At the meeting of the South Area Planning Sub-Committee on 12/03/2018 it was resolved that this application be referred to the Planning Committee meeting on 27/03/2018 with a recommendation that it be permitted subject to a letter of intent in relation to the on-site affordable housing provision and the following additional conditions:

12) Electric Vehicle Charging Points
Prior to the first occupation of the development hereby approved details of Electric Vehicle Charging Points will be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented prior to the first occupation of the development.

Reason: In order to provide the necessary electric vehicle charging points on site in accordance with Policy DM7 of the Development Management Plan 2015.

13) Short Term Occupation
The proposed units shall be used exclusively for short term lets and shall not be continuously let to occupiers for a period of more than one year.

Reason: The size, outlook and amenity space of the proposed units is limited and would not be suitable as a permanent place of residence in accordance with the requirements of Policies DM2 and DM10 of the Development Management Plan 2015.

Late Consultation Responses
None received.

Additional Letters:
Seventy-seven (77) additional letters of objection and observation in relation to this application. The contents of these letters can be summarised as follows:

- Detrimental impact on the businesses backing onto the site including the At Home shop
- Loss of parking
- Harm to highway and pedestrian safety
- Loss of employment
- The development is inappropriate for the area
- Inadequate amenity space
- The proposal is unsuitable for families with young children
- The proposal would lead to increase in traffic and congestion on the high street
- Poor
- Cramped development
- The use of the service road would have impact on the future occupiers
- Poor standard of accommodation for future occupiers
- As Elmbridge Council is the applicant and decision maker, the decision cannot be made without bias
- Piecemeal development
- The reason for the refusal of the previous scheme has not been addressed
- Th proposed materials would be out of keeping with the area
- Poor outlook
- The proposal would compromise redevelopment of the telephone exchange land.

Officer Response:

- The garages are independent of the shops.

- There are public and private car parks in the local area including the Holly Hedge car park, which could potentially accommodate overspill car parking.

- The outlook from the windows and the layout of the proposed dwellings including the individual rooms would also be acceptable.

- The site is situated in a sustainable location with regards to transportation, with local bus stops within walking/cycling distance and good access to local shops, services and amenities.

- The Highway Authority has assessed the impact of the proposal on highway safety and capacity and raised no objection to the proposal.

- Although a comprehensive redevelopment of a larger area that would include the current application site would be beneficial, there is currently no realistic prospect of the telephone exchange site being included in any such proposals in the near future and each case must be considered on its merits.

- The application would be decided by elected Ward Members of the Planning Committee.

All the other matters raised in the additional letters have been address in the officer’s report.

Additional Plans:

No additional plans have been accepted since the Sub-Committee meeting.

Update to Report:

The Sub-Committee recommended that an additional condition be imposed in relation to the short term occupation of the flats (Condition 13 - SHORT TERM OCCUPATION). This was because it was considered that given the limited amenity available to future occupiers the proposed units wouldn’t be appropriate for longer term occupation. Consideration should be given to whether such a condition would
pass the tests as set out in Paragraph 206 of the NPPF. In this instance it is considered that such a condition would be unlikely to meet the necessary tests and it would be more appropriate for the restriction to short term lets to be enforced through the wording of the legal agreement. It is therefore recommended that the condition be omitted from the decision. An update on the legal agreement will be provided at the committee meeting.

The original report to Sub-Committee is set out below.

Representations: 21 letters of objection have been received concerned with the following issues:

- Out of keeping with the conservation area (design & proposed materials);
- Overdevelopment;
- Loss of light, privacy and overshadowing to the properties in Longboyps;
- Poor amenities and safety for the future occupiers (pollution, outlook and waste bins from commercial premises in High Street; poor lighting);
- Flooding at the access during heavy rainfall;
- Highway implications (deliveries and parking during construction; congestion; pedestrian safety at the access point);
- The access from High Street is inadequate;
- Loss of parking & inadequate level of parking proposed;
- This piecemeal development should be replaced by a comprehensive scheme of a wider area;
- The application is rushed for decision prior to the new local plan is published (there might be conflict);
- Previous application was refused;
- Potential impact on the stability of the surrounding buildings due to delivery trucks using the driveway behind the shops;
- Shops will lose the deliveries and collections areas, which are currently at the rear;
- Demolition of garages would mean loss of storage for the shops;
- Suggestions for conditions regarding one-way-system; and permitting the use of only smaller waste disposal vehicles was made.

In addition, 1 letter of observation, 1 letter of support have also been received stating that the proposal would provide much needed accommodation for those less well-off.

*** This application qualifies for Public Speaking ***

Report

Description

1. The application site comprises a 0.09 ha of land located to the rear of No's 26-38A High Street, Cobham. The site comprises garages and the service / access yards to the ground floor retail units fronting the High Street and flats above. Access to the site is via a 3m wide service road off High Street located between No’s 24 and 26 High Street; and a service road off Church Street located between No’s 2 and 4 Church Street (not part of the application site). The site lies within the Cobham District Centre character area as defined in the Cobham, Oxshott, Stoke D’Abernon and Downside Companion Guide to the Design and Character SPD.

Constraints

2. The relevant planning constraints are:

- Town Centre
- Conservation Area
- Primary Shopping Frontage
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
CS1 – Spatial Strategy
CS2 – Housing Provision, Location and Distribution
CS10 – Cobham, Oxshott, Stoke D’Abernon & Downside
CS13 – Thames Basin Heaths Special Protection Area
CS15 – Biodiversity
CS17 – Local Character, Density and Design
CS19 – Housing Type and Size
CS21 – Affordable Housing
CS25 – Travel and Accessibility
CS26 – Flooding
CS28 – Implementation and Delivery

Development Management Plan 2015
DM1 – Presumption in favour of sustainable development
DM2 – Design and amenity
DM5 – Pollution
DM6 – Landscape and trees
DM7 – Access and parking
DM8 – Refuse, recycling and external plant
DM10 – Housing
DM12 – Heritage
DM21 – Nature conservation and biodiversity

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

Developer Contributions SPD 2012

Flood Risk SPD 2016

Relevant Planning History

4. There have been a number of applications relating to this site, however the most recent relevant application is highlighted below:

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/0421</td>
<td>2 detached two storey buildings comprising a total of 6 flats with associated parking following demolition of existing garages</td>
<td>Refused and subsequently dismissed on appeal, as the proposal failed to preserve the character or appearance of the conservation area and the local area</td>
</tr>
</tbody>
</table>

Proposal

5. Permission is sought for a terrace of 3 single-storey dwellings, a detached two-storey building comprising 2 flats, detached bin store and associated parking and landscaping following demolition of existing garages. The supporting Planning Statement confirms that the scheme is 100% affordable housing.
6. The proposed single storey terrace of three dwellings would be a maximum of approx. 8.6m deep and 22m wide with a ridge height of 5.5m. This building would maintain approximately 2.4m to the southern boundary with a section of the rear elevation being situated on the western boundary. A gap between the building and the two-storey flats would be retained at 6.2m. The two-storey building accommodating further two flats would be approximately 9.5m deep and wide with a ridge height of 8.5m. The block of flats would maintain approximate maximum separation of 1.9m and 3.7m to the south/side and west/rear boundaries respectively.

7. The proposed site layout indicates 6 parking spaces to be provided, as well as a separate refuse storage area.

8. The application is accompanied by the following supporting documents:
   - Planning, Design, Heritage and Access Statement
   - Archaeological Desk-Based Assessment
   - Extended Phase 1 Habitat Survey & Bat Mitigation Plan
   - Surface Water Management Strategy

Consultations

9. Surrey County Council (Transportation) – The Highway Authority has assessed the impact of the proposal on highway safety and capacity and raised no objections subject to conditions and informative. The development is considered in accordance with Policy DM7 of the Development Management Plan 2015 and the National Planning Policy Framework 2012.

10. Conservation Officer – Following the submission of detailed external materials, no objection was raised.

11. Head of Housing Services – Raised no objection, subject to the delivery of the affordable housing being formalised.

12. Cobham Conservation Area Advisory Committee – Raised objection due to the proposed design and cladding; and potential loss of parking.

13. Environmental Health Services (Noise & Pollution) – Raised no objection, subject to informative.

14. Surrey County Council (Archaeology) – Raised no objection, subject to condition.

15. Surrey Bat Group – Raised no objections.

16. Natural England – Raised no objection subject to compliance with the Local Authority’s Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA.

17. Tree Officer – Raised no objection.

Positive and Proactive Engagement

18. 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.

19. Formal pre-application advice (ref. PreApp1336751) was sought prior to the submission of the current application. Advice was offered in connection with the following matters: principle of development, housing provision, impact on the character of the area and residential amenities, access and parking, biodiversity and financial
considerations. Subject to the offered advice being taken up, the submission of the application was encouraged.

Planning Considerations

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

- Principle of development
- Housing provision
- Impact on the character of the area
- Impact on amenity of neighbouring properties
- Residential amenity of future occupiers
- Impact on highway, including access and parking
- Ecological matters
- Archaeology
- Flood risk
- Financial considerations

Principle of development

21. The application site comprises previously developed land located within the Cobham town centre, within walking distance to the local services and the local public transport. The redevelopment of such land for housing is encouraged by policies CS1 and CS2 of the Core Strategy and by the NPPF. Policy CS10 states that there is scope for additional residential development across the area, primarily through redevelopment of previously developed land. It also indicates that the provision of higher density housing may be appropriate within and around Cobham Town Centre.

22. The application site is currently occupied by a row of vacant and dilapidated garages and its southern section lies within the Cobham Conservation Area. The site is also within an area that forms the historic core of Cobham and in the vicinity of several listed buildings, particularly those in Church Street. The existing garages are of no particular architectural merit and therefore the Council does not object to their loss subject to the replacement buildings resulting in an enhancement to this area. Based on the above, the site's redevelopment is considered acceptable in principle, subject to the considerations below.

Housing provision

23. 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. Whilst the Council promotes development that contributes to an overall housing target of 40 dwellings per hectare (dph) and achieves a minimum of 30dph, the housing density is usually higher in the town centres. Therefore, the proposed density of approximately 56dph is not considered excessive in the context of this town centre location.

24. The latest Authority Monitoring Report 2015/2016 states that the affordable housing delivery over the plan period must meet the Local Plan target of at least 1,150 gross new-build affordable homes by 2026. This equates to an annual target of 77 gross new-build affordable homes per annum. The Council's new Strategic Housing Market Assessment (SHMA) 2016 shows the Borough has severe affordability issues with a need for 6,640 net additional affordable homes over a twenty-year period from 2015 to 2035. This equates to 332 net additional affordable homes per annum. At the end of the 2015/16 monitoring year 86 gross affordable homes were delivered. As a result, the Borough suffers severe deficiency in provision of affordable housing. This has been confirmed in the Council's response to the Written Ministerial Statement, updated in February 2017, which justifies the need for the affordable housing
contributions on small sites (below 10 units & 1000 sqm). In conclusion, the provision of affordable housing is supported by the Council’s evidence base.

**Impact on the character of the area**

25. Policy CS10 states that developments that address deficiencies in the existing housing stock, and any development in principle, should be well designed and integrate with and enhance local character, particularly within the conservation areas.

26. A similar scheme to that currently under consideration was subject to an appeal in 2013. The Inspector, considering the previous proposal, stated that the proposed two two-storey buildings would have been shoehorned onto the site in comparison with the existing garages, which provide a degree of spaciousness. The Inspector concluded that for this reason, the proposal failed to preserve or enhance the character or appearance of the conservation area and the wider area.

27. The current scheme seeks to address this matter. The two-storey building previously located along the side elevation of the neighbouring telephone exchange has now been replaced with a single storey building that would comprise three 1-bedroom dwellings. The original large two-storey building located next to the side elevation of No. 13 Longboyds has now been replaced with a smaller two-storey building comprising two 2-bedroom flats (one on the ground and one at the first floor level).

28. The single storey building would have a shallow pitched roof design, which would minimise the bulk of the building and would be in keeping with the pre-dominant roof forms in the surrounding area. The two-storey building would not be higher than No. 13 Longboyds and with its hipped/gabled roof it would ensure a coherent appearance in the existing surrounding built form and when viewed on approach from High Street.

29. Due to the reduced scale, mass and bulk of the development and reduction in the number of units, the proposal is considered to retain the spaciousness outlined in the Inspector’s decision. Furthermore, all units would benefit from a small outdoor private amenity area, which was also highlighted by the Inspector as a deficiency.

30. There are no trees in the vicinity of the application site that would be affected by the proposed development.

31. Although the proposed site layout indicates areas of soft and hard landscaping, no details have been submitted at this stage. To ensure that the site integrates satisfactorily with the surrounding area and particularly enhances the setting of the conservation area, appropriate conditions would be imposed.

32. The submission contains details of the suggested external materials, which have been, following the receipt of the Conservation Officer’s consultation response, altered during the course of the application. The applicant was advised that the use of timber cladding is not widespread within or close to the conservation area. If used, this should be dark stained, as some examples in the vicinity. It was also suggested that use of red brick would have been more in keeping with the buildings that make a positive contribution to the character of the conservation area. Furthermore, the stone roof tiles were not considered characteristic of the Cobham area. In response to the consultee’s comments, the external materials were amended to natural slate roof tiles, Michelmersh Cobham Blend Bricks, timber windows and dark stained timber cladding. The Conservation Officer is now satisfied that on balance the proposed external materials would be acceptable in this location. A condition to secure these materials would be imposed.

33. In conclusion, in terms of its appearance, particularly its scale, bulk and design, together with the siting and layout, and subject to the aforementioned conditions, it is considered that the proposed development would lead to the development integrating
into the surrounding area and the conservation area in a sympathetic manner; that overcomes the previous concerns expressed by the Inspector.

**Impact on amenity of neighbouring properties**

34. The closest residential properties to the proposed dwellings are the terraced houses in Longboyds to the west. These are two-storey properties, each with a rear conservatory. Further south from Longboyds and to the west boundary of the application site, there is a telephone exchange single-storey, flat roofed building. The southern boundary abuts a smaller single-storey pitched roofed sub-station. To the east of the application site is a row of 2/3 storey terrace of buildings facing High Street (No’s. 26 to 38A). These accommodate business premises at the ground floor with flats above. To the north, there is a first floor flat at No. 24B High Street and a further hardstanding used as a formal parking for vehicles.

35. Due to its orientation, internal layout, separation distances and its height, it is not considered that the proposed development would result in any adverse loss of light or privacy to the commercial premises at No’s 26 to 38A High Street or the flats above to the east.

36. No. 13 Longboyds, which is the neighbouring, end-of-terrace dwelling situated to the rear of the proposed building accommodating Units 4 & 5, has a couple of flank windows facing the application site. These serve non-habitable rooms and therefore although the proposed building would be only 2.5m away from the flank wall of No. 13, no adverse loss of light is considered to occur. Furthermore, the siting of the two-storey building would not infringe upon the 45-degree lines taken from the nearest habitable room windows of properties in Longboyds. Due to its orientation to the east of Longboyds, it is not considered that the proposed development would result in any adverse overshadowing of these properties.

37. Unit 5 would have a secondary window inserted within the west elevation. This would be almost directly opposite the first floor window of No. 13, which likely serves a bathroom at a distance of 2.5m. As such, it is considered necessary to obscurely glaze this window to prevent any unreasonable loss of privacy to the occupiers of No. 13.

38. No. 24B High Street is a 1-bedroom flat with a habitable room window facing the application site, which is the only source of light to that room. The proposed two-storey building would be situated such that a limited infringement of the 45-degree line taken from the above window would occur, however only at the approximate distance of 17m. Therefore, in accordance with the Elmbridge Design & Character SPD, it is not considered that any adverse loss of light would result.

**Residential amenity of future occupiers**

39. In line with the nationally set minimum space standards, the proposed 1-bedroom units (Units 1, 2 and 3) of 50 sqm (GIA); and 2-bedroom Units 4 and 5 at approximately 70 sqm each, would meet these requirements.

40. Each unit would benefit from a small outdoor private amenity space. Although these gardens would be limited in size and fall below the guidelines in the SPD, due to the location of the application site within the town centre these are considered acceptable. The development also provides a designated separate refuse storage.

41. To ensure that there would be sufficient light reaching the habitable rooms of Units 1, 2, and 3, additional rooflights within the west/rear elevation of the terrace; and high level rooflights over the habitable room of Unit 5 within the south/side elevation were added during the course of the application. It is considered that this minor change represents a non-material amendment and therefore re-consultation was not carried out in this instance.
42. The outlook from the habitable rooms would be limited, as the site’s location does not allow for any long-distance views. On balance, and considering all the benefits the proposal offers, this limitation is not considered as detrimental as to warrant refusal of the scheme.

43. The Council’s Environmental Officer commented that there are several commercial waste bins currently located on the application site serving the existing shops. As such, it is likely that the future occupiers of the proposed residential units would be disturbed by commercial waste collections if alternative provisions for commercial waste storage and collection were not made. However, no condition to this extent was suggested and no objection to the proposal was raised. As such, an informative advising of the situation is proposed.

44. Concerns are raised regarding pedestrian access to Unit 1, as there is currently no access indicated from the proposed parking bay or the access road. This could be addressed through the landscaping condition. It was suggested by a local resident that the area is dark in the evenings and this may result in safety hazard for the future occupiers of the development. Additional lighting could be addressed through the means of the same condition.

45. The area along High Street is defined as the Cobham Air Quality Management Area (AQMA), declared due to the national objective for nitrogen dioxide not being met or at risk of not being met. As such, the overall design of the new developments along this road have to be informed by the fact that the area has a poor air quality and therefore conventional ventilation of the buildings through windows and the implementation of balconies, particularly within the frontage facing High Street, might not be appropriate.

46. The access to the application site leading from the High Street is located within the AQMA, however the development itself would be situated outside of this designation. The Council’s Environmental Officer reviewed the scheme and did not raise objection with regards to the residential amenities of the future occupiers in terms of poor air quality. Due to the location of the proposed residential units to the rear of the two/three storey terrace of buildings along High Street, in addition to being outside of the designated AQMA, it is not considered that the amenities of the future occupiers of the development would suffer any loss due to this matter.

Impact on highway, including access and parking

47. The majority of the representations received are concerned with the loss of parking, inadequate parking provision and the aggravation of the existing on street parking problems. On street parking is at a premium in the area mostly due to the narrow streets and carriageways of local roads. However, there are public and private car parks in the local area and include the Holly Hedge car park, which could potentially accommodate overspill car parking.

48. The site is situated in a sustainable location with regards to transportation, with local bus stops within walking/cycling distance and good access to local shops, services and amenities. The proposal is likely to lead to a reduction in the number of trips associated with the site due to the reduction in the number of parking spaces from 16 to 6 and the change of use of the land. Whilst the number of proposed vehicular parking spaces is in accordance with the adopted car parking standards, the proposal makes no provision for cycle parking. This is necessary to satisfy the parking standards currently in force and therefore a condition requesting adequate cycle parking to be provided has been included.

49. The narrow access off the High Street is substandard, but currently operates reasonably well. The proposal will result in a decrease in trips and traffic using this and there is no evidence suggesting that it will not operate satisfactorily in the future. Therefore, it is not considered that the introduction of a one-way-system is necessary. Furthermore, as there would be less cars on site and as the access arrangements
would remain the same as existing, a condition imposing the use of smaller waste collection vehicles is not justified.

50. The loss of the loading and unloading areas could potentially cause problems, but there is still loading and unloading carried out on the High Street itself. This can be legally done on the double yellow lines on the opposite side of the road, as long as it does not cause an obstruction to the flow of traffic. If it does, then this would be an enforcement matter. The existing shops within this section of the High Street do not appear to be the type to generate significant turnovers of stock requiring multiple daily deliveries. If it is felt that loading/unloading areas are necessary, then the parking bays on the High Street could potentially be altered to include provision for loading/unloading.

51. Based on the above, and following an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision, the County Highway Authority is satisfied that subject to conditions the development would not have a material impact on the safety and operation of the adjoining public highway.

Ecological matters

52. The submitted Extended Phase 1 Habitat Survey & Bat Mitigation Plan indicates that the existing buildings on the site have negligible to moderate potential to support bats. Three emergence and re-entry surveys were also carried out. No bats were seen emerging from or entering the buildings but a low level of foraging and commuting activity by common and soprano pipistrelle bats was recorded within the site. One common pipistrelle was observed roosting in one of the adjacent buildings overlooking the site. Based on these findings, the document offers a number of mitigation and enhancement measures. It is considered that the imposition of the relevant condition would ensure compliance with the planning legislation (NPPF para 118), the other relevant legislation, including the Conservation of Habitats and Species Regulations 2010 and the requirements of Policy DM21 of the Elmbridge Development Management Plan 2015.

53. The application site lies within the 5km buffer zone of the Thames Basin Heath Special Protection Area. To mitigate the impact of the additional residential occupancy within the buffer zone, the applicant is usually required to enter into a legal agreement to secure a financial contribution towards the Strategic Access Management and Monitoring (SAMM). However, the Developers Contributions SPD (paragraph 3.83) advises that in order to be consistent with the approach taken to CIL and in recognition of the importance of affordable housing provision in the Borough, the tariff will not apply to compensate for the exclusion of affordable housing. As a consequence, no SAMM contribution is sought for the proposed development.

Archaeology

54. As the application site lies within an area of high archaeological potential, the Archaeological Desk-Based Assessment was provided with the application documents. The Archaeological Officer from SCC Heritage Team reviewed the information and confirmed that the site has a potential for containing archaeological deposits from a variety of periods. The cartographic evidence within the assessment does not illustrate significant development across the proposed buildings’ footprint and the impact involved in the construction of the existing garages is likely to have been limited. As a result, further archaeological work is required. However, it is unlikely that the site will contain previously unknown Heritage Assets of archaeological significance that would require preservation in situ. As such, the required archaeological work could be satisfactorily secured by a pre-commencement condition.

Flood risk
55. The application site lies within Flood Zone 1, which benefits from less than 1 in 1000 annual probability of river flooding. Whilst the proposal is for a residential use, which is classified as ‘more vulnerable development’, as the site lies within Flood Zone 1, in accordance with the NPPF, no sequential or exception test for the development is required.

56. The northern section of the application site lies within the area of low to medium risk of surface water flooding. As such, the application is accompanied by the Surface Water Management Strategy (the strategy). The document concludes that infiltration is not possible on site due to the presence of clays with relatively poor infiltration rates; and due to the site’s location away from the watercourses, no discharge to watercourse is available. With no other options available, a connection to the existing public sewer was presented as the most viable solution for managing the surface water runoff. An indicative drainage layout has been included in the strategy and outlines the proposed drainage network, chambers and permeable paving with attenuation area. To minimise the risk of surface water flooding, a suitably worded condition could be applied to ensure that the drainage scheme is satisfactorily implemented.

Financial considerations

New Homes Bonus

57. 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.

58. 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.).

59. 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.

Affordable Housing

60. Policy CS21 requires that a minimum of 50% of affordable housing applies on publicly-owned land, regardless of the number of dwellings proposed. The agent confirmed a commitment that all five homes would be provided as affordable housing for rent. The Council’s Housing Service supports the proposal as it will make a small but significant contribution to the delivery of much-needed affordable housing in the borough. This commitment has to be supported by formal means and it is anticipated that it would be secured by the date of the Planning Sub-Committee.

61. 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.

62. A recent appeal decision (APP/K3605/W/16/3146699) in Elmbridge found in favour of the Council’s approach. The Inspector considered the approach in Policy CS21 to be consistent with Paragraphs 47 and 50 of the NPPF, which require local planning authorities to meet the full, objectively assessed needs for market and affordable housing and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

63. The Inspector added that the application should be determined in accordance with the development plan unless there are material considerations which indicate otherwise, noting the WMS as a material consideration of considerable importance and weight. The Inspector notes that the intention of the WMS is to ensure that financial contributions do not become a disproportionate burden for small scale developers and thus frustrate housing supply, and that there is a conflict between the national threshold relating to the provision of affordable housing in the WMS and the PPG and the local thresholds set out in Policy CS21 of the CS, which he found to be consistent with the Framework. He states:

64. The effect of the national policy in the WMS is that it would normally be inappropriate to require any affordable housing below the thresholds stated. Nevertheless, whilst there is a presumption that a policy such as a WMS should be followed, especially as it postdates the CS, it is also important to acknowledge that a policy that is relevant to the matter in hand should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary. I therefore share the view of the Council that it is for the decision taker to weigh any conflict between relevant policies in light of material considerations, including local circumstances.

65. The Inspector also addressed the Council’s Statement on the Written Ministerial Statement (referenced above) and the significant difficulty in the delivery of affordable housing in the least affordable authority in England outside of London, noting that small sites make a significant contribution towards the delivery of affordable housing in the Borough. He also noted that there was no substantive evidence to demonstrate that the requirements of Policy CS21 are placing an unreasonable or disproportionate burden on developers. As a consequence, whilst the WMS carries considerable weight, the Inspector did not consider it to outweigh the development plan given the acute and substantial need for affordable housing in the Borough and the importance of delivery through small sites towards this. He concluded:

Consequently, on the basis of the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the 3 tests in Regulation 122(2) of the Community Infrastructure Regulations 2010. Accordingly, the proposal should be determined in line with the development plan.

66. There have been further appeal decisions which have supported the Council’s position on this matter with the following appeal reference numbers; APP/K3605/W/16/3154395, 3156943 and 3156265.

67. The proposal is to provide 100% affordable units on the site and therefore would significantly exceed the affordable housing requirement on the site and make a positive contribution towards the identified need for affordable housing in the Borough. As a result, the proposal is considered to comply with the requirements of CS21. The provision of this level of on-site affordable housing in a sustainable location is of significant weight in determining this application.

68. As the Council is the landowner and applicant there is technically no need for a Unilateral Undertaking. However, in order to ensure that there is clarity in the level of
affordable housing provision and to secure this in the event that the site were to be sold on to a third party and Unilateral Undertaking is to be provided in relation to this provision. An update will be provided on this at the sub-committee meeting.

Community Infrastructure Levy (CIL)

69. The proposed development is liable for CIL, as it involves the creation of additional dwellings. The applicant has provided the relevant liability forms required to pay the chargeable amount in accordance with the relevant regulations.

Matters raised in Representations

70. The issues raised have been addressed in the planning considerations above. However, the outstanding matters are discussed below:

- Although a comprehensive redevelopment of a larger area that would include the current application site would be beneficial, there is currently no realistic prospect of the telephone exchange site being included in any such proposals in the near future and each case must be considered on its merits.

- It is not considered that the current application has been rushed, as the pre-application discussions took place as early as in 2016.

- Should the neighbouring occupiers have concerns regarding the stability of the ground, this should be raised with the applicant. Furthermore, a party wall agreement is likely to be required as part of the implementation process. An informative to this extent could be added to the decision notice.

- While the concerns of the local resident in terms of the disruption including traffic implications that may be caused by the construction works are noted, it is not the planning system’s role to obstruct development on this basis. Inevitably, any construction works may lead to some temporary disruption. Ordinarily, the requirements of Environmental Health legislation will seek to limit any harm so far as reasonably practicable. A standard informative would be added to permissions to draw this matter to the attention of the applicant. Furthermore, a condition is suggested requesting method of construction statement to be approved prior to commencement of works to minimise any such disruption.

- Demolition of garages resulting in the loss of storage for shops is a private legal issue that should be raised with the applicant.

Conclusion

71. 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:
1740_01 received on 29/09/2017; 1740_10 received on 22/12/2017; and amended plans 1740_02 Rev C, 03 Rev A, 04 Rev A, 05 Rev B, 06 Rev B and 07 Rev B, all received on 26/02/2018.

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

3 MATERIALS - APPROVED
The development shall not be erected other than in the following materials:
Roof - Natural slate tiles
Walls - Michelmersh Cobham Blend Brick
Walls - Western Red Cedar (feather edge) with Sadolin "Ebony" wood stain
Windows - Softwood timber windows with Sadolin "Ebony" stain finish.

Reason: To ensure that a satisfactory external appearance is achieved of the development in accordance with Policy DM2 and DM12 of the Elmbridge Development Management Plan 2015.

4 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
(f) MEASURES TO PREVENT THE DEPOSIT OF MATERIALS ON THE HIGHWAY
(g) ON-SITE TURNING FOR CONSTRUCTION VEHICLES

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

Reason: In order 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.

5 ARCHAEOLOGY - SCHEME OF WORKING (SITE OF HIGH ARCHAEOLOGICAL POTENTIAL)
NO DEVELOPMENT SHALL TAKE PLACE UNTIL THE APPLICANT HAS SECURED THE IMPLEMENTATION OF A PROGRAMME OF ARCHAEOLOGICAL WORK ON THE SITE IN ACCORDANCE WITH A WRITTEN SCHEME OF INVESTIGATION WHICH HAS BEEN SUBMITTED BY THE APPLICANT AND APPROVED IN WRITING BY THE BOROUGH COUNCIL.
Reason: The site is within an area of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy DM12 of the Elmbridge Development Management Plan 2015.
DRAINAGE SCHEME

No development shall take place until an annotated site plan detailing the proposed flood mitigation measures is submitted to and approved in writing by the Local Planning Authority. This should include details of the permeable paving to be used; and the siting of the chambers, drainage network, buildings’ roof drainage and flow restrictions. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development does not result in an unacceptable flood risk in accordance with Policy CS26 of the Core Strategy 2011, the Flood Risk SPD 2016 and the National Planning Policy Framework.

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, external lighting, access features, together with the new planting to be carried out.

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

LANDSCAPING - IMPLEMENTATION

All hard and soft landscaping works shall be carried out in accordance with the approved details. All landscaping work and new planting shall be carried out prior to the occupation of any part of the development. Any new planting, which within a period of five years of the occupation 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.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM6 and DM12 of the Elmbridge Development Management Plan 2015.

OBSCURE GLAZING

The first floor window on the west/rear elevation of the development hereby permitted (Unit 5) shall be glazed with obscure glass; and non-openable unless above 1.7m over the finished floor level of the room they serve. 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.

PARKING AND TURNING

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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.

CYCLE STORE
Details of the proposed cycle store serving the development shall be submitted and approved in writing by the LPA. The approved details shall be implemented prior to the first occupation of the development hereby permitted and maintained permanently in strict accordance with the approved plans.

Reason: To ensure provision of adequate cycle parking storage in accordance with Policy DM7 and Appendix 1 (Elmbridge Parking Standards) of the Development Management Plan 2015.

12 ELECTRIC VEHICLE CHARGING POINTS
Prior to the first occupation of the development hereby approved details of Electric Vehicle Charging Points will be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented prior to the first occupation of the development.

Reason: In order to provide the necessary electric vehicle charging points on site in accordance with Policy DM7 of the Development Management Plan 2015.

13 SHORT TERM OCCUPATION
The proposed units shall be used exclusively for short term lets and shall not be continuously let to occupiers for a period of more than one year.

Reason: The size, outlook and amenity space of the proposed units is limited and would not be suitable as a permanent place of residence in accordance with the requirements of Policies DM2 and DM10 of the 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 OTHER WORKS TO THE HIGHWAY
The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

3 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).

4 ALTERNATIVE PROVISION FOR COMMERCIAL WASTE STORAGE AND COLLECTION
The applicant is advised that it would be beneficial to make arrangements for an alternative provision for the commercial waste storage and collection for the shops situated to the east of the application site in order to preserve residential amenities of the future occupiers of the development.

5 PARTY WALL AGREEMENT
The applicant is advised that in accordance with the Party Wall etc. Act 1996 it might be necessary to enter into a Party Wall Agreement with the occupiers of the neighbouring properties.

6 CONSTRUCTION PHASE ONLY - NOISE AND POLLUTION
To control noise and pollution during the construction phase where sensitive premises are nearby, it is advised that:

a) Work which is audible beyond the site boundary should only be carried out between the following hours:
   Monday to Friday 08:00 hrs to 18:00 hrs
   Saturday 08:00 hrs to 13:00 hrs
   And not at all on Sundays or Bank Holidays.

b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels.

c) Deliveries and collections should only be received within the hours detailed above.

d) Adequate steps should be taken to prevent dust causing nuisance beyond the site boundary. These could include the use of hoses to damp down stockpiles of materials which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes.

e) There should be no burning on site that causes nuisance to local residents.

f) Only minimal security lighting shall be used outside the hours stated above.
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SCALE
Site Location Plan
1:1250 @ A3

SCALE
Block Plan
1:500 @ A3

PLANNING ISSUE
Site Location and Block Plan
Land adjacent to 26-36 High Street, Cobham

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Proposed Elevations - Units 1, 2, 3
Land adjacent to 26-36 High Street, Cobham

SCALE 1:100 @ A3

Proposed East Elevation
Proposed West Elevation
Proposed North Elevation
Proposed South Elevation

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Refuse Store Plan and Elevations

Land Adjacent to 26-36 High Street, Cobham

Elmbridge Borough Council

THE FOUNTAIN HEAD QUARRY STREET GUILDFORD SURREY GU1 3UY 01483 301661 LYTLE-ASSOCIATES.COM

Lytle Associates Architects

ARCHITECTS

SCALE 1:50

North Elevation

South Elevation

West Elevation

East Elevation

THE FOUNTAIN HEAD QUARRY STREET GUILDFORD SURREY GU1 3UY 01483 301661 LYTLE-ASSOCIATES.COM

Refuse Store Plan and Elevations

1740_10
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PLANNING ISSUE

This drawing has been amended to incorporate the following changes:

- Timber amended

SCALE 1:200 @ A3

0 2 4 6 8 10m

CLIENT

Elmbridge Borough Council

PROJECT

Land adjacent to 26-38 High Street, Cobham

TITLE

Proposed Street Scene

DRAWING NUMBER

1740_07

REV

B