

Planning Report

Application Number: 22/01856/FUL

Application Location: 324 Kingston Road, Ewell, Surrey, KT19 0SU

Proposal: Demolition of existing dwelling and garage and erection of a two-storey building (with loft accommodation) comprising 7 flat units and associated parking

Relevant Planning History

21/00146/FUL	Demolition of existing dwelling and garage and erection of a two-storey building (with loft accommodation) comprising 7 flat units and associated parking	Refused (Non-Determination) 07.10.2022 Appeal Dismissed 07.10.2022
--------------	---	--

Comments from Third Parties

The Local Planning Authority consulted nine nearby residents. One representation has been received raising the following concerns:

- Very similar to the previous application that was refused by Council and at appeal
- Overlooking to 322 Kingston Road

Officer comment: These matters are addressed in the body of the report.

Consultations

County Highway Authority	Further information requested
Council's Waste Officer	No objection
Council's Ecologist	No objection

Planning Constraints

Built Up Area
SSSI Impact Zone
Critical Drainage Area

Planning Policy

National Policy Planning Framework NPPF 2021

Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well design places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and Enhancing the Natural Environment

Core Strategy 2007

Policy CS1 - General Policy
Policy CS3 - Biodiversity
Policy CS5 - The Built Environment
Policy CS6 - Sustainability in New Developments
Policy CS7 - Housing Need
Policy CS8 - Housing Delivery
Policy CS16 - Managing Transport and Travel

Development Management Policies 2015

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 & Flood Risk
Policy DM22 - Housing Mix
Policy DM35 - Transport and New Development
Policy DM36 - Sustainable Transport for New Development
Policy DM37 - Parking Standards

Other Material Documents

Practice Planning Guidance 2021
Making the Efficient Use of Land – Optimising Housing Delivery 2018
Strategic Housing Market Assessment Update 2019
Technical Housing Standards – Nationally Described Space Standards 2015
Revised Sustainable Design SPD 2016

Site Description

The site lies to the north of Kingston Road and comprises a chalet bungalow, accessed from the main highway by way of a private drive. The chalet is set back behind a long frontage and features a deep rear curtilage.

The site lies within a residential area, predominantly characterised by detached and semi detached house types.

Proposal

The proposal involves the demolition of the existing dwelling and associated garage and the erection of a three storey building containing 4 no. one bedroom flats, 2 no. two bedroom flats and 1 no. three bedroom flat, with associated parking.

Planning Considerations

The main planning considerations material to the determination of this application are:

- Presumption in Favour of Sustainable Development
- Housing Need
- Principle of Development
- Housing Density
- Housing Mix
- Quality of Accommodation
- Proposed Amenity Space
- Design and Visual Impact
- Impact upon Neighbouring Residential Amenity
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Biodiversity
- Critical Drainage Area
- Sustainability
- Community Infrastructure Levy (CIL)
- Planning Balance and Recommendation

Presumption in Favour of Sustainable Development

The National Planning Policy Framework 2021 (NPPF 2021) sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 12 of the NPPF 2021 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.

Policy CS7 of the Core Strategy 2007 is considered out of date under the terms of the NPPF 2021. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.

The Epsom & Ewell Core Strategy pre-dates the NPPF 2021 and, in accordance with paragraph 219 of the NPPF 2021, the policies of the Core Strategy 2007 should be given due weight according to their degree of consistency with the NPPF 2021. In the case of old housing targets within CS7 of the Core Strategy 2007, no weight should be given to it.

The standard method for calculating the Borough's assessed housing need identifies a housing requirement of 573 new homes each year. In the absence of a five year housing land supply, this increases to 688 under the recent housing delivery test. Epsom & Ewell Borough Council is presently falling significantly short of this housing delivery requirement and cannot, at present, demonstrate five years housing land supply.

As such, paragraph 11d of the NPPF 2021 is engaged via Footnote 8 for planning applications involving the provision of housing where Local Planning Authorities cannot demonstrate a five year supply of deliverable housing sites. The practical application and consequence of this is that, unless the site is located 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 2021 as a whole.

The site is located within a built up area and does not affect assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF 2021. When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

Principle of Development

Paragraph 60 of the NPPF 2021 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 124 of the NPPF 2021 states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.

Given the significant housing need within the Borough, it is considered that an additional residential unit at this site, which is within a sustainable location, is acceptable in principle, subject to the other material planning considerations below.

Housing Density

Paragraph 60 of the NPPF 2021 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.

Paragraph 125 of the NPPF 2021 highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

Policy DM11 of the Development Management Policies Document 2015 states [inter alia] that proposals for new housing that make the most efficient use of sites within the Boroughs urban area will be supported in principle, and that whilst site density should not usually exceed 40 units per hectare however, exceptions to this approach are considered where there is good access to services and facilities and the surrounding townscape has sufficient capacity to accommodate developments of higher density.

Given the Borough's objectively assessed housing need of 688 new homes each year, the Planning and Licencing Committee in May 2018 agreed to improve the optimisation of housing delivery for development sites in the borough and in order to do this, reduced the weight given to Policy DM11 of the Development Management Policies Document 2015 during decision making.

Although the proposed housing density per hectare of the site is 116 units and this exceeds the density of the surrounding area, Officers acknowledge that the site is in a sustainable location with excellent access to facilities and transport and that the Council's density policy has reduced weight in decision making. However, the failure to provide a policy compliant density is considered to be an adverse impact to be weighed in the planning balance.

Housing Mix

Paragraph 124 of the NPPF 2021 states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

Policy DM22 of the Development Management Policies Document 2015 states [inter alia] that the Council require all residential development proposals for four or more units be comprised of a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.

Chapter 3 of the Council's Strategic Housing Market Assessment Update 2019 recommends that the breakdown of dwellings by size should be:

1 Bed	2 Bed	3 Bed	4 + Bed
10%	50%	30%	10%

The application proposes the following mix on the site:

1 Bed	2 Bed	3 Bed	4 + Bed
57%	29%	14%	0%

Although the proposed development involves a much higher proportion of smaller units than encouraged with the Council's Strategic Housing Market Assessment Update 2019, Officers consider that the provision of a higher percentage of smaller units within a sustainable location could be considered appropriate, as it would result in a more efficient use of land.

Whilst the proposed mix is not compliant with Policy DM22 of the Development Management Policies Document 2015, the proposed development must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. On this basis, it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.

Notwithstanding this, as the proposed housing mix is not policy compliant, this would be an adverse effect to be weighted in the planning balance.

Quality of Accommodation

Policy DM12 of the Development Management Policies Document 2015 states that all new housing developments, including conversions, are required to comply with external and internal space standards.

The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and in order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5m².

Using the plans submitted, the following table provides an analysis of the internal floor area against technical standards:

Flat Number (bed/person)	National Standard	Proposed Internal Area
Flat 1 (1b/2p)	50m ²	50m ²
Flat 2 (1b/2p)	50m ²	50m ²
Flat 3 (3b/5p)	86m ²	97m ²
Flat 4 (2b/4p)	70m ²	73m ²
Flat 5 (1b/1p)	37m ² (shower room)	39m ²
Flat 6 (1b/1p)	37m ² (shower room)	38m ²
Flat 7 (2b/4p)	70m ²	70m ²

The above table demonstrates that the proposed residential units would meet the technical housing standards and would therefore provide adequate quality of living accommodation for future residents.

The two bedrooms in Flat 7 would all be served by rooflights. Whilst the Council do not support developments where bedrooms are served solely by rooflights, as these tend to severely restrict outlook for future residents, leading to a strong sense of enclosure and overly oppressive environment, Officers are mindful of the Inspectors appeal decision pertaining to planning application 21/00146/FUL, in which the Inspector considered that these roof lights and concluded that they would be of a position and size to achieve a meaningful outlook. Although the Inspectors conclusion in this matter does not alter the Council's position in respect to rooflights being the sole provision of openings to bedrooms, in this particular case, it would be unreasonable for Officers to recommend refusal for this reason.

It is therefore considered that the proposal would create satisfactory living conditions for its future occupiers, in accordance with Policy DM12 of the Development Management Policies Document 2015 and the Nationally Described Space Standards 2015.

Proposed Amenity Space

Paragraph 130 of the NPPF 2021 states that planning decision should ensure that developments (inter alia) create places that are accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy DM12 of the Development Management Policies Document 2015 states that all new housing developments that provide adequate internal space and appropriate external private and/or communal amenity space to meet the needs generated by the development.

Paragraph 3.36 of the supporting text for Policy DM12 of the Development Management Policies Document 2015 states that to provide adequate private amenity space for development of flats, a minimum of 5m² of private amenity space for 1-2 person dwellings should be provided and an extra 1 m² should be provided for each additional occupant. A 3 person flat should have a 6m² balcony, and a 4 person flat should have a 7m² balcony.

The proposal would not provide any private amenity area to serve the proposed development. A communal area of 144m is proposed (excluding the cycle storage areas) to serve the future occupants of the flats.

Paragraph 3.36 of the supporting text for Policy DM12 of the Development Management Policies Document 2015 states 'where appropriate in terms of visual character and appearance, flats at upper levels may have a private useable balcony area, in addition to having access to communal open space'.

It should be noted that the wording of this policy does not negate the need for future occupiers to be provided with good quality, private amenity space. It is not unreasonable to expect new residential development to provide future occupiers with adequate private amenity space to carry out normal domestic functions, such as the drying of clothes. Communal amenity space is to supplement private amenity space and should not be considered as an alternative to providing future occupiers of new residential units with well-designed and adequate private amenity space within the site.

However, Officers are mindful of the Inspectors appeal decision pertaining to planning application 21/00146/FUL, in which the Inspector considered that the wording of Policy DM12 of the Development Management Policies Document 2015, concluding that the policy suggests that private space or communal amenity space would be acceptable and that the policy does not insist on both. It would therefore be unreasonable for Officers to recommend refusal on this matter.

The proposal would therefore provide adequate private amenity space to future occupiers of the development in accordance with Policy DM12 of the Development Management Policies Document 2015.

Design and Visual Impact

The NPPF 2021 attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

Paragraph 130 of the NPPF 2021 states [inter alia] that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.

Paragraph 135 of the NPPF 2021 states that that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Paragraph 3.7.5 of the Core Strategy 2007 sets out that new development should enhance and complement local character and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm, and which positively contributes to the townscape.

Policy DM10 of the Development Management Policies Document 2015 states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:

- Prevailing development typology, including house type, sizes, and occupancy;
- Prevailing density of the surrounding area;
- Scale, layout, height, form, massing;
- Plot width and format which includes spaces between buildings;
- Building line build up, set back, and front boundary; and
- Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

Epsom and Ewells Single Plot and other types of Residential Infill Development Supplementary Planning Guidance 2003 advises that new dwellings on small plots must be sympathetic to, and complement the character of, the surrounding built form in terms of layout, design and material (G2).

The site lies in Character Area 4 and within the surrounds of Character Area 6 as defined in the Epsom and Ewell Borough Council Character Study 2008. The Study identifies the predominate features of the character area as a heavily trafficked route, with rows of houses having an open aspect as a result of their set back from the main highway.

The predominate features of Kingston Road is its long, straight layout, its strong building line and its generous plots containing a mixture of detached and semi-detached mid-20th century detached built form that is primarily two storey in height and traditional in architectural style. There are modest setbacks from the main highway, the majority of which accommodate vehicle parking. Gaps between the two storey built form are regular but vary.

The proposal would result in the loss of the existing chalet style bungalow. However, it is considered that the existing chalet style bungalow is not of any great architectural merit that warrants its retention and therefore there is no objection to its loss. Although the existing chalet style bungalow does somewhat conflict with the overarching scale of built form within the locale, its simple scale and design limits its presence within the existing street scene.

The proposed development would maintain the existing strong building line and would continue to provide an active frontage towards Kingston Road that is characteristic of the area. Furthermore, the height of the proposed development at 8.5 metres would be comparable to the height of the built form within the existing street scene.

Under planning application 21/00146/FUL, the Council raised concerns in respect to the additional mass of the built form proposed, as a result of expanding full width of the plot and extending the depth significantly at two storey level. Furthermore, the height of the proposed development would also significantly increase the bulk of development, the combination of which would result in the built form appearing cramped within the plot. The Council also raised concerns regarding the proposed crown pitch roof design, a feature necessitated by the considerable width and depth of the proposal that demonstrated overdevelopment.

However, the Inspector, in considering the appeal pertaining to planning application 21/00146/FUL, concluded that when experienced from public vantage points, this greater depth and roof design would have limited visual impact, due to the glimpsed and oblique angle viewpoints between the existing buildings. The Inspector concluded that the proposed development would not result in unacceptable harm to the character and appearance of the area.

Accordingly, in light of the Inspectors appeal decision pertaining to planning application 21/00146/FUL, it would therefore be unreasonable for Officers to recommend refusal on this matter.

The proposal would therefore not harm the character and appearance of the area in accordance with Policies CS1 and CS5 of the Core Strategy 2007, Policies DM9 and DM10 of the Development Management Policies Document 2015 and paragraphs 130 and 134 of the NPPF 2021.

Impact on Neighbouring Amenity

Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.

The neighbouring properties most likely to have their amenities impacted upon by the proposed development are 322 and 326 Kingston Road.

322 Kingston Road

The proposed development would extend within 1.0 metres of the boundary shared with 322 Kingston Road and between 1.8 – 4.0 metres of the north west flank elevation of this neighbouring property. Although there are no windows existing on this flank elevation of 322 Kingston Road, the proposed development would extend 3.4 metres at two storey level beyond the rear elevation of this neighbouring property.

However, considering that the separation gap between the rear elevation of 322 Kingston Road and the development is at its greatest at this point (4.0 metres) the proposal meets the 45° test as set out in the Council Residential Extensions SPG and would therefore not cause any loss of light into the internal living areas associated with this neighbouring property.

The proposed development is likely to cause a small amount of shading into the rear curtilage of 322 Kingston Road in the late evening. However, at this time, the curtilage of this neighbouring property is likely to be overshadowed by its own residential dwelling. As such the proposed development would not significantly exacerbate the situation.

Officers acknowledge that the proposed development is going to have a greater presence upon the occupiers of 322 Kingston Road in comparison to the existing situation. However, as a result of separation distance, Officers are satisfied that the proposal would not cause any issues of loss of light, loss of outlook or be overbearing to an extent that would significantly harm the amenities of the occupiers of this neighbouring property.

The north west flank elevation of 322 Kingston Road does not contain any windows. Although the south east flank elevation of the proposed development would contain two first floor windows serving primary accommodation and a window serving a bathroom, it would not provide clear and direct views of the more private patio area associated with 322 Kingston Road. However, to prevent any issues of direct overlooking into the private patio area associated with this neighbouring property in the future, it is considered reasonable to recommend a condition to prevent any new openings.

Although roof lights are proposed in the south east roof slope of the proposed development, these are of a height above floor level that would not allow for clear or direct views into the private curtilage of 322 Kingston Road.

The proposed development would result in new first floor and second floor rear windows and therefore new opportunities for overlooking into the rear curtilages associated 322 Kingston Road. However, such overlooking opportunities would be focused towards the far rear curtilage of these neighbouring properties, rather than the more private patio areas, which is a level of indirect overlooking considered to be typical in dense residential areas such as this.

326 Kingston Road

The proposed development would extend within 0.7 metres of the boundary shared with 326 Kingston Road. 326 Kingston Road benefits from a flat roof garage and flat roof single storey wrap around extension which extends along its eastern flank elevation.

Although there are no windows existing on the eastern flank elevation of 326 Kingston Road, the details submitted in support of this application demonstrate that the proposed development would lie flush with the single storey rear element of 326 Kingston Road and therefore the proposed development would extend beyond the two storey element of this neighbouring property at two storey level. However, as a result of the juxtaposition between the two built forms, the proposed would meet the 45° test as set out in the Council Residential Extensions SPG and the proposal would not result in a loss of light to any internal living accommodation of this neighbouring property.

The proposed development is likely to cause a small amount of shading into the rear curtilage of 326 Kingston Road in the late morning. However, this shading would not extend the full width of the curtilage of this neighbouring property, allowing light to extend to parts of the curtilage throughout the day.

Officers acknowledge that the proposed development is going to have a greater presence upon the occupiers of 326 Kingston Road in comparison to the existing situation. However, as the two storey element would not extend beyond the rear elevation of this neighbouring property and given the single storey scale and flat roof design of the proposed rear element, Officers are satisfied that the proposed development would not cause any issues of loss of light, loss of outlook or be overbearing to an extent that would significantly harm the amenities of the occupiers of this neighbouring property.

The Inspector, in considering the appeal pertaining to planning application 21/00146/FUL, concluded that a first floor bedroom window serving Flat 6 would provide angled views across the single storey extension and into the garden of this neighbouring property, resulting in unacceptably harmful effect on the living conditions of the neighbouring occupants at 326 Kingston Road with particular reference to privacy.

Although the north west flank elevation of the proposed development retains a bedroom window, this has been set a further 1.2 metres nearer to the front elevation and away from the sensitive area of overlooking as proposed under planning application 21/00146/FUL. Although an angled view of the rear garden of 326 Kingston Road can be achieved by way of unnatural positioning of future occupiers, any natural views through this window would not be direct or clear of this private amenity area. Officers are therefore satisfied that the proposal has addressed both the Council's and the Inspectors concerns in respect to the harmful effect of overlooking of 326 Kingston Road.

Given the proximity of a bathroom window serving Flat 6 to the rear curtilage of 326 Kingston Road, it is considered reasonable to recommend a condition to ensure this window is top opening only and installed and retained in obscure glazing, in order to protect the amenities of the occupiers of 326 Kingston Road in the future.

General Amenity

It is considered that the remaining surrounding neighbouring properties are at a distance from the site to prevent any loss of amenity.

A condition is recommended to prevent the flat roof rear element from being utilised as a balcony, in order to protect the surrounding neighbouring properties from direct and prolonged overlooking.

In terms of general amenity, whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context.

The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and can be minimised through a planning condition.

In light of the above, the proposal would not cause material harm to the private amenities of neighbouring properties, in accordance with Policy DM10 of the Development Management Policy Document 2015 and the guidance set out in the Council's Residential Infill Development SPG 2003.

Highways, Parking and Cycle Parking

Paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy CS16 of the Core Strategy 2007 states that development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems and not materially increase other traffic problems.

The highway matters relating to this current application remain identical to those sought under 21/00146/FUL, which were fully appraised at that time by the County Highway Authority Highway Authority, which assessed the application and its supporting documents and raises no objection against the proposal in respect to potential traffic generation and access details, subject to conditions to secure visibility splays, EVPC sockets, facilities for secure cycle storage and to ensure that the parking spaces have been laid out prior to occupation of the development

However, it is noted that the County Highway Authority have requested further information to support this application in respect of tracking plans, pedestrian visibility splays and electric vehicle charging points for vehicles/cycles.

Given that the County Highway Authority raised no objection to the previous scheme and the highway matters have not changed under this current scheme, it is not reasonable to secure the requested further information, as the County Highway Authority had already been satisfied that the proposal, subject to conditions, would not cause harm to the operation and safety of the highway network.

Given that no objection was raised by the County Highway Authority to highway matters that have not materially changed since their assessment of 21/00146/FUL, Officers are satisfied that the proposal would not have a material impact upon the safety and operation of the existing highway network.

Policy DM37 of the Development Management Policies Document 2015 requires new schemes to provide an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. New development proposals will be expected to meet the Council's car parking and cycle parking standards and will only consider exceptions to this approach where it has been robustly demonstrated that the level of on-site parking associated with the proposal would have no harmful impact on the surround area in terms of street scene or the availability of on-street parking.

Paragraph 4.4 of the Council's Parking Standards For Residential Development SPD states that where partial spaces are calculated this should be rounded to the nearest whole number of spaces, e.g., a calculation of 1.5 spaces should provide 2.0 spaces.

In accordance with the Council's Parking Standards For Residential Development SPD and its associated paragraph 44, with the proposal would require a minimum of 8.0 off street parking spaces in order to accord with Policy DM37 of the Development Management Policies Document (2015).

The site would provide 4.0 off street vehicle parking spaces, which would be a short fall of 4.0 vehicle parking spaces required to comply with policy, which have the potential to be displaced from the site onto the surrounding highway network.

It is noted that planning application 21/00146/FUL originally sought to provide 5.0 vehicle parking spaces on the site, although this was reduced to 4.0 vehicle parking spaces following concerns raised by the County Highway Authority as to the ability to turn within the site with 5.0 parking spaces. The reduction in parking spaces was demonstrated on drawing numbers 2499-001 (Visibility Splays) and drawing number 2499-002 (Swept Path Analysis).

However, the Inspector, in considering the appeal pertaining to planning application 21/00146/FUL, considered the provision of 5.0 onsite parking spaces instead of 4.0 parking spaces and concluded that, whilst the development as proposed did not comply with parking standards, Policy DM37 of the Development Management Policies Document 2015 allows exceptions to this approach.

Whilst the Council would expect any exceptions to the policy robustly demonstrate that the displacement of vehicle parking from the site would not have a harmful impact on the surrounding area in terms of the street scene or the availability of on-street parking, the Inspector, in this case, was satisfied that the accessibility of the site to public transport and amenities, provided an exception for a reduction in this standard.

As the majority of the Borough could be considered accessible, the Council do not tend to consider the sustainability of a site to be robust justification for failing to comply with Policy and should the all new residential development within the Borough adopt such a simplistic approach, this would cause a harmful impact on the Borough in terms of street scene or the availability of on-street parking. Furthermore, whilst a sustainable location offers a genuine choice of transport modes, it is no guarantee that future occupiers of the development would not have access to a private vehicle.

When assessing new development that does not accord with the Council's Parking Standards, Officers need to consider whether the displacement of vehicle(s) from new development would exacerbate the parking stress on surrounding areas that are currently already close to tolerance, as a result of the number of residential developments within the surrounding area. Officers would expect an application of this nature to be supported by a Parking Survey, which would provide Officers with an accurate representation of the current local on-street parking circumstances surrounding the site which would allow Officers to make a fully informed, comprehensive assessment of the proposed development.

However, in light of the Inspectors appeal decision pertaining to planning application 21/00146/FUL, it would therefore be unreasonable for Officers to recommend refusal on this matter. Although the Inspector was considering a short fall of 3.0 onsite vehicle parking spaces rather than a short fall of 4.0 vehicles, the conclusion of the Inspector is worded to suggest that even a greater short fall of onsite parking spaces would have been considered an exception to the policy.

The reality of the site is that there will likely be three carless flats and there s immediate access to a bus stop, nearby access to Aldi (and other shops) and 1.4km to the nearest train station. There is also no parking on Kingston Road. The conclusion is, therefore, that the scheme would function appropriately despite the shortfall.

The proposed development would provide secure cycling facilities for the storage of 14 cycles, which would exceed the requirement set out in the Surrey County Council Vehicular and Cycle Parking Guidance 2018 and would therefore accord with Policy DM37 of the Development Management Policies Document 2015. In the event permission is granted, it is recommended that these facilities are provided prior to the occupation of the proposed development.

Refuse and Recycling Facilities

Policy CS6 of the Core Strategy 2007 sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve natural resources, waste should be minimised, and recycling encouraged. Development should incorporate waste management processes.

Annex 2 of the Council's Revised Sustainable Design SPD 2016 sets out that adequate refuse/recycling storage to the serve the proposed development, which would be in an inconspicuous position and conveniently located to the main highway for collection.

The Councils Transport and Waste Manager has reviewed the refuse/recycling arrangements proposed and considers them to be acceptable in terms of capacity, storage and access. An informative is recommended to advise the applicant that the Waste Manager has requested that bins are left in the general location of the bin storage area on collection days for the Council to collect on site, rather than having the kerbside blocked by bins.

As such, it is considered that the proposal would comply with Policy CS6 of the Core Strategy 2007 and Annex 2 of the Council's Revised Sustainable Design SPD 2016.

Biodiversity

Policy CS3 of the Core Strategy 2007 sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.

Policy DM4 of the Development Management Policies Document 2015 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity.

The site does not fall within any European or National Ecological Designations and, as a result of its location in a built up urban area, is considered to have low ecological value.

The application is supported by a Bat Survey Report, prepared by Deepdene Ecology, version 1 dated May 2021 and a subsequent Update Bat Presence or likely Absence Assessment, prepared by Simlaw, reference SE23-4112 and dated July 2023. The conclusion of the Report and Update Assessment is that no bats or evidence of bats were found on site.

The Council's Ecology Officer has reviewed the Bat Survey Report and considers it appropriate in scope and methodology and recommends a condition to secure the mitigation measures as set out in the Report and Update Assessment.

Subject to the abovementioned condition should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

Critical Drainage Area

The south west of the site lies within a Critical Drainage Area. For areas at risk for a source of flooding, Policy CS6 of the Core Strategy 2007 requires, inter alia, new development to avoid increasing the risk of, or from, flooding.

Policy DM19 of the Development Management Policies Document 2015 seeks demonstration, by way of a site Flood Risk Assessment that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral.

The application is not supported by a site Flood Risk Assessment. As such, it is considered reasonable to recommend a pre-commencement condition to secure a strategy of surface water drainage for the site using a Sustainable Drainage System, in order to ensure that the proposal would have a neutral risk on the source of flooding, in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies Document 2015.

Sustainability

Policy CS6 of the Core Strategy 2007 states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.

The supporting Design and Access Statement demonstrates on page 35 how the proposed development would incorporate sustainability and energy efficiency measure by providing the development with a heat pump and solar voltaic. In the event permission was granted, these sustainable measures would be secured by way of a condition.

As such, it is considered that the proposal would be able to secure a sustainable development outcome and would there accord with Policy CS6 of the Core Strategy 2007.

Community Infrastructure Levy

The proposal would be CIL Liable.

Planning Balance

As the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 (d) of the NPPF 2021) 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.

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.

The proposal would make a 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 attributed significant weight

The proposal would create short term economic benefits during the construction period. However, given the domestic nature of the proposal, the construction employment would be very modest. As such, the Council affords moderate weight to this benefit in the planning balance.

The proposal would accord with the Council's policies in relation to quality of internal and external amenity area, design, highways matters, neighbouring amenity, biodiversity, refuse/recycling and sustainable design. However, a new development is expected to comply with national and local policies, and therefore in doing so, would not be considered as benefits in the planning balance.

The conflict with Policy DM22 of the Development Management Policies Document 2015 is attributed minor adverse weight in the planning balance, as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.

The conflict with Policy DM37 of the Development Management Policies Document 2015 is attributed minor adverse weight in the planning balance, as a result of the Inspectors conclusion that the proposed level of onsite vehicle parking can be considered an exception to the Policy requirement as a result of the accessibility to public transport and amenities.

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

Recommendation: Granted subject to the following conditions:

1) Timescales

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

2) Approved Plans

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

Drawing Number 001 App 2
Drawing Number 09 App 2
Drawing Number 010 App 2
Drawing Number 012 App 2
Drawing Number 013 App 2
Drawing Number 014 App 2
Drawing Number 015 App 2
Drawing Number 016
Drawing Number 019 App 2
Drawing Number 020 App 2
Drawing Number 021 App 2
Drawing Number 2499-001
Drawing Number 2499-002

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

3) Materials

Prior to the commencement of development, details of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

4) Hard and Soft Landscaping

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.

5) Visibility Splays

No part of the development shall be first occupied unless and until the vehicular access to 324 Kingston Road has been provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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

6) Parking Plan

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 (Drawing Number 021 App 2) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

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

7) Construction Management Plan

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
- (e) HGV deliveries
- (f) measures to prevent the deposit of materials on the highway
- (h) 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 for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

8) Surface Water Drainage

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 first use/or occupation of the development thereafter retained in that condition.

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

9) Electric Vehicle Charging Points

The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

10) Secure Cycle Facilities

The development hereby approved shall not be first occupied unless and until the facilities for the secure, covered parking of bicycles within the development site have been provided in accordance a scheme to be

submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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.

11) Ecology

The development hereby permitted shall be carried out and maintained in strict accordance with the recommendation set out in the Bat Survey Report, prepared by Deepdene Ecology, version 1 dated May 2021 and a subsequent Update Bat Presence or likely Absence Assessment, prepared by Simlaw, reference SE23-4112 and dated July 2023.

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

12) Sustainability Measures

The development hereby permitted shall be carried out and maintained in strict accordance with the sustainability measures set out on page 29 of the supporting Design and Access Statement.

Reason: To promote sustainable development outcomes in accordance with Policy CS6 of the Core Strategy 2007.

13) Hours of Construction

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

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

14) Flat Roof

The single storey flat roof element of the development hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document 2015

15) Obscure Glazing

The first floor bathroom windows on the north west side elevation of the development hereby permitted shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing which shall thereafter be retained.

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

16) Restricted Windows/Openings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings shall be formed at first floor level and above in the development hereby approved without the prior written consent of the Local Planning Authority.

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

Informatives

1) 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.

2) 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.

3) 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;
- in some circumstances, carry out groundwork's 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".

6) Highway Damage

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).

7) Highway Repair Costs

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.

8) EV Electricity Supply

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

9) Bats

Bats are a protected species under the Conservation of Habitats and Species Regulations 2017 (as amended). Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

10) Waste

The applicant is advised that the Waste Manager has requested that bins remain onsite and close to the bin storage area on collection days, as the Council will collect the bins from onsite rather than have them put out and obstruct the kerbside.