

Application Number and Registration Date	MO/2019/0290 (Variance of Conditions Major) 05-Mar-2019
Applicant	Mr G Pittman, Smarter Developments Ltd.
Case Officer	Aidan Gardner
Amendments /amplifications	Amended by plan No A16606.03.05E dated 02/05/19 and by plan Nos. A16606.03.01C and 02C dated 17/05/19. Amplified by emails dated 02/04/19, 15/05/19 and 17/05/19.
Committee Date	5 June 2019
Ward(s)	Ashtead Village
Proposal	Variation of Condition 2 of approved Planning Permission MO/2016/1934 for the erection of 10 No. flats following removal of existing buildings, to allow changes to bin store, windows, rooflights, canopy and addition of parapet walls.
Site Description	80a, 86 and 88 Woodfield Lane, Ashtead, Surrey KT21 2BS

RECOMMENDATION: Approve subject to conditions

Summary

The site lies at the northern end of Woodfield Lane close to the Craddocks Parade Shopping Centre and Ashtead Railway Station. In 2017, an application was submitted for the replacement of three retail units and two flats on the site with a development of 10 flats housed within a part two storey/part three storey building (MO/16/1934). The application was reported to the 7 June 2017 DCC meeting recommended for approval. The Committee resolved that permission be refused on the grounds of overdevelopment and lack of parking provision. An appeal was lodged which was allowed in April 2018. The pre-commencement conditions have been discharged, demolition has taken place and the site fenced off.

Permission is now sought to vary the drawing number condition to allow for changes to the elevations and the addition of a parapet wall to the rear of the building. It is considered that these changes would not have a significant effect on the character of the area nor would

they adversely affect the amenities of neighbouring occupiers. Permission is therefore recommended.

1. Development Plan

1.1. Built up area

2. Relevant Planning History

MO/16/1934	Erection of building containing 10 flats.	Refused 12/06/17. Appeal allowed 20/04/18.
MO/18/1990	Discharge of conditions 3 – 13 pursuant to MO/16/1934.	Discharged 21/12/18.

3. Description of site

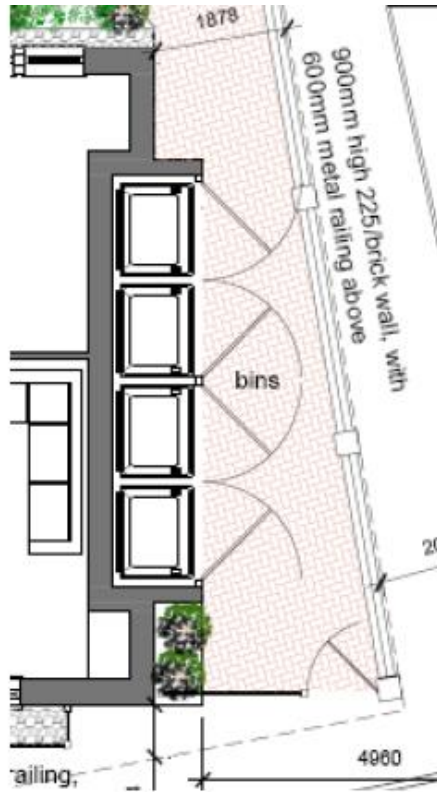
3.1. The site lies on the eastern side of Woodfield Lane, close to the junction with Craddocks Parade and Barnett Wood Lane. To the north are shops and flats within Craddocks Parade, with car sales/servicing and commercial premises to the north and east (Volspeed Engineering). The development to the south along Woodfield Lane is predominantly residential.



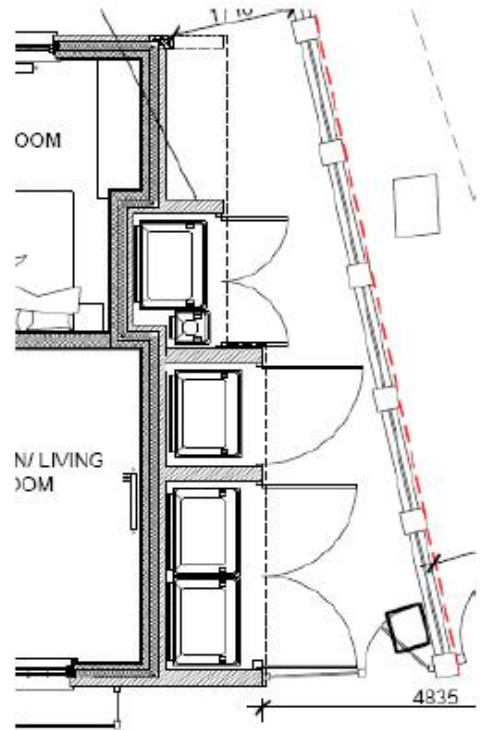
- 3.2. As stated above in the summary section, permission has been granted for a new building on the site containing ten flats. Permission is now being sought to vary the drawing number condition to allow for various external changes.

Current proposal

- 3.3. Ground floor plan changes (bin stores)



Approved arrangement



Proposed arrangement

- 3.4. The proposal seeks to reconfigure the approved bin store to improve access and prevent pinch points. The reconfigured bin store segregates waste streams allowing for better management of the area. Under the new arrangement, the bin store would be inset into the elevation with a small reduction in the size of the adjacent ground floor flat. The upper part of the side elevation at this point would oversail the inset area.

There is also a small change at ground floor level to provide a services intake cupboard externally to allow for easier maintenance.

3.5. The elevational changes are depicted in the drawings below:-

South west elevation (front). Top is approved elevation, current proposal beneath



A16606.03.10A Elevations (approved MO/2018/1990) (South West Elevation)



3.6. The amendments are highlighted in red above. Windows have been reconfigured to suit building control requirements for fire regulations. The canopy above the entrance is to be remodelled with a pitched roof to be more in keeping with the main building. The design changes have also resulted in the removal of large areas of flat roof from between the two valleys in the forward half of the building which is evident from the two drawings.

3.7. Changes to the north western side elevation (adjacent to access road serving vehicle repair garage).



A16606.03.10A Elevations (approved MO/2018/1990) (North West Elevation)



A16606.03.05D Proposed Elevations (North West Elevation)

- 3.8. The amendments are again shown in red. A parapet wall has been added to the rear elevation to assist in buildability adjacent to the boundary on the north eastern elevation. Windows have been rationalised to suit Building Control requirements for fire regulations and to suit internal arrangements. The corridor rooflight has been sized to suit building control requirements for fire regulations to provide adequate smoke ventilation.

3.9. Changes to north eastern (end) elevation



16606.03.10A Elevations (approved MO/2018/1990) (North East Elevation)



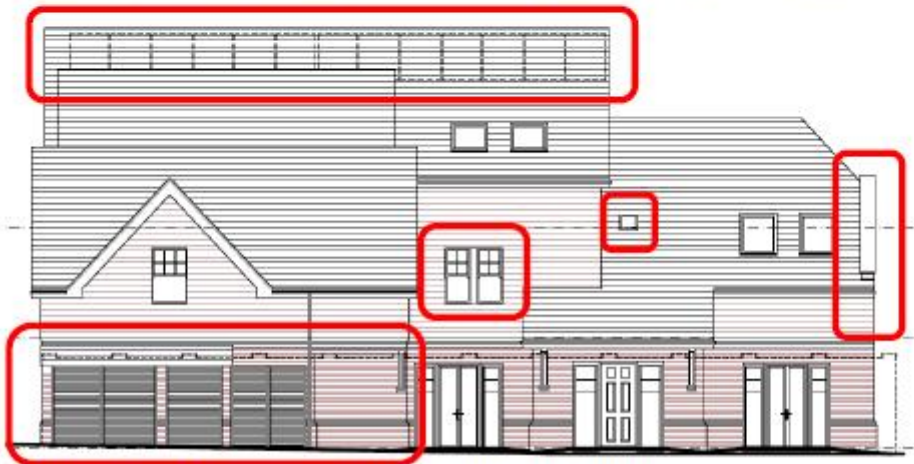
16606.03.05D Proposed Elevations (North East Elevation)

3.10. The changes comprise the following elements. A parapet wall has been added to assist in buildability adjacent to the boundary. Windows have been rationalised to enable more natural light, ventilation and to complement the internal arrangement for the future occupants. A new window is proposed to a first floor bathroom to allow natural ventilation and light. The reconfiguration of the bin store is also shown. The drawing also shows the removal of the large flat roofed elements referred to in 3.6 above. The boundary enclosure has been omitted for clarity.

3.11. Changes to south eastern flank elevation



A16606.03.10A Elevations (approved MO/2018/1990) (South East Elevation)



A16606.03.05D Proposed Elevations (South East Elevation)

3.12. The change to a parapet wall on the end of the building also appears on this elevation. Windows have been rationalised and changed in number. The row of three rooflights in at the right hand side of the approved SE elevation have been spaced further apart and one of the three has been reduced in size. The openings would serve a bedroom and en-suite, as before.

At the centre of the elevation at first floor level, the approved bedroom and en-suite shower room have been changed to a single window as above which would now serve a kitchen/living room. The changes to the design of the bin store also appear on this drawing. The PV panels are situated in position to suit the required amount and provide maximum output.

3.13. There are no changes to the siting, floorspace and ridge heights of the building.

3.14. As submitted, the extent of the red edging at the southern side of the site included land that, whilst in the ownership of the applicant at the time of the original 2016 application, has since been transferred to a different ownership. However, Certificate A has been submitted attesting that all the land within the application site is within the ownership or

control of the applicant. The site and block plan have therefore been corrected so that the red edging is in conformity with the certificate.

4. Consultations

- 4.1. SCC Highways: No requirements. SCC recommended two conditions in respect of the original application, which required the submission of details for approval (cycle storage and Construction Management). These details have been discharged under the application MO/18/1990.
- 4.2. Environmental Services: The approved refuse store arrangements were acceptable to the Council at the time the application was originally made and this remains their view with the proposed proposal.

5. Representations

- 5.1. Three representations have been received in which the following summarised points are raised:
 - The changes would affect the lighting, outlook and privacy to 84 Woodfield Lane, adjoining the site.
 - Adjacent occupier was not notified of application MO/18/1990.

Officer comment: The application in question was the conditional discharge application relating to the original permission. The Council does not notify on such applications.

- The construction of a parapet wall could not be undertaken without causing risks to safety of customers of the adjacent motor repair garage, who use the area adjacent to the proposed parapet for car parking. There have also been issues of dust and debris from the demolition process.

Officer comment: The first aspect is a private matter outside the control of planning. The dust issue is a matter for control under separate legislation. However, the agent has advised that the parapet will be built overhand from within the development as the wall rises to prevent the requirement to access the neighbouring land. There will not be a requirement to access the neighbouring land to construct the development. As regards dust from build process, it is advised that the scaffold will be plastic sheeted and netted externally within the development site to prevent any debris falling onto the neighbouring land, as identified in the approved Construction Management Plan.

- Concern over rainwater disposal and increased load on already overstretched sewerage system in Woodfield Lane. It is understood that soakaways have to be sited a minimum of 5 metres away from a new building.

Officer comment: The agent has advised that the site is served by a combined sewer and all rain water will discharge to the existing system. Thames Water has agreed a build-over agreement for the sewer and retention of the drainage system for the new development.

Both the Environment Agency and Thames Water raised no objections to the original application. The latter commented that the site lies within Flood Risk 1, which presents the lowest level of risk. In allowing the appeal, the Inspector did

not impose any conditions requiring the submission of drainage details. Drainage will, in any case, be a matter for Building Regulations approval.

- The site plan displayed at the site was blocked by signs and parked vehicles. The Council has therefore erred by not meeting its obligations on publicity of applications.

Officer comment: The regulations only require a site notice to be displayed at the site. The Council does not have control over obstruction caused to it. The current proposal involves minor changes to a scheme which has already been approved. Notification was carried out in accordance with established practice taking in those properties adjoining the site. It is considered that the Council has given the requisite publicity to the proposal required of it.

- The footway remains closed even though the demolition works have been concluded.

Officer comment: The applicant has a licence from Surrey County Council for the closure of the footway for the duration of the project, as per the approved Construction Management Plan.

5.2 Following the receipt of the corrected site plan, renotification has been carried out and views have been requested by 27 May 2019. Any further views received will be reported at the meeting.

6. Main Planning Policies

6.1. Government Guidance

National Planning Policy Framework

Section 2: Achieving Sustainable Development
Section 12: Achieving well-designed places

6.2. Mole Valley Core Strategy

CS14: Townscape, Urban Design and the Historic Environment

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria

6.4. Ashted Neighbourhood Development Plan

AS-H5: Maintaining Built Character
AS-En3: Retaining Character

7. Main Planning Issues

7.1. Section 73 of the Town and Country Planning Act 1990 (as amended) provides a mechanism for the variation or non-compliance with conditions imposed on planning permissions.

7.2. Section 73(2) (a) and (b) are pertinent to this application. This section states that –

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

7.3. The Local Planning Authority therefore has a duty to consider a valid application.

7.4. In considering such an application Section 70 of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authority's to "have regard to the provisions of the development plan, so far as material to the application, any local finance considerations, so far as material to the application, and to any other material considerations."

7.5. Accordingly the application to vary the conditions detailed below must be considered against the Development Plan and any other material considerations.

7.6. The principle of the ten flats has already been agreed through the grant of permission under MO/16/1934. The main planning issues for consideration under this application are:

- Effect of the changes on the character and appearance of the area;
- Impact on the amenities of adjoining properties

Effect on the character and appearance of the area

7.7. There are no changes to the siting, floorspace and the ridge heights of the various pitched roof elements. The changes to the fenestration largely involve changes to the configuration of approved openings and would not significantly change the voids-to-solid characteristics of the approved design. In terms of the overall appearance, it is considered that the changes would not have a material impact on the character and appearance of the approved development. The change to the front entrance roof would be more in keeping with the pitched roof elements of the building. The removal of large areas of flat roof to the building would also be of visual benefit.

7.8. Concerns have been expressed about the introduction of a parapet wall to the rear elevation; however, whilst there would be an increase in height of the end wall (approximately 1 metre), it is considered that the design feature would not have a harmful impact on the appearance of the building. Moreover, the parapet would be located at the end of the building where it would have minimal impact on the character of the street scene.

Effect on the amenities of neighbouring properties

7.9. To the north of the site is a garage forecourt and driveway leading to a commercial yard. The flats beyond within the shopping parade have their outlook orientated away from the site. There are houses to the north east in Rutland Close; however, the proposal would stand at least 40 metres away from the rear elevations of these houses. Additionally, there is a workshop within the yard which would assist in screening.

- 7.10. The most immediately affected properties are the adjoining terrace of cottages at 70-80 Woodfield Lane, Nos. 82-84 Woodfield Lane, a pair of semi-detached houses which occupy a backland position to the south-east of the site and the garage repair business to the north, Volkspeed Engineering.
- 7.11. Regarding the adjacent terrace to the south at 70-80 Woodfield Lane, the southern elevation of the proposal would stand between 5-6 metres away from the northern flank elevation of No. 80 which forms the end unit of the terrace nearest the site. There has been no change to the siting of the building from the permitted scheme. The end gable nearest 80 would contain one first floor window serving a living room, as in the approved scheme. Again, the window is shown to be obscurely glazed up to a height of 1.7 metres above the floor level. This can be controlled by a condition (No.12). The rear part of the proposed building, running back into the site, would stand significantly further away from No. 80 with a separating distance of some 14-20 metres. The south east elevation of the proposal would contain three rooflights serving a bedroom and an en-suite shower room. This can be controlled by a condition (No.13). There would also be a first floor kitchen/living room window on the south east elevation, approximately in the same position as the approved window which serves a bedroom. Overall, it is considered that the amenities of 80 Woodfield Lane would not be significantly affected by the proposed changes.
- 7.12. Turning to Nos. 82/84 Woodfield Lane, this is a pair of semi-detached houses standing to the south east of the site. The nearest of the pair, 84, has a conservatory along the end elevation and a door along the northern flank elevation. There are also windows along the rear of the house.
- 7.13. The approved southern elevation of the flats contains five rooflights and this remains the case under the current proposal. The rooflights would be set at a minimum of 1.7 metres above the internal floor level and this can be controlled by recommended condition 13 below. The rear (north eastern) elevation of the proposal would contain windows facing in the direction of 84. However, these would all be obscurely glazed up to a height of 1.7 metres, as in the approved scheme, and can be controlled by condition 12 below. In this form, it is considered that the privacy of 84 would not be significantly affected.
- 7.14. Turning to the parapet wall, whilst this would involve a remodelling of the end of hipped end of this part of the building and an increase in height along the end elevation (1 metre), it is considered that, given the separating distance involved and the roof being pitched away from the boundary, the lighting to 84 would not be significantly affected.

Affordable Housing and Community Infrastructure Levy CIL)

- 7.15. The application is a variation of the drawing number condition to the original application MO/16/1934 which was exempt from affordable housing under the legislation at the time. Under the current application, there is no increase in floorspace or the number of units. Therefore, the proposal is liable to neither affordable housing or CIL.

Conclusion

- 7.16. It is concluded that the changes to the elevations of the flats would not have a harmful impact on the character of the area or on the amenities of adjoining properties. A permission is therefore recommended.

8. Recommendation

Subject to the receipt and consideration of any further views by 27 May 2019, permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of the decision granted under MO/16/1934.
2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers A 16606.03.01C, 02C and 05E contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. The development shall only proceed in accordance with the details approved under reference MO/2018/1990 dated 21/12/18 for the materials to be used in the construction of the external surfaces of the building . There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority. .

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

4. The development shall only proceed in accordance with the details approved under reference MO/2018/1990 dated 21/12/18 for boundary treatment. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority. .

Reason: To preserve the visual amenity of the area and protect neighbouring residential amenities in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

5. The development shall only proceed in accordance with the details approved under reference MO/2018/1990 dated 21/12/18 for hard surfacing. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority. .

Reason: To preserve the visual amenity of the area and prevent the increased risk of flooding, in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS20 of the Mole Valley Core Strategy.

6. The development shall only proceed in accordance with the details approved under reference MO/2018/1990 dated 21/12/18 for levels. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities and privacy of adjoining properties in accordance with Mole Valley Local Plan policy ENV22.

7. The development shall only proceed in accordance with the details approved under reference MO/2018/1990 dated 21/12/18 for renewable energy. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority. ..

Reason: To optimise renewable energy and its conservation, in accordance with policy CS19 of the Mole Valley Core Strategy

8. The development shall only proceed in accordance with the details approved under reference MO/2018/1990 dated 21/12/18 for contamination. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority. ..

Reason: To ensure the proper investigation and, where necessary, remediation of the site in the interests of the amenities of the locality and the future occupants of the development in accordance with Mole Valley Local Plan policy ENV69.

9. The development shall only proceed in accordance with the details approved under reference MO/2018/1990 dated 21/12/18 for landscaping. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority. ..

Reason: To ensure the provision and maintenance of trees, other plants and grassed areas in the interests of visual amenity and in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS15 of the Mole Valley Core Strategy.

10. Prior to the first occupation of the development facilities for the secure and covered parking of bicycles shall be provided in accordance with the scheme approved under MO/18/1990 dated 21/12/18. The bicycle storage facilities shall subsequently be retained thereafter.

Reason: To accord with the sustainability objectives of the National Planning Policy Framework.

11. The development shall only proceed in accordance with the details approved under reference MO/2018/1990 dated 21/12/18 for Construction Management. There shall be no changes to the approved scheme without the prior written approval of the local planning authority. ..

Reason: To reduce impacts during demolition and construction upon the local environment including roads and pavements in the vicinity of the site, in accordance with policies MOV2 and ENV22 of the Mole Valley Local Plan.

12. Prior to the first occupation, those openings so identified on the approved plan A16606.03.05 E, shall be glazed in obscured glass in accordance with that drawing. The window shall be permanently retained in that condition thereafter.

Reason: To protect the amenities and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.

13. The cill height of the roof lights in the south eastern elevation of the development hereby permitted shall be constructed to be not less than 1.7 metres above internal floor level and retained as such thereafter.

Reason: To protect the amenity and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.