Representations: A total of 7 letters of representation have been received from 6 addresses, of which 5 are considered to raise objections and 2 which constitute comments. The following points have been raised:

- Increase in scale and density
- Increase in parking on street and highway safety
- Site directly opposite school
- Number of adjoining properties unoccupied so may impact on fair consultation
- Restrictive covenants
- Submitted drawings poor quality

Report

Description

1. The application site comprises the properties ‘Hazel Court’ and ‘Sandstones’, which are both detached dwellings located on the northern side of Oakshade Road, directly opposite the Royal Kent C of E Primary School. Hazel Court comprises a low level bungalow and Sandstones is a two storey property. The level in the street drops from east to west, so the existing rear garden of Sandstones is higher than the adjoining rear garden of Hazel Court.

Constraints

2. The relevant planning constraint is:
   - Strategic view
Policy
3. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

Core Strategy 2011
CS1 – Spatial strategy
CS2 – Housing provision, location and distribution
CS10 – Cobham, Oxshott, Stoke D’Abernon and Downside
CS17 – Local Character, Density and Design
CS21 – Affordable Housing
CS25 – Travel and Accessibility

Development Management Plan 2015
DM1 – Presumption in favour of sustainable development
DM2 – Design and amenity
DM6 – Landscape and trees
DM7 – Access and parking
DM8 – Refuse, recycling and external plant

Design & Character SPD 2012
& Companion Guide: Cobham, Oxshott, Stoke D’Abernon and Downside

Developers Contributions SPD 2012

4. Relevant Planning History
None relevant.

Proposal
5. Permission is sought for the erection of detached two-storey house with rooms in the roofspace, dormer windows and integral garage, a pair of semi-detached two-storey houses with rooms in the roofspace, dormer windows and retention of Sandstones following partial demolition of existing side extension and demolition of Hazel Court. The proposal would see the creation of 3 net residential dwellings.

Consultations
6. Tree Officer – No objection subject to imposition of conditions.
7. Surrey County Council Highway Authority – No objections subject to imposition of condition and informative.

Positive and Proactive Engagement
9. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of 186-187 of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
10. No formal pre-application advice was sought prior to the submission of this application.

Planning Considerations
11. The main planning considerations in the determination of this application are
The principle of the development

12. The redevelopment of previously developed land outside of flood risk areas for housing is encouraged by policies CS1 and CS2 of the Core Strategy and by the NPPF. Policy CS10 identifies that ‘There is scope for additional residential development across the area, primarily through redevelopment of previously developed land’. The new development is required to deliver high quality design, which maximises the efficient use of land and which responds to the positive features of individual locations; integrating sensitively with locally distinct townscape while protecting the amenities of those living in the area.

13. It is considered that the proposal would make good use of urban land and therefore would be considered acceptable in principle, subject to the considerations below. The proposals scale would not impact the Strategic view.

Impact on the character of the area and the streetscene

14. The proposal would see the creation of three new residential dwellings and alterations to Sandstones (an existing dwelling) following the demolition of Hazel Court (a low profile bungalow). The proposal would comprise one pair of two storey semi-detached dwellings with a crown roof, one new build detached dwelling and the altered Sandstones. The streetscene, layout and building line within Oakshade Road is varied, and it is not considered there is a single architectural style or pattern of development. It is considered the overall design, scale and position of the proposed dwellings and their plots would not result in an incongruous form of development within the streetscene. The submitted streetscene elevation shows the buildings broadly follow the ridge heights of adjoining dwellings in the streetscene, having regard to the level rise running west to east. The proposed separation would still allow sufficient clear space between buildings so as not to result in any adverse impact caused by a loss of open space between properties.

15. The properties all contain small front dormers, and there are comparable examples of these within the immediate vicinity. The proposed parking areas of the proposed dwellings would be located to the fronts of the dwellings and it is not considered their position or scale would appear incongruous for the size of the dwellings they would serve. There are examples of more contemporary replacement dwellings featuring crown roofs within the streetscene (particularly ‘Hollymead’ directly adjoining to the west). The scale of gardens would be commensurate to the proposed dwellings and to the wider area.

Impact on the amenities of the adjoining neighbouring properties

16. Any proposed development should seek to have an acceptable impact upon the amenities of the adjoining neighbouring properties, and not result in any unacceptable impacts upon their amenity. It is considered the overall design and scale of the proposed dwellings would not result in any unacceptable harm to the amenities of the adjoining properties, or the amenities of the proposed occupiers of the proposed dwellings.

17. Sandstones (plot 4), the eastern most dwelling, which already exists, is having part of its western side removed, but its remaining footprint would remain unchanged. The roof would be altered to allow it to accommodate additional habitable accommodation, which would see an increase in the eaves and ridge height. The overall height increase however is modest (0.175m) and it is not considered this increase in height would lead to any adverse impacts upon the amenities of the existing dwelling to the east ‘Eastwood House’. Windows on the flank of Sandstones would be located in similar positions to those which already exist.
18. The proposed dwellings would be located broadly in line and no horizontal 45 degree lines would be infringed when measured from windows serving habitable rooms. The 45 degree line is used as a guide to ensure that new development does not block light reaching windows which serve habitable rooms. A condition can be applied to windows indicated to be obscurely glazed to ensure they are installed and maintained as such to prevent unacceptable overlooking. All the proposed dwellings (plots 1 to 4) include both front and rear dormer windows. It is considered these would not give rise unacceptable overlooking, beyond a level of mutual overlooking which one might expect to find in this urban location.

19. Plot 1 would adjoin ‘Ivydore’ a relatively new dwelling, which forms one half of a two storey semi-detached dwelling. Plans indicate that ground floor windows on the flank of this dwelling serve secondary rooms or rooms which benefit from other sources of light, and so it is considered the proposed plot 1 dwelling would not lead to an unacceptable loss of loss, outlook or privacy to the occupiers of this dwelling.

20. It is therefore considered the proposed dwellings would achieve a satisfactory relationship with both existing and proposed occupiers, and would not cause unacceptable harm to the amenities of neighbouring properties.

Highway safety and provision

21. The County Highway Authority were consulted on the proposal and raised no objections after considering the application on safety, capacity and policy grounds subject to a condition in relation to construction management. It is noted the site is directly opposite a school, and accordingly part of the condition restricts HGV movements to ensure there is no clash with school drop off and pick up times. The proposed development would comply with the Council’s adopted minimum parking standards for the size of units proposed.

Impact on trees

22. There are a number of trees on the site, which mostly border the plots. The Councils Tree Officer was consulted on the proposal and raised no objections subject to the imposition of conditions in relation to tree protection to ensure the trees on site are protected during construction works.

Financial considerations

New Homes Bonus

23. Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the Council.

24. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes. The Council’s New Homes Bonus Scheme Grant Determination for 2017/18 is £1.89m (approx.).

25. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus Scheme Grant Determination is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the New Homes Bonus Scheme Grant Determination would be payable for the net increase in dwellings from this development.
Affordable Housing

26. The Council's approach to the provision of Affordable Housing is set out in Policy CS21 of the Core Strategy (July 2011) and the Developer Contributions Supplementary Planning Document (SPD) (April 2012), which states that development resulting in 1-4 residential units should provide a financial contribution equivalent to the cost of 20% of the gross number of dwellings on site as Affordable Housing.

27. Following a Court of Appeal decision which found in favour of the Government, paragraphs 012-023 of the National Planning Policy Guidance on planning obligations have been reintroduced. These paragraphs and the Ministerial Statement are now a material consideration, alongside local planning policy, against which the Council must consider all planning applications. However, given that the local plan remains the primary consideration against which decisions must be made, the Council is continuing to apply policy CS21 Affordable Housing as set out in the Core Strategy. Following receipt of legal advice, the Council has produced a statement to set out local evidence in support of continuing to apply Policy CS21 to this application in light of the revised PPG. This is available to view on the Planning Services webpages.

28. Based on the above, the appropriate level of the financial contribution towards the affordable housing provision was calculated. The applicant considered the level of contribution required would render the scheme unviable, and after consultation with the Council's own independent viability assessors, it was agreed that a reduced sum in relation to affordable housing could be accepted in this instance. Whilst at the time of writing a completed legal agreement has not been received the applicant has indicated a willingness to secure the required affordable housing contribution and this matter will be updated during the committee meeting.

Community Infrastructure Levy (CIL)

29. The proposed development is CIL liable and the applicant has provided the relevant forms.

Matters raised in Representations

30. The Council writes to adjoining properties and also placed a site notice to advertise the proposal. The Council therefore satisfied the requirements of the Development Management Procedure Order 2015 in regards to advertising the application. Covenants are a legal matter and do not form a material planning consideration. It is considered the submitted plans are appropriate to show the proposed scheme. The other points raised have been covered in the above report.

Conclusion

31. On the basis of the above, and in light of any other material considerations, the proposal is considered to be in accordance with the development plan. Accordingly, the recommendation is to grant permission subject to the receipt of a completed Unilateral Undertaking to secure the required affordable housing contribution.

Recommendation: Grant Permission

Conditions/Reasons

1 TIME LIMIT (FULL APPLICATION)
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 LIST OF APPROVED PLANS
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 16-P1257-LP01, 16-P1257-100, 16-P1257-106, 16-P1257-105, 16-P1257-CP01 received on 20.06.2017.
16-P1257-CP02, 16-P1257-102A, 16-P1257-103A received on 07.10.2016.
16-P1257-101A received on 21.07.2016. TMC-15053-L received on 27.07.2016

Reason: To ensure that the development is carried out in a satisfactory manner.

3 MATERIALS SAMPLES
No development shall take place until samples of the materials to be used on the external faces and roof of the building have been submitted to and approved in writing by the Borough Council. Development shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory external appearance is achieved of the development in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

4 CONSTRUCTION TRANSPORT 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
(d) programme of works (including measures for traffic management)
(e) provision of boundary hoarding behind any visibility zones
(f) HGV deliveries and hours of operation
(g) measures to prevent the deposit of material on the highway
(h) no HGV movements to or from the site shall take place between the hours of 07.00 and 09.15 and 14.45 and 16.00 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Oakshade Road, Silverdale Avenue and High Street during these times 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: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with policy DM7 of the Elmbridge Development Management Plan 2015 and Policy CS25 of the Elmbridge Core Strategy 2011.

5 TREE PROTECTION
In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council.

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site.
d) any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, or submitted to meet a condition of consent shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Borough Council. This shall include any requirement for arboricultural supervision and site monitoring. This condition may only be discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of tree protection throughout construction by the appointed arboriculturist.

Reason: This permission is only granted on the basis that the trees would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

6 TREE PROTECTION AND PRE-COMMENCEMENT INSPECTION
BEFORE DEVELOPMENT TAKES PLACE TREE PROTECTION MEASURES SHALL BE INSTALLED AND ANY FURTHER INFORMATION PROVIDED IN ACCORDANCE WITH THE SUBMITTED ARBORICULTURAL INFORMATION. THE APPLICANT SHALL ARRANGE A PRE-COMMENCEMENT MEETING AFTER THE INSTALLATION OF THE TREE PROTECTION BETWEEN THE BOROUGH COUNCIL AND THE APPLICANT'S PROJECT ARBORICULTURIST TO ALLOW INSPECTION AND VERIFICATION OF THE PROTECTION MEASURES.

Reason: This permission is granted on the basis that the trees would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the demolition and construction works could have implications for the future health and amenity of retained trees within the site.

7 LANDSCAPING - SCHEME
NO DEVELOPMENT SHALL TAKE PLACE UNTIL FULL DETAILS OF BOTH HARD AND SOFT LANDSCAPING WORKS HAVE BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE BOROUGH COUNCIL AND THESE WORKS SHALL BE CARRIED OUT AS APPROVED. THIS SCHEME SHALL INCLUDE INDICATIONS OF ALL HARD SURFACES, WALLS, FENCES, ACCESS FEATURES, THE EXISTING TREES AND HEDGES TO BE RETAINED, TOGETHER WITH THE NEW PLANTING TO BE CARRIED OUT, AND DETAILS OF THE MEASURES TO BE TAKEN TO PROTECT EXISTING FEATURES DURING THE CONSTRUCTION OF THE DEVELOPMENT.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

8 LANDSCAPING - IMPLEMENTATION
ALL HARD AND SOFT LANDSCAPING WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED DETAILS. ARBORICULTURAL WORK TO EXISTING TREES SHALL BE CARRIED OUT PRIOR TO THE COMMENCEMENT OF ANY OTHER DEVELOPMENT, OTHERWISE ALL REMAINING LANDSCAPING WORK AND NEW PLANTING SHALL BE CARRIED OUT PRIOR TO THE OCCUPATION OF ANY PART OF THE DEVELOPMENT OR IN ACCORDANCE TO THE TIMETABLE AGREED WITH THE BOROUGH COUNCIL. ANY TREES OR PLANTS, WHICH WITHIN A PERIOD OF FIVE YEARS OF THE COMMENCEMENT OF ANY WORKS IN PURSUANCE OF THE DEVELOPMENT DIE, ARE REMOVED, OR BECOME SERIOUSLY DAMAGED OR DISEASED, SHALL BE REPLACED AS SOON AS PRACTICABLE WITH OTHERS OF SIMILAR SIZE AND SPECIES, FOLLOWING CONSULTATION WITH THE BOROUGH COUNCIL, UNLESS THE BOROUGH COUNCIL GIVES WRITTEN CONSENT TO ANY VARIATION.
Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

9 OBSCURE GLAZING
The windows indicated to be obscurely glazed on the approved plans shall be glazed with obscure glass and fitted with non-opening principal lights, and subsequently maintained in this form. Such glass shall be sufficiently obscure to prevent loss of privacy. The affixing of an obscure film will not be sufficient.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.

10 FLAT ROOF - NO OTHER USE
The flat roof to the ground floor extensions on plots 1, 2 and 3 hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Borough Council.


Informatives

1 COMMUNITY INFRASTRUCTURE LEVY
The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued as soon as practical after the day on which planning permission first permits development.

To avoid breaching the CIL regulations and the potential financial penalties involved, it is essential a prior commencement notice be submitted. A blank commencement notice can be downloaded from http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf. For the avoidance of doubt commencement of demolition of existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of the CIL regulations.

2 MATERIALS DEPOSITED ON THE HIGHWAY
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).

3 HIGHWAY AUTHORITY
The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see https://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs

4 LAMP COLUMN
We need to inform the applicant regarding the need to move the lamp column which may conflict with the location of the proposed new access. Any highway furniture needs to be relocated at the applicants expense. Please contact surreylightingservices@skanska.co.uk regarding the lamp column.
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