Representations: 7 letters of objection from 6 addresses have been received in regards to the application raising the following points:
  • Adverse impact on character of the area
  • Adverse impact on neighbouring amenity (light, overbearing)
  • Impact on trees and ecology
  • Increase in density in ‘special low density area’
  • Highway safety and parking on Goldrings Road
  • Flooding
  • Disturbance during building works
  • Covenant issues
  • Party Wall Act issues

This application has been promoted by Cllr Chappell if the recommendation is to permit

Report

Description

1. The application site is located on the southern side of Goldrings Road, a private road in Oxshott. The site is currently occupied by a two storey detached dwelling and a number of smaller outbuildings. The level of the site lowers from broadly east to west, and this level change runs along the road so the dwellings to the east are raised compared to those in the west. The site is well screened by a mix of mature trees and hedges.

2. The site falls within the ‘Crown Estate’ character area as identified in the Cobham, Oxshott, Stoke D’Abernon and Downside Companion Guide to the Design and Character Supplementary Planning Document 2012, and is an area of special low density residential development. The area comprised of large detached dwellings set in spacious plots.
Constraints

3. The relevant planning constraints are:
   - Special area of low density residential development
   - Adjacent to low and medium risk of surface water flooding
   - Thames Basin Heath Special Protection Area 5km buffer
   - Trees

Policy

4. 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
   CS13 – Thames Basin Heath Special Protection Area
   CS15 – Biodiversity
   CS17 – Local Character, Density and Design
   CS21 – Affordable housing
   CS26 – Flooding

   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

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

   Flood Risk SPD 2016

   Developers Contributions SPD 2012

5. Relevant Planning History

   Whilst there have been historic applications to extend the property, the most recent is the most relevant, and is listed below.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/1460</td>
<td>Two-storey front and side extension with rooms in the roofspace and new access with entrance gates and piers following part demolition of existing house</td>
<td>Grant permission</td>
</tr>
</tbody>
</table>

Proposal

6. Permission is sought for the erection of 2 detached two-storey houses with rooms in the roofspace, dormer windows, integral garages, front gates and piers (a maximum of 2.5m high) and new access following demolition of existing house on site.

7. The proposed two dwellings would not be identical in design or appearance. The eastern most dwelling (plot 1) would be some 9.8m high, with a total depth of 17.6m and width of 15.9m. The
western dwelling (plot 2) would be some 9.75m high, with a total depth of 24.6m (including front garage projection) and total width of some 15m.

**Consultations**

8. Council Tree Officer – No objection subject to conditions in relation to tree protection and tree planting specification.

9. Surrey County Council Highways – No objections subject to informatives in relation to new accesses.

10. Surrey Bat Group – No objections subject to recommendations in updated bat report.


**Positive and Proactive Engagement**

13. 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.

14. Formal pre-application advice was sought prior to the submission of this application which concluded in principle the proposal was acceptable subject to appropriate design and other planning considerations.

**Planning Considerations**

15. The main planning considerations in the determination of this application are

- Principle of development
- The impact on the character of the area and the streetscene
- The impact on the amenity of neighbouring properties and future occupiers
- Access and parking
- Impact on trees
- Ecological matters
- Flooding
- Financial considerations.

**Principle of development**

16. The Core Strategy indicates that there is scope for residential development through the redevelopment of existing sites with well-designed schemes that integrate with and enhance the local character. 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. The Council promotes development that contributes to an overall housing target of 40 dwellings per hectare and achieves a minimum of 30 dwellings per hectare (dph), other than in areas of special low density residential development, which includes the Crown Estate which this site is within.

17. The application site is not located within a conservation area and is not a listed building. As such, the redevelopment of the site is considered acceptable in principle. Whilst the site is within the designated low density residential development area the plot is wide, and currently occupied by a building which sits to one side of the plot, not centrally. As such the creation of two units within this plot could be accommodated whilst still maintaining the spacious character and building separation of the area. Policy CS17 states that ‘increasing densities has to be treated sensitively
in order that the character of the local area is not threatened through the introduction of inappropriate development’. It is considered the proposal, whilst undoubtedly resulting in an increase in density compared to the existing, would have a density of some 6.2dph. It is considered therefore subject to appropriate design and the other considerations covered in this report the principle of an additional dwelling on this plot would be acceptable.

The impact on the character of the area and the streetscene

18. The proposal would see the existing plot split broadly down the middle. The proposed dwellings would both be two storeys high with habitable accommodation in the roofspace. They would be of a different architectural design and include different features and materials which would pay regard to the wide variety of architectural styles and use of materials within the street. The proposed dwellings would be separated from both the flank boundaries (approx 4.5m from the western boundary and approx 3.3m from the eastern boundary) and from each other (by approx 4.5m) which it is considered would respect the detached nature of the properties in this road. Whilst it is acknowledged the resultant plots would be narrower than others within the street it is not considered the resultant dwellings would appear cramped. Whilst they would be smaller than many of the replacement dwellings in the street, they would nevertheless still be large properties and would not appear to be of a scale that would be incongruous within the streetscene. The proposed dwellings would respect the prevailing building line on the southern part of the road.

19. Turning to the design of the two dwellings, Plot 1 (the eastern dwelling) would be of a two storey construction with rooms within the crown roof. It would feature two gable features on the front and rear elevation, with a crown roof section, two small front and rear dormers and an integral garage. Plans indicate this dwelling would be finished in render. There would be separation from the eastern boundary of the site of 3.3m, and separation from the flank of No. 9 Goldrings Road of approx 12m, and a separation from the proposed dwelling in Plot 2 of some 4.5m at its closest point. Plot 2 has a neo-Georgian architectural style, with a central front projecting element and recessed crown roof with coping surround. Plot 2 also includes a front projecting garage element, of which other examples can be seen within the street. It is considered the overall design approach of both proposed dwellings would not appear incongruous in the streetscene and their different appearance and layout would allow them to better integrate in the road as opposed to two identical looking properties.

20. The relevant section in the Cobham, Oxshott, Stoke D’Abernon and Downside Companion Guide to the Design SPD describes the character and nature of the area. It identifies that these areas are defined by their low density, and also states that ‘Development should seek to retain the established landscape character, particularly in relation to front boundaries’. The proposal would see the creation of one new access and the closing up of one existing access, so the total number of vehicle crossovers would remain unchanged. The submitted plans show existing significant trees on the front boundary of the site would be retained, and additional planting would be undertaken on the front boundary and within the front gardens of both proposed properties. Each property would be served by a private driveway which would be comparable to other driveways in the vicinity. Views of parked cars would be obscured by boundary planting. The proposed entrance gates and piers would be of a scale and design which would not appear in keeping within the streetscene.

21. It is considered the proposal therefore would have an acceptable impact on the character of the area and the streetscene. It is considered on balance the proposed two dwellings and their respective plots, whilst being narrower than the others within the street, would still be of a scale and nature that would not appear incongruous. They would respect the generous spacing of dwellings, and their design, appearance and choice of materials would reflect those found in the wider streetscene.

The impact on the amenity of neighbouring properties and future occupiers

22. 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.

23. The proposed dwellings would not infringe a 45 degree line when measured from the nearest windows serving habitable rooms of adjoining dwellings at a distance of 15m for two storey development and 8m for single storey development. The 45 degree line is used as a guide to ensure that new development does not block light windows which serve habitable rooms. The site is currently screened on the flanks with mature hedge and tree planting. It is considered the combination of this planting, the physical separation between the proposed dwellings and the adjoining properties (No's 9 and 15 respectively) and the fact the proposed dwellings would be built in line with their neighbours means the proposal would not result in a harmful loss of light to adjoining occupiers.

24. It is considered the physical separation between the proposed dwellings and the adjoining properties would ensure that no unacceptable loss of privacy would occur. Flank windows above first floor level in the proposed dwellings would serve bathrooms and could be conditioned to be obscurely glazed to prevent overlooking to the flanks. The proposed orientation of the dwellings would see the outlook facing south east into the rear gardens of the properties, and the existing boundary treatment would screen views into the gardens of adjoining dwellings.

25. Turning to the impact on the amenities of future occupiers of the units, it is considered they would provide a suitable standard of living, commensurate to dwellings of this scale and location. Each dwelling would exceed the minimum internal floorspace requirement as set out in the National Technical Standard. The proposed internal layouts would allow principle habitable rooms to be served by natural light and provide suitable outlook. The proposed gardens would exceed the minimum depth of 15m for ‘larger gardens’ as set out in the Design and Character SPD, and the gardens would be 31m and 33m deep respectively. Notwithstanding the submitted plans it is considered the boundary planting between the two plots should be hedge planting to better respect the wider area and this matter can be controlled via an appropriate landscaping condition. The proposed parking areas would be of a commensurate size for the host dwellings and both properties include garage parking.

Access and parking

26. The eastern most dwelling would utilise one of the existing accesses of the site (the property currently has two accesses), and the western dwelling would see a new access created approximately 2.5m further west than the existing access proposed to be closed off. The County Highway Authority was consulted on the proposal and raised no objections in regards to highway safety.

27. Each dwelling would benefit from two garage parking spaces and space to the front of the properties for further off street parking. Both units would comply therefore with the parking standards for residential dwellings.

Impact on trees

28. Plans submitted indicate one tree in the existing front garden of the property would be removed. Other significant trees within the application site would be retained, and further tree planting is proposed within both plots as part of a wider landscaping scheme. It is considered the proposal would maintain the well treed nature of the site and would be in keeping with the wider area. The Council’s Tree Officer was consulted on the proposal and raised no objections subject to conditions relating to tree protection and planting specification for proposed trees.

Ecological matters

29. The application was supported by a phase 1 ecological appraisal. This recommended that emergence surveys be carried out at the appropriate time of year to ascertain if the existing dwelling contained any active bat roosts or bat activity. The required surveys were conducted and upon receipt of these the Council consulted the Surrey Bat Group on their findings. The Bat Group raised no objections to the recommendations and compensation measures set out in the ecology
report which can be controlled by appropriate condition. Surrey Wildlife Trust were also consulted on the proposal and raised no objections subject to the scheme following ecological best working practice, which can be controlled by condition.

Flooding

30. A small part of the site is classified as being an area of low surface water flood risk (a part of the western boundary. It is not considered the proposal would lead to an increase in flood risk elsewhere subject to the utilisation of appropriate sustainable urban drainage methods. It is considered the small area of low surface water flood risk taking a proportionate approach to flood risk this matter can be controlled by appropriate condition.

Financial considerations

New Homes Bonus

31. 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.

32. 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.).

33. 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

34. 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 the net gain of 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.

35. 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.

36. Based on the above, the appropriate level of the financial contribution towards the affordable housing provision was calculated. 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)

37. The proposed development is CIL liable, and the applicant has provided the relevant forms.
Matters raised in Representations

38. The Party Wall Act and Covenant issues are not material planning considerations. In regards to disturbance during building works the applicant can be advised via an informative about the control of pollution and noise during construction. In regards to on street parking occurring within Goldrings Road the County Highway Authority raised no objections in regards to highways safety and access. The other matters have been covered in the above report.

Conclusion

39. 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: AAL-16-228-P01, AAL-16-228-P02, AAL-16-228-P03, AAL-16-228-P04, AAL-16-228-P05, AAL-16-228-P06, CCL 09460 received on 24.02.2017. AAL-16-228-P01 Rev A received on 06.03.2017.

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 first floor windows on the flank elevations of Plot 1 and Plot 2 of the development hereby permitted 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.
5 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.

6 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.

7 LANDSCAPING - TREE PLANTING AND AFTERCARE
No works or development shall take place until full details of all proposed tree planting, the proposed times of planting, and arrangements for aftercare over a period of 5 years have been approved in writing by the Borough Council. All tree planting and aftercare shall be carried out in accordance with those details and at those times. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place, unless the Borough Council gives its 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.

8 ADDITIONAL TREE INFORMATION AND PRE-COMMENCEMENT INSPECTION
Before development takes place further arboricultural details shall be submitted to and approved in writing by the Borough Council and these works shall be carried out as approved. This scheme shall include details of:

A) The existing trees and hedges to be retained in the form of a tree survey and arboricultural impact assessment, in line with BS5837:2012, and shall include details of all current and proposed hard surfaces, walls, fences, access features, and ground levels.

B) The measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials / machinery, including a tree protection plan and an arboricultural method statement in line with BS5837:2012 (see arboricultural method statement informative.)
C) THE SCHEME SHALL PAY PARTICULAR ATTENTION TO (LIST SPECIFIC TREE / AREAS OF DEVELOPMENT OR DELETE IF NOT APPROPRIATE)

D) PRIOR TO THE COMMENCEMENT OF WORKS ON SITE AND AFTER THE INSTALLATION OF THE TREE PROTECTION IN ACCORDANCE WITH (B) ABOVE THE APPLICANT SHALL ARRANGE A PRE-COMMENCEMENT MEETING 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.

9 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 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.

10 BIODIVERSITY MITIGATION (BATS)

The development shall be carried out in accordance with the conclusions and recommendations in the Ecological Report by Plan Ecology Ltd dated May/June 2017.


11 BIODIVERSITY MITIGATION (REPTILES)

The development shall be carried out in accordance with the best ecological practice in regards to reptiles listed in the response of the Surrey Wildlife Trust in their letter dated 25.05.2017.

Informatives

1 MATERIALS 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).

2 NEW 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 https://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs

3 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.