Borough's Supplementary Planning Document (SPD) - Developer Contributions, on site provision of affordable housing will always be sought in the first instance.
- 9.33 The applicant submitted a Viability Report which stated that there is insufficient value in the proposal to support the full contribution.
- 9.34 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 £20,850.
- 9.35 Notwithstanding the above requirement, in view of the recent Appeal Decision (refer to paragraph 9.4 above) on application, the Council will not be seeking a commuted sum.

Community Infrastructure Levy

- 9.36 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**

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

Condition(s):

- (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) Prior to the commencement of any development works, including ground preparation and demolition, the tree protection measures as set out in the Tree Protection Plan dated 7 September June 2015 produced by Andrew Day Aboricultural Consultancy Ltd shall be implemented/erected and shall remain in place for the duration of the construction works. The protection barriers shall only be removed on the completion of all construction activity and with the written agreement of the local planning authority. All works shall be carried out in strict accordance with the approved details.

Reason: To 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 Document 2015

- (5) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 7 cars and a minimum of 10 bicycles to be parked. The parking area shall be used and retained exclusively for its designated use.

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

- (6) 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)
  - (f) HGV deliveries and hours of operation
  - (h) measures to prevent the deposit of materials on the highway
  - (k) on-site turning for construction vehicles

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

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

- (7) 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).

- (8) 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.

- (9) No development shall take place until details and location of the installation of bat and bird 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.

- (10) 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

- (11) The windows serving bathrooms 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.

- (12) 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 conservation and wider area in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015

- (13) 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.

- (14) 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

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

A03 Site Plan

A04 Ground floor plan

**A05 First Floor**

**A06 East Elevation**

**A07 South Elevation**

**A08 West Elevation**

**A09 North Elevation**

**Roof Plan**

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

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012**
- (2) The property is situated close to a former saw mill. In the event that contamination is found at any time when carrying out the approved development, works should be suspended and it must be reported in writing immediately to the Local Planning Authority. In that event, 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 8 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.**
- (5) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.**

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

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

- (6) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development.

You will receive more information regarding the CIL in due course.

More information and the charging schedule are available online

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

- (7) You are advised that 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.