Report To South Area Planning Sub-Committee – List A – Applications For Decision

Application No: 2016/2730

Application Type: FULL

Case Officer: Matthew Briant

Ward: Weybridge St

Georges Hill Ward

Location: Site of Arawa Cavendish Road Weybridge Surrey KT13 0JW

Proposal: Detached two-storey block with rooms in the roof space, dormer windows, basement car parking, new access and associated landscaping to provide 5 flats

Applicant: Lusso Cavendish Road LLP

Agent: Mr Warren Joseph

Ascot Design

Berkshire House

39-51 High Street

Ascot

Berkshire

SL5 7HY

Decision Level: If permit – Sub-Committee

If refuse – Sub-Committee

Recommendation: Permit

Representations: 8 objections received from 8 individual households concerning:

- Out of character with the area due to density, appearance, scale, volume, mass and height;
- Loss of privacy, including from balcony;
- Overshadowing;
- Overbearing impact – reverses previous changes made to address this;
- Cramped overdevelopment of the site – ramp to basement too close to boundary;
- Inadequate parking provision, particularly for visitors at ground level;
- Highway safety concerns concerning on-street parking;
- Oversupply of flats in the area – not in line with need;
- No disabled access to front door;
- Noise from access and egress to basement and positioning of bin store;
- Cumulative impact on local infrastructure;
- Trees previously removed should be reinstated.

Report

Description

1. A 0.15 ha rectangular plot measuring some 29 metres across the frontage with Cavendish Road by 52 metres in length, previously occupied by a detached chalet style dwelling with small front facing dormer windows. This dwelling has now been demolished and the site cleared. The surrounding area is entirely residential, characterised mostly by two-storey detached houses of varying styles though there are also some purpose built modern blocks of flats and a few larger properties converted into flats.

Constraints

2. The relevant planning constraints are:

- Tree Preservation Order
- Thames Basin Heaths SPA (Zone C)
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
CS4 – Weybridge
CS13 – Thames Basin Heaths Special Protection Area
CS14 – Green infrastructure
CS15 – Biodiversity
CS17 – Local character, density and design
CS19 – Housing type and size
CS21 – Affordable Housing
CS25 – Travel and accessibility
CS28 – Implementation and delivery

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
DM10 – Housing
DM21 – Nature conservation and biodiversity

Design & Character SPD 2012
Companion Guide: Weybridge

Developer Contributions SPD 2012

Relevant Planning History

4. There is an extensive history on the site but the applications of most relevance, largely owing to the fact that many were the subject of appeals, are outlined below.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/4499</td>
<td>Detached two storey block with rooms in the roof space, dormer windows, basement car parking and associated landscaping to provide 3 flats.</td>
<td>Permitted but not implemented.</td>
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<tr>
<td>2015/2534</td>
<td>Detached two-storey block with rooms in the roof space, dormer windows, basement car parking and associated landscaping, to provide 6 flats.</td>
<td>Refused and dismissed at appeal but the only reason for refusal at the appeal was the lack of a unilateral undertaking to secure the necessary financial contributions in respect of affordable housing and SAMM. The Inspector found that the proposal would not be harmful to the character and appearance of the surrounding area and that it would not have a detrimental impact upon the living conditions of nearby residents.</td>
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<tr>
<td>2013/0116</td>
<td>Detached two storey house with basement, additional rooms in the roof space and integral garage</td>
<td>Permitted but not implemented.</td>
</tr>
<tr>
<td>2007/1596</td>
<td>Four storey detached</td>
<td>Refused and appeal dismissed:</td>
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<tr>
<td>Proposal</td>
<td>5. Planning permission is sought for a detached two-storey block with rooms in the roof space, dormer windows, basement car parking, new access and associated landscaping to provide 5 flats.</td>
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<td>Consultations</td>
<td>6. Surrey County Highway Authority – Based upon a site visit and the information supplied the Highway Authority has assessed the impact of the proposal on the safety and operation of the adjoining public highway and raised no objections, subject to conditions. The proposals are considered to be in accordance with policies CS25, DM7 and the NPPF.</td>
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<td>7. Tree Officer – No objections raised subject to the imposition of relevant tree protection conditions.</td>
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<td>8. Environmental Protection Officer – No comments or requirements as the development will have no significant impact on neighbouring properties in terms of pollution.</td>
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<td>Positive and Proactive Engagement</td>
<td>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.</td>
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<tr>
<td>Planning Considerations</td>
<td>10. No pre-application advice sought.</td>
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<td>11. The main planning considerations in the determination of this application are:</td>
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<td>• The design of the proposal and its impact on the host dwelling, the character of the area and the street scene</td>
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<td>• The impact on the amenity of neighbouring properties</td>
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<td>• Provision of a suitable residential environment</td>
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<td>• Impact on trees</td>
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<td></td>
<td>• Impact on highway safety and parking</td>
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<td>• Financial considerations</td>
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The design of the proposal and its impact on the host dwelling, the character of the area and the street scene

12. There have been a number of applications on this site in recent years for 6-7 flats (refused and dismissed at appeal) and, more recently, a detached single dwelling and a development for three flats both of which were approved. However, the most recent appeal concerning application 2015/2534 for 6 no. 2-bed apartments has also recently been dismissed but only on the grounds of a lack of a unilateral undertaking to secure the necessary financial contributions for affordable housing and SAMM. The Inspector found that the proposal would not be harmful to the character and appearance of the surrounding area and that it would not have a detrimental impact upon the living conditions of nearby residents.

13. In the appeals, including the most recent one, the Inspector noted that the surrounding area is entirely residential, characterised mostly by 2-storey detached houses of varying styles, though there are also some purpose-built modern blocks of flats, and a few larger properties converted into flats. The Inspector on the recent appeal noted, of particular relevance, the presence of St George’s Court almost opposite the site, a three-storey block of flats with accommodation in the roof space and ground and basement level parking.

14. The Inspector stated of the recent scheme that it has been ‘carefully designed to reflect the varied nature of properties within Cavendish Road,’ and that the scheme ‘would be only marginally taller than the [previously approved] dwelling.’ He concluded that, ‘given the varied nature of surrounding development, in particular the modern block of flats opposite, I have concluded that it would represent an appropriate form of development within Cavendish Road.’

15. The current proposal is the same height, positioning, scale, mass and design as the previous appeal scheme with the exception of internal alterations and some fenestration changes, now providing five units rather than six. Given the Inspector considered the height, scale and design of the appeal scheme to be acceptable, and the proposal is no different other than internal dimensions and minor fenestration changes, it is considered that the proposed building would not appear cramped on its plot or excessively tall in height. Therefore it is not considered to be out of character within the street scene or the character of the area in general.

The impact on the amenity of neighbouring properties

16. The two-storey element on the south side of the scheme has not been reduced in scale and length as was the case on the recent approval for three flats. However, as there was no objection to the height or design at the previous appeal from the Inspector, it is not considered to be significantly detrimental to the visual impact, by reason of an overbearing appearance, on Granville Corner, the neighbouring bungalow to the south. Furthermore, the Inspector on the recent appeal did not consider the larger scale of the 6 apartment scheme to have a negative impact on the neighbouring properties, stating ‘a satisfactory relationship would be maintained’. This scheme, which is the same in terms of external dimensions, would therefore not be considered to significantly harm Granville Corner and Berberries to the south.

17. The Inspector was also satisfied that the basement parking and its relationship with Granville Corner would be acceptable and not cause undue disturbance to residents of the adjacent dwellings. The same would apply on this scheme.

18. The 1.8m high privacy screens proposed to the flank elevations of the first floor terrace would mean that significant overlooking would not result. There would also be no significant overlooking from any of the upper floor windows including the second floor rear terrace which would be small in size and some 20m from the rear boundary.

Provision of a suitable residential environment

19. Proposed new residential development should provide an appropriate level of lighting, outlook and amenity to all habitable rooms and be of suitable space standards. Developments are
also expected to enhance existing landscaping and allow visual interest and amenity that provides a setting for the proposed development.

20. In this instance, there would be extensive excavation to incorporate a basement and the bin store is located in the same location as on the appeal scheme. Some amenity space would be retained to the rear of the site in particular and the development would not harm the living environment for future occupiers in this regard. Indeed, the principle for the development of the site for flats was not a matter of concern in the previous appeals.

21. The internal floor areas comply with the nationally set minimum space standards (Technical housing standards – nationally described space standard, DCLG, March 2015) for 2-bed flats (Nos. 1, 4 and 5) and 3-bed flats (Nos. 2 and 6) – n.b. the plans do not have a Flat No. 3 – and suitable external bin stores can be provided on site. Consequently, the proposed development would offer an appropriate standard of living for future occupiers in this regard.

Impact on trees

22. The second reason for refusal on the previous scheme concerned the impact on trees. The previous tree issues concerned the protected oak tree at the front of the site, which is a significant feature within the street scene, but it has now been adequately demonstrated that the proposal would not result in the loss of, or damage to, this existing tree of considerable amenity value in the area. As such, the Council’s Tree Officer raised no concerns to the proposed development, subject to relevant tree protection conditions.

Impact on highway safety and parking

23. The proposed development would include 11 car parking spaces in the basement, including 2 visitors’ spaces. This complies with the Council’s adopted parking standards which would require a maximum of 8 off-street spaces for a development of 3 x 2-bed flats and 2 x 3-bed flats. As 11 spaces have been proposed, and there are no on-street parking restrictions, it is not considered that the proposal would result in a detrimental impact on highway safety or capacity grounds. The County Highways authority has raised no objections to the proposal, subject to the imposition of conditions.

24. Several stores are also proposed in the basement and if some of these could be proposed for undercover and secure cycle storage it would be a welcome addition in accordance with government guidance.

Financial considerations

25. 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.

26. 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.).

27. 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 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 would be payable for the net increase in dwellings from this development.

28. Policy CS21: Affordable Housing of the Council’s Core Strategy (2011) requires that development resulting in the net gain of 5 residential units should provide 20% of the gross
number of dwellings on site as Affordable Housing. Therefore as it stands this planning application is required to provide one unit on site as affordable housing.

29. 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:

30. However, the applicant has submitted a viability report as part of the application to demonstrate that the provision of an on-site affordable unit, or an equivalent financial contribution towards affordable housing, would render the scheme unviable. Following assessment from the Council’s independent viability consultants and subsequent negotiations a suggested contribution of £50,000 is considered to be reasonable and a UU has been submitted to secure this contribution. The UU also includes a contribution towards SAMM as the site is within 5km of the Thames Basin Heaths SPA.

31. The development is also liable for CIL. It is estimated that approximately 1,258 sqm of new floor space will require a contribution of approximately £187,436.

Matters Raised in Representations

32. All comments have been addressed above.

Conclusion

33. 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.

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: 15-P1147 - LP, CP, 400, 401, 402, 403, 404, 405 and 406, and the Tree Report (Ref: LUSS19977traia_amsC) and Tree Protection Plan (Ref: LUSS19977-03C) all received on 17 August 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 OBSCURE GLAZING
The upper floor windows on the side elevations of the development hereby permitted shall be
glazed with obscure glass and fitted with non-opening principal lights. The first floor terrace
shall also be fitted with 1.8m high obscure glass screens to its side elevations as detailed on
drawings numbered 15-P1147-402 and 403. Such glass shall be sufficiently obscure to
prevent loss of privacy and subsequently maintained in this form. The affixing of an obscure
film will not be sufficient.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with

5 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.

6 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 fully 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
arboreticulturist.
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.

7 METHOD OF CONSTRUCTION STATEMENT
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

HAS BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY. ONLY THE APPROVED DETAILS SHALL BE IMPLEMENTED DURING THE CONSTRUCTION OF THE DEVELOPMENT.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 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 on highway safety and amenity and should be agreed before any works begin.

8 PROVISION OF PEDESTRIAN INTER-VISIBILITY SPLAYS
The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Cavendish Road, the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.

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 NEW VEHICLE CROSSOVERS AND DROPPED KERBS
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 www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
3 APPROVAL OF TEMPORARY ACCESS
When a temporary access is approved or an access is to be closed as a condition of planning
permission an agreement with, or licence issued by, the Highway Authority Local Highways
Service will require that the redundant dropped kerb be raised and any verge or footway
crossing be reinstated to conform with the existing adjoining surfaces at the developers
expense.

4 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).

5 PEDESTRIAN INTER-VISIBILITY SPLAY
A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access,
the depth measured from the back of the footway and the widths outwards from the edges of
the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height
above ground level shall be erected within the area of such splays.

6 STREET FURNITURE
The County Highway Authority 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 applicant's expense. Please contact
surreylightingservices@skanska.co.uk regarding the lamp column.
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1.8 M HIGH GLAZED PRIVACY SCREEN

O.G. - DENOTES OBSCURE GLAZING

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PROPOSED STREET SCENE
ALONG CAVENDISH ROAD