This application has been previously considered at three Committees:

- Members of the South Area Planning Sub Committee on 4 March 2019 made a recommendation to the Planning Committee;
- Subsequently, the application was considered by Members of the Planning Committee on 19 March 2019;
- The application was again considered by Members of the Planning Committee on 23 July 2019 to allow a further extension of time for a completed legal agreement to be submitted, which was agreed;
- A satisfactory legal agreement has been received. However, as this was later than the agreed extension of time of 23 August 2019, the application is now being brought back to the Planning Committee for approval to enable a procedurally correct issue of the decision notice. The facts of the planning application remain the same.

Officers recommend that planning permission is granted.

The report sent to the 23 July 2019 Committee is set out below.

At the meeting of the Planning Committee on 19 March 2019 Members resolved to permit as per recommendation A below. If a completed legal agreement is not submitted within 3 months (by 19 June 2019), then refuse per recommendation B below:

Recommendation A
Subject to the receipt of a satisfactory legal agreement securing the reduced financial contribution towards the affordable housing, the viability late review mechanism and a financial contribution towards SAMM within 3 months of the Committee resolution the recommendation is to grant permission.

Recommendation B
If a satisfactory legal agreement is not completed within 3 months of the Committee resolution, delegated authority be given to the Head of Planning Services to refuse planning permission for the following reason:
The proposal would, by reason of the lack of a Unilateral Undertaking in relation to a financial contribution for affordable housing and SAMM, be contrary to the requirements of Policies CS13 and CS21 of the Core Strategy 2011 and the Developer Contributions Supplementary Planning Document 2012.

In May, the Cobham Conservation & Heritage Trust made the Council aware that in their opinion the Council made some procedural errors in the processing of the application. Following a review of these matters, the Council has taken the following steps to ensure a correct determination of the application:

- A site-specific Appropriate Assessment ("the AA") was prepared, and Natural England consulted. Natural England subsequently confirmed their satisfaction with the content of the AA, subject to the relevant mitigation being provided. Therefore, subject to receipt of a satisfactory legal agreement to secure SAMM contributions, the proposal will not have a likely significant effect on the Thames Basin Heaths SPA.

- The originally submitted application form indicates that the land owner is BMK Construction Limited with a Certificate A being signed. However, it was brought to the Council's attention that the owner of the land is Mr Kugananthan, a director of BMK Constructions Limited. For this reason, the amended application form stating Mr Kugananthan as the applicant was subsequently submitted.

The inaccuracy in the originally completed Certificate A (identifying the company as the sole owner of the application site and not Mr Kugananthan) is a technical error and not likely to be prejudicial to the validity of the planning application.

The office copy obtained from HM Land Registry shows Mr Kugananthan as the registered proprietor of 110 Fairmile Lane. As the owner and applicant, the amended application form is correct. A minor misspelling of the company name is not material. The original and incorrect form has not prejudiced an owner's interest, was not done with fraudulent intent and does not appear to have had any effect on any other interest.

To ensure transparency of the determination process and to advise public of these changes, a further consultation took place. The officers consider necessary to bring the application back to the Planning Committee for Members to have the benefit of all material considerations before the final decision is made.

On the basis of the above, Members are asked to consider the merits of the proposal in the light of the new material considerations – the site-specific Appropriate Assessment endorsed by Natural England; and the addition of the applicant’s name in the application form.

Updates for the current Planning Committee since the last meeting held on 19 March 2019 are as follows:

Since the Planning Committee meeting held on 19 March 2019 and following a re-consultation with residents and interested parties, additional 22 letters of objection from 10 new addresses (totalling to objections from 35 addresses and bodies) have been received raising the following matters:

- The application should be refused as the legal agreement was not received within 3 months.

Officers’ response: Whilst the resolution of the Planning Committee was to delegate the authority to the Head of Planning Services to issue the decision by 19 June 2019, in the intervening period it became apparent that such a decision would be procedurally incorrect. The Head of Planning Services concluded that the matters needed to be addressed before the decision was issued. A re-consultation with public was subsequently carried out to ensure a transparent determination process due to the new information had become available. Furthermore, in order to ensure that the Members have had the benefit of all relevant
information to make an informed decision, the application is being brought back to the Planning Committee.

- The application should have been made invalid due to the incorrect ownership details.

**Officers’ response:** The inaccuracy in the originally completed Certificate A (identifying the company as the sole owner of the application site and not Mr Kugananthan) is a technical error and not likely to be prejudicial to the validity of the planning application.

- The proposal is out of character with the area (density, overdevelopment, parking arrangements, height, loss of boundary greenery); loss of amenities (overlooking, loss of privacy & light, overshadowing); and highway implications (increase in traffic congestion and on-street parking, inadequate turning).

**Officers’ response:** These areas of concern have been discussed in the original officer's report, which is featured below.

A site-specific Appropriate Assessment was prepared, and Natural England consulted on its content. Natural England confirmed their satisfaction with the document, and subject to the relevant mitigation being provided raised no objection to the proposal.

At the meeting of the South Area Planning Sub Committee on 04 March 2019 it was recommended that permission be refused contrary to Officer recommendation for the following reasons:

1) The proposed density and intensification in use of the site would be out of character with the area, and in addition the enlarged parking areas would increase the amount of hardstanding within the site which would be harmful to the character of the area. The proposal would therefore be contrary to Policies CS10 and CS17 of the Elmbridge Core Strategy 2011.

2) The proposal would, by reason of the lack of a Unilateral Undertaking in relation to a financial contribution for affordable housing and SAMM, would be contrary to the requirements of Policies CS13 and CS21 of the Core Strategy 2011 and the Developer Contributions Supplementary Planning Document 2012.

However, in accordance with part 4-5 of the Council's Constitution, two Members of the Planning Committee (Cllr Mitchell and Cllr Harman) that were present for the complete consideration of the application, requested that this application be referred to the Planning Committee for determination.

Late letter had been received prior to the South Area Planning Sub Committee meeting held on 04 March 2019 in regard to this application and the update listing is repeated below:

- One late letter of objection was received concerned with the provision of 8 flats in the area of single detached homes in terms of its impact on the character of the area. The letter points to the local and national policies and sets out how the Cobham Conservation & Heritage Trust understands the weight given to various documents which are/are not part of the Local Plan in the determination process.

**Officers’ response:** The officers consider that the proposal would make efficient use of land as outlined in the officer’s report. Elmbridge is currently preparing a new Local Plan, while the existing Local Plan remains in force. Where the policies are not in line with the national policy, the national policy takes a precedence. The NPPF indicates that the LPAs need to ensure efficient use of land, particularly where there is the identified lack of housing provision and the lack of land for its delivery. Elmbridge Council seeks to deliver sufficient housing in line with the identified housing need.
The applicant agreed the suggested pre-commencement conditions associated with trees - pre-commencement meeting, protection measures, and additional arboricultural information.

The original report to Sub-Committee (held on 04 March 2019) is set out below.

Representations: Letters of objection from 25 separate addresses, including one from the Cobham Conservation & Heritage Trust, have been received concerned with the following matters:

- Out of keeping with the surrounding area (density, principle of flats, dominant, bulk, height; contrary to local policies);
- Garden scale & landscaping;
- Inadequate parking, loading and turning;
- Loss of residential amenities (privacy, light, overshadowing, noise/smell disturbance);
- Highway implications (safety, inadequate parking, congestion);
- Viability matters;
- Devaluation of adjacent properties.

This application has been referred by Cllr Lewis if the recommendation is to permit

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

Report

Description

1. The application site comprises a corner plot of approximately 0.12ha situated to the south of Fairacres and to the east of Fairmile Lane, both being residential roads in Cobham. The site was originally occupied by a single storey detached house with rooms in the roofspace and a detached garage with an access from Fairacres, however following a permission being granted for a replacement dwelling, the house had already been demolished.

2. The site lies within the Fairmile character area as defined by the Cobham, Oxshott, Stoke D’Abernon & Downside Companion Guide to the Design and Character SPD. Fairmile character area consists of typically large residential dwellings set on generous plots with mature planting. This character is reinforced by natural boundaries to properties and the lack of pavements or street lighting. The application site lies in an area with substantial greenery, mature soft-landscaped boundary treatments and grass verges. Some of the boundaries are varied man-made brick walls and railings with metal gates. The general green appearance supports the feel of spaciousness in the area.

Constraints

3. The relevant planning constraints are:

- 5km buffer zone of the Thames Basin Heath SPA
- Low risk of surface water flooding

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
CS10 – Cobham, Oxshott, Stoke D’Abernon & Downside
There have been a few applications determined on the application site, however the most relevant to the current proposal are those outlined below.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/1093</td>
<td>Detached two-storey house with rooms in the roofspace and integrated garage following demolition of existing single storey house with rooms in the roofspace and detached garage (Scheme A)</td>
<td>Granted</td>
</tr>
<tr>
<td>2016/1094</td>
<td>Detached two-storey house with rooms in the roofspace and integrated garage following demolition of existing single storey house with rooms in the roofspace and detached garage (Scheme B)</td>
<td>Granted</td>
</tr>
</tbody>
</table>

Permission is sought for a detached two-storey building with rooms in the roof space consisting of 8 flats with additional access from Fairacres with associated parking and landscaping following demolition of existing garage.

The siting and the overall scale of the proposed building would be generally the same as previously approved (2016/1093), and its measurements remain the same unless stated otherwise. The building would be approximate maximum of 20.6m wide, 25.2m deep including the single storey rear projection – 1.1m less than previously with a maximum height of 9.3m (0.15m lower than the approved scheme) and parapet wall with a height of 7.4m (0.15m lower than the approved scheme).

Variations to some aspects of the building’s design as approved are proposed, which arise from the principle of a conversion of the consented single dwelling into 8 flats. The proposed changes include:

- Alterations to the internal layout and the approved fenestration details;
- Whilst the depth of the building would be reduced at the ground floor, a 6.8m wide section of the first floor along Fairacres elevation would be 3.15m deeper than approved;
- Additional parking, cycle store and refuse provision.
9. The proposed building would maintain approximate minimum separation distances of 1.15m and 0.8m to the south and north/side boundaries respectively, as approved. The existing vehicular access points from Fairmile Lane and Fairacres would be utilised, with the latter being repositioned. Seven parking spaces would be provided to the front of the building and further six spaces to the rear, 13 in total. Secure cycle storage and refuse store have been also provided.

10. Amended plans were received to address some discrepancies on the plans between the floor plans and elevations. Due to the minor nature of the changes, no further consultation was carried out.

Consultations

11. SCC (Transportation) – The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, subject to conditions raised no objections.

12. Tree Officer – Raise no objections, subject to conditions.

13. Natural England – Raised no objection subject to appropriate mitigation being secured.

Positive and Proactive Engagement

14. The revised NPPF requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.

15. Formal pre-application advice (ref. PreApp78662912) was sought for an alternative scheme to the approved involving the implementation of flats. The advice was concerned with the principle of redevelopment of the site, impact in terms of the character of the surrounding area, residential amenities, access, parking and financial considerations. The principle of redevelopment of the site with a flatted scheme was considered acceptable and the submission of the application encouraged.

Planning Considerations

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

- Principle of development;
- The impact on the character of the surrounding area and the street scene;
- The impact on residential amenities;
- Access and parking;
- Ecological matters & flooding;
- Financial considerations.

Principle of development

17. The revised NPPF (para 122) seeks to support development that makes efficient use of land taking into account the identified need for different types of housing; local market conditions and viability; the availability and capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting (including residential gardens); and the importance of securing well-designed, attractive and healthy places. Para 123 continues that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

18. The Elmbridge Core Strategy indicates that there is a 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.

19. The proposal seeks to implement 8 apartments on a site within the area that is characterised by large detached dwellings and low housing density. The national policy seeks to make efficient use of land and specifically states that in the areas with identified shortage of land to meet the identified housing need, homes should not be built at low densities. In accordance with the latest evidence base and following the Government’s clarification on Housing Delivery Test and methodology of calculating the level of housing need, Elmbridge is required to deliver substantially higher number of dwellings than anticipated in the Core Strategy. Whilst the LPA is working hard on finding the potential sites to deliver the necessary homes, this is proving very challenging. As a result, and in line with the NPPF’s instructions, the LPA is seeking to maximise the development potential of each site coming forward.

20. Two similar schemes for a large replacement dwelling on the application site were granted permission in 2016, both of which remain extant. The current proposal would utilise the bulk, scale and the design principles of the approved schemes with variations outlined in paragraph 8 above. Based on the assessed housing need in the Borough and the requirements of the national policy, the principle of redevelopment of the site for the purposes of a more efficient use of land in the Borough suffering a significant housing shortage is considered acceptable in this instance.

Housing mix

21. Policy CS19 seeks to secure a range of housing types and sizes on developments reflecting the most up to date SHMA in terms of the size and type of the dwellings. The 2016 SHMA identifies the need for a higher proportion of 1, 2 and 3 bed homes in the Borough.

22. At the end of the 2017/18 monitoring year, the Council recorded a total of 231 additional homes completed. Of these homes 1, 2, 3 and 4-bedroom homes accounted for 16.2%, 23.1%, 13.7% and 46.9% of the delivery respectively. Homes with bedrooms of 4 or more should account for 10% or 1% (based on the Core Strategy or SHMA respectively) of homes but in this monitoring year accounted for 46.9%, 16.4% more than the previous year.

23. The Council recently published Development Management Notes, which explain how the Local Planning Authority (LPA) is proposing to optimise development land in the Borough; and how to understand housing need. Both are available on the Council’s website. These confirm that the number of new four bed (plus) homes in the Borough has already achieved over the 1% identified in the SHMA (2016). The continued oversupply of larger homes could further exacerbate affordability issues and going forward this size of home no longer positively contributes towards meeting local housing need. The proposal would provide 7x 2-bed and 1x 3-bed units and therefore would meet the identified housing need in terms of their size. The proposed scheme is considered to make efficient use of land by introduction more units within the available developable land in addition to providing needed housing type identified in the latest evidence base, meeting the policy’s requirement.

Affordable Housing

24. Policy CS21: Affordable Housing of the Council’s Core Strategy (2011) requires that development resulting in the net gain of 6 - 14 residential units should provide 30% of the gross number of dwellings on-site as a financial contribution. It is acknowledged that a revised (July 2018) National Planning Policy Framework has been published and is a material consideration in the determination of all relevant planning applications. However, as set out in Section 38(6) of Planning and Compulsory Purchase Act 2004, the starting point for any decision is the Development Plan unless material consideration(s) indicate otherwise. As set out in paragraph 2 of the NPPF, this approach is required by planning law. It is therefore for the decision-maker to determine the weight to be applied.

25. Paragraph 63 of the NPPF states that ‘provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)’. Elmbridge Borough
is not a designated rural area and major development sites are defined in the NPPF as
development of 10 or more homes, or the site has an area of 0.5 hectares of more.
Nevertheless, as set out in paragraph 3 of the NPPF, the Framework should be read as a
whole (including its footnotes and annexes). In this context the following NPPF policies are
also relevant in regard to the Council’s continuation to apply policy CS21.

26. Paragraph 59 of the NPPF state that within the context of significantly boosting the supply of
homes ‘… that the needs of groups with specific housing requirements are addressed’. Paragraph 61 states ‘… the size, type and tenure of housing needed for different groups in the
community should be assessed and reflected in planning policies (including, but not limited to,
those who require affordable housing…)’ Finally, paragraph 62 states:
‘Where a need for affordable housing is identified, planning policies should specify the type of
affordable housing required, and expect it to be on-site unless:
a) off-site provision or an appropriate financial contribution in lieu can be robustly
justified’

27. Paragraph 63 of the NPPF is a clear continuation of the approach to developer contributions
on small sites as set out in Government’s Written Ministerial Statement (WMS) (28 November
2014) and subsequent changes to Planning Practice Guidance (PPG) dated 19 May 2016. In
response to this policy change, the Council set out in its Statement on the WMS (Update –
February 2017), that its position was to continue to consider on a case by case basis whether
local circumstances with regard to affordable housing and the nature of the development sites
in the Borough were sufficient to warrant the application of policy CS21, or whether greater
weight should be attached to the WMS and changes to PPG.

28. The Council’s approach has been repeatedly upheld by Appeal Inspectors recognising that
policy CS21 was consistent with other policies of the NPPF (paragraphs 47 and 50 (NPPF,
2012)) which required 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. Furthermore, several Appeal
Inspectors noted that whilst the WMS was a material consideration of considerable importance
and weight, 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. Appeal
Inspectors have continuously addressed the Council’s Statement on the WMS (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.

29. Appeal Inspectors have also stated that there has been no substantive evidence to
demonstrate that the requirements of policy CS21 are placing an unreasonable or
disproportionate burden on developers. As a consequence, it has been found that whilst the
WMS carried considerable weight, Inspectors do not consider it to outweigh the development
plan given the acute and substantial need for affordable housing in the Borough (as evidenced
by the Kingston & North-East Surrey Strategic Housing Market Assessment (SHMA)) (2016)
and the importance of delivery through small sites towards this.

30. On the basis of the above and the evidence in relation to local housing need, affordability and
housing land supply (as summarised in the Council’s Statement (Update – February 2017)),
the Council will continue with its approach to apply Policy CS21 in the decision-making
process where relevant. The Council has provided clear evidence of the acute need for
affordable housing whereas, little evidence has been submitted by applicants suggesting that
policy CS21 is having a disproportionate effect on small schemes. Where evidence is
submitted to the contrary, the Council will, in accordance with policy CS21 and the
Development Contributions Supplementary Planning Document (SPD) (2012), allow flexibility.

31. As such the appropriate level of the affordable housing contribution was calculated, which
equates to two units as the on-site affordable housing provision in addition to a financial
contribution of approximately £64,000 (£63,987.85). However, the applicant submitted a
viability assessment indicating that a contribution towards the affordable housing would render
the development unviable. The Council sought advice from its own viability consultants who
identified a number of areas where they disagreed with the assumptions in the assessment. A higher cost plan for the scheme was accepted subject to the counter argument that this would result in higher sale values which would show a small surplus.

32. It is the intention of the Council to secure the policy complaint affordable housing contributions on all housing schemes. Based on the assessment however, it appears that the proposal is unable to support a full, policy compliant affordable housing contribution at present. On this basis, the Council is prepared to accept the result of the viability review subject to a late review mechanism. The applicant agreed to enter into a legal agreement to provide the agreed reduced financial contribution (£41,076) and to the late review mechanism. The legal agreement is being drafted by the Council’s legal team and Members of the sub-committee will be updated with regards to this matter prior to the meeting.

The design of the proposal and its impact on the character of the area and the street scene

33. The appearance of the building would remain very similar to that approved. The proposed building would utilise the footprint of the existing dwelling and would project further to the rear. It would be of two-storeys in height with additional habitable accommodation within the crown roof design and would also include varied single storey elements within the north/side and east/rear elevations and a flat roofed two-storey north/side element. As indicated on the proposed drawings, the variation of external materials, introduction of fenestration details and the combination of different roof designs would ensure a visual interest within the north/side elevation.

34. The original dwelling was partially built right up to the side boundary in the Fairacres street scene and a section of the proposed building would maintain approximately 0.8m to the side boundary. The remainder of the new building would be however set back from this boundary, leaving sufficient space for a meaningful soft landscaping. The majority of this boundary is currently created by a high evergreen hedge and as indicated above, adequate space for additional soft landscaping would be retained. It is considered that in order to maintain the green and spacious appearance of the site within its immediate vicinity, it is necessary to provide the adequate landscaping. Basic details of the proposed landscaping scheme were submitted with the scheme, however it is considered that additional boundary treatment and specification of the proposed planting is necessary to ascertain appropriate appearance of the development along Fairacres and Fairmile Lane. A relevant condition would be therefore imposed.

35. In comparison with the extant permissions, the proposed scheme introduces additional hardstanding for the purposes of meeting the Council’s parking requirements for the intended number of occupiers. It is considered that whilst the proposal would intensify the use of the site, the additional hardstanding areas could be successfully screened from the public views with adequate planting and this could be secured by appropriate landscaping condition as indicated above.

36. Whilst some details in terms of the submitted proposed external material are considered acceptable in principle, details provided are not sufficient to ascertain the final appearance of the development. To ensure appropriate materials choice, a relevant condition would be imposed.

37. The Council’s tree officer reviewed the scheme and offered the following comments:

“The proposal is very similar to a previously consented schemes 2016/1094 & 2016/1093 and had been supplied with updated supporting arboricultural information. There is an important and good quality Cedar located towards the front of the site which is being retained and protected through ground protection and protective fencing. The location of the proposed building is not anticipated to impact directly on the retained trees on the site, but the new parking and associated activities will likely have an impact. If permission is to be granted the Council would like to request some further information about the final design and specification of the section of no dig surfacing to be installed in the RPA of T1 - Cedar and how the levels will match up with the existing. The Council has no objection to the proposal on arboricultural grounds subject to the use of relevant conditions.”
38. Overall, the proposed new building is considered to be in keeping with the character of the surrounding area and the streetscene, both in Fairacres and Fairmile Lane.

The impact on residential amenities

39. The proposed layout takes into account the neighbouring properties in terms of light. The front or the rear projections would not infringe upon the 45-degree lines taken from the nearest primary habitable room windows of the neighbouring dwellings.

40. There would be no habitable room flank windows positioned above the ground floor level facing No. 108 Fairmile Lane. The windows serving the non-habitable rooms, such as bathrooms, could be obscurely glazed to ensure that these would not result in any adverse overlooking and loss of privacy to the neighbours. A relevant condition would be imposed.

41. The proposed first floor terrace serving unit 4 would be situated adjacent to Fairacres and would maintain separation distance of 12.3m to the side boundary with neighbouring dwelling No. 108 Fairmile Lane. Such a distance is considered sufficient as not to result in any adverse overlooking and loss of privacy.

42. In accordance with the Design and Character SPD, there are no specific outdoor amenity space requirements associated with flatted developments. A rear section of the application site adjacent to the neighbouring property to the southeast, No. 108 Fairmile Lane, would however comprise a sufficient communal amenity space for the future occupiers of the development.

43. All units at the ground and first floor levels would exceed and the two flats at the second floor would meet the nationally set technical space standards and are therefore considered to offer adequate internal space.

Access and parking

44. The CHA is satisfied that this development and site intensification of use would not prejudice highway safety or capacity in any unacceptable way. The proposed site access arrangement will make use of the two existing vehicle crossovers on both Fairmile Lane and Fairacres. The proposed site plan indicates that the existing crossover would be repositioned to suit the new parking layout. Any works on the highway including the removal/ installation of dropped kerbs or re-surfacing of footway will need prior approval from the County Highway Authority. The CHA has requested 20% Electric Vehicle parking provision and for cycle parking to be secure, covered and lit, in line with the latest vehicle parking policies.

45. Elmbridge parking standards are set as maximum. These indicate that 2 and 3-bedroom unit in a suburban location should provide a maximum of 1.5 and 2 spaces respectively. The proposed development includes 7x 2-bedroom and 1x 3-bedroom unit and should therefore provide a maximum of 12.5 parking spaces. The proposed site layout indicates 13 parking spaces, which comply with the set parking requirements.

46. On the basis of the above, the proposed development is not considered to result in any adverse highway capacity, safety or parking implications to the detriment of the existing or the future residents.

Ecological matters & flooding

Thames Basin Heath Special Protection Area
47. 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 required to enter into a legal agreement to secure a financial contribution towards the Strategic Access Management and Monitoring (SAMM). The applicant has expressed a willingness to enter into a legal agreement, and this is being currently prepared by the Council’s legal team.

Impact on biodiversity

48. The original dwelling on site had been demolished prior to the submission of the application. The original schemes for a replacement dwelling have been subject to consultations with the Surrey Bat Group. It was confirmed that the Preliminary Ecological Appraisal and Bat Survey Report was sufficient to enable the LPA to determine the application. The report offered adequate mitigation and enhancement measures that were subject to a condition. The single storey detached garage situated to the rear of the site is the remaining structure that was subject of the original applications and of the report. As the demolition of the main dwelling was carried out, the original condition associated with the biodiversity measures remains in force.

Flooding implications

49. Limited area situated centrally within the application site has a low risk of surface water flooding. As the site lies within the area low probability of surface water flooding, the application is supported by a Flood Risk Assessment, which indicates that no additional flooding implications would arise as a result of the proposed development. As indicated in the application form, the applicant proposes to utilise soakaways and SuDS in addition to the main sewer to manage this risk. Due to the scale of the area affected by this risk and its nature, it is considered that the implementation of a soakaway would be sufficient to control this risk. Furthermore, the requirements of the Building Regulations would ensure that this is implemented prior to occupation.

Financial considerations

New Homes Bonus

50. 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.

51. 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 4 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 New Homes Bonus Scheme Grant Determination for 2018/19 is £1.1 million.

52. 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.

Community Infrastructure Levy (CIL)

53. The proposed development is liable for CIL. The applicant has provided the relevant forms in accordance with the CIL regulations.
Matters raised in Representations

54. The matters raised have been discussed in the planning considerations above. The issue of devaluation of properties as a result of the proposed development is not a planning material consideration.

Conclusion

55. On the basis of the above and in light of any other material consideration, the proposal is considered to be in accordance with the development plan.

Recommendation A

56. Subject to the receipt of a satisfactory legal agreement securing the reduced financial contribution towards the affordable housing, the viability late review mechanism and a financial contribution towards SAMM within 3 months of the Committee resolution the recommendation is to grant permission.

Recommendation B

57. If a satisfactory legal agreement is not completed within 3 months of the Committee resolution, delegated authority be given to the Head of Planning Services to refuse planning permission for the following reason:

The proposal would, by reason of the lack of a Unilateral Undertaking in relation to a financial contribution for affordable housing and SAMM, would be contrary to the requirements of Policies CS13 and CS21 of the Core Strategy 2011 and the Developer Contributions Supplementary Planning Document 2012.

The proposed development does require a CIL payment

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:
   
   Loc 01 - Location Plan;
   2923 PL06 - Proposed Street Scene; and
   2923 PL07 Rev A - Comparative Layout, all received on 22/10/2018;
   2923-PL08 - Proposed Bin Store received on 31/10/2018;
   19 1617 TPP 001 Rev 2 - Tree Protection Plan received on 01/02/2019; and
   2923 PL01 Rev B - Proposed Ground Floor Plan/Site Plan;
   2923 PL02 Rev D - Proposed Site, First Floor, Second Floor Plans;
   2923 PL03 Rev B - Proposed Front & Side Elevations; and
   2923 PL04 Rev A - Proposed Rear Elevation & Sun Path, all received on 14/02/2019.
   
   Reason: To ensure that the development is carried out in a satisfactory manner.

3. **TREES PRE-COMMENCEMENT MEETING**
   No development including groundworks and demolition shall take place and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until a pre-commencement meeting has been held on site and attended by a suitable qualified arboriculturist, representative from the Local Planning Authority and the site manager/foreman.
To agree working procedures and the precise position of the approved tree protection measures or/and that all tree protection measures have been installed in accordance with the approved tree protection plans in the Arboricultural Planning Report produced by Arb Consultancy Ltd. Tree Protection Plan Drawing No. 19 1617 TPP 001. The tree protection measures shall be maintained for the course of the development works.

To arrange a pre-commencement meeting please email tplan@elmbridge.gov.uk with the application reference and contact details.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees in accordance with Policy DM6 of the Development Management Plan 2015. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

4 TREES PROTECTION MEASURES

No development including groundworks and demolition and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until all tree protection measures have been installed in the positions identified on tree protection plan Tree Protection Plan Drawing No. 19 1617 TPP 001.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees in accordance with Policy DM6 of the Development Management Plan 2015. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

5 TREES ADDITIONAL ARBORICULTURAL INFORMATION

No development including groundworks and demolition shall take place until all supporting arboricultural information has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the:

a) location and installation of services/utilities/drainage, including services to automated gates.
b) details of construction and installations including methodologies within a root protection area or that may impact on retained trees.
c) full specification for the construction of any roads, parking areas, driveways, hard surfacing, including details of no dig specification and extent of the areas to be constructed using no dig surfacing.
d) detailed levels and cross sections to show that the raised levels of surfacing, where the installation on no dig surfacing within root protection area is proposed, demonstrating that they can be accommodated.
f) methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees in accordance with Policy DM6 of the Development Management Plan 2015. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

6 MATERIALS SAMPLES

Prior to the commencement of any works above slab level samples of the materials to be used on the external faces and roof of the building shall be 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.

7 LANDSCAPING DETAILED SCHEME

Prior to the commencement of any works above slab level full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This scheme shall include:
a) means of enclosure and retaining structures;
b) boundary treatment(s);
c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
d) hard surfacing materials; and
e) an implementation programme.
The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy DM6 of the Development Management Plan 2015.

8 PARKING AND TURNING/RETENTION OF 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 13 vehicles and 10 cycles to be parked and 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. Cycle parking should be secure covered and lit.

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.

9 OBSCURE GLAZING
Prior to the first occupation of the development hereby permitted the bathroom windows/rooflights on the southeast/side elevation of the development hereby permitted shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter.

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

10 ELECTRIC VEHICLE CHARGING
The development hereby approved shall not be occupied unless and until at least 20% of the available parking spaces are provided with a fast charge Electric Vehicle socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32-amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to promote sustainable transport in accordance with the National Planning Policy Framework 2019.

11 TREES RETENTION
All existing and trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed 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, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information.
b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained landscape features in accordance with Policy DM6 of the Development Management Plan 2015.
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. The notice is available at www.planningportal.co.uk/cil

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 SCAFFOLDING LICENCES
The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the County Highway Authority or its agent.

3 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. Visit www.surreycc.gov.uk/droppedkerb

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 County 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).
Revision notes:

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Project:客户：
110 Fairmile Lane, Cobham, Surrey, KT11 2BX

 BMK Construction Ltd

Revision title: Plans, Sections and Elevations as Existing

项目：
110 Fairmile Lane, Cobham, Surrey, KT11 2BX

BMK Construction Ltd
Subject to Planning Approval

PROPOSED LANDSCAPE PLAN

1:100@A1, 1:200@A3

BMK Construction Ltd

The project:

110 Fairmile Lane, Cobham, Surrey, KT11 2BX

Client:

Garden path allows residents easy access to the rear of the property into communal gardens, parking area, bin stores and bicycle store.

 Additional planting to boundaries softens the appearance of boundaries and offers additional privacy for ground floor habitable rooms.

 Additional parking to lower floor slab will provide extra privacy for residents and maintain the appearance of a single dwelling.

 Some of the required parking for the development is located to the front of the property with the remainder at the rear. This is to prevent the appearance of parking dominating the front elevation and maintain the appearance of a single dwelling.

 privacy of neighbours and occupants.

 protected from views over balcony above.

 Residents entering through the new entrance gates are provided with some privacy whilst also allowing occupants to see beyond the property.

 Private terraces in sandstone/limestone paving to suit the appearance of the main body of the house.

 Driveway

 Parking

 Bin Store

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PROPOSED ELEVATIONS

PROPOSED FRONT ELEVATION (west)
1:100@A1, 1:200@A3

PROPOSED FLANK ELEVATION (north)
1:100@A1, 1:200@A3

PROPOSED FLANK ELEVATION (south)
1:100@A1, 1:200@A3
PROPOSED REAR ELEVATION (east)
1:100@A1, 1:200@A3

PROPOSED SUN PATH DIAGRAM

PROPOSED ELEVATION AND SECTION

PROPOSED SECTION A-A
1:100@A1, 1:200@A3
PROPOSED GROUND FLOOR PLAN

- **1:100@A1, 1:200@A3**

**POST**

- **TELECOM MANHOLE**
- **MANHOLE**
- **DRAINAGE CHANNEL**

- **FAIRMILE LANE**
- **FAIRACRES**

**Entrance Hallway**

- **PINE TREE RETAINED**
- **R 6000**

**Bed 1**
- 12.4sqm

**Bed 2**
- 10sqm

**Kitchen/Living/Dining Room**
- 36sqm

**Bath**

- **Hall**

**Bed 3**
- 13sqm

**Ensuite Bed 1**
- 14sqm

**Bed 2**
- 10sqm

**Kitchen/Living/Dining Room**
- 40sqm

**Bath**

**Hall**

**Terrace**

**UNIT 1**
- **UNIT 3**
- **UNIT 2**

**Terrace**

- **Bath**

**Ensuite Bed 1**
- 14sqm

**Bed 2**
- 12sqm

**Kitchen/Living/Dining Room**
- 50sqm

**Terrace**

**UNIT 2**

- **UNIT 3**

**Ensuite Bed 1**
- 14sqm

**Bed 2**
- 12sqm

**Kitchen/Living/Dining Room**
- 50sqm

**Bath**

**Hall**

- **15400**
- **0m 1 2 3 5 10**
- **1155**
- **820**
- **25345**
- **9850**

**No.108 Fairmile Lane**

**Communal Garden**

- **Bin Store**

- **Parking**

- **Existing crossover repositioned to suit new parking layout**

- **Secure bicycle parking for residents**

- **Mixed Boundary Hedge and Trees**
- **Mixed Hedging and Planting**

- **Pathway**

- **Mixed Hedging and Planting**
- **Dwarf hedging behind boundary walls and mixed planting**

- **Access to Rear Parking using previous garage location to provide ample parking for residents**

- **Secure rear access gate for residents access to parking spaces and bin stores**

- **Bin Store covered, secure on a level access and with ventilation. Further details on Landscape Plan.**

- **Location is within 30m from building access**

- **Access to Rear Parking Space No.4**
- **Parking Space No.5**
- **Parking Space No.6**
- **Parking Space No.8**
- **Parking Space No.9**
- **Parking Space No.10**
- **Parking Space No.11**
- **Parking Space No.12**

- **Some of the required parking for the development is located to the front of the property with the remainder at the rear. This is to prevent the appearance of parking over dominating the front elevation and maintain the appearance of a single dwelling**

- **Ground Floor units benefit from designated private amenity space**

- **The flank elevation is set back from the pavement as with previous application to ensure the appearance of scale and mass is not overly dominant from the public realm but also provide areas for planting in front of habitable rooms such as the Bedrooms of Unit 3**

- **Drive through walls with railings and boundary hedging to define appearance and provide privacy whilst also allowing occupants to see beyond the property**

- **Tree Protection Plan to be implemented prior to works starting on site**

- **Dwarf Boundary walls with railings and boundary hedging behind to soften appearance and provide some privacy whilst also allowing occupants to see beyond the property**

- **Secure rear access gate for residents access to parking spaces and bin stores**

- **Undesignated communal gardens for shared use of residents take advantage of south facing plots to suit morning and afternoon sunshine**

- **Some of the required parking for the development is located to the front of the property with the remainder at the rear. This is to prevent the appearance of parking over dominating the front elevation and maintain the appearance of a single dwelling**

- **Ground Floor Plan as Proposed**

- **PL01Aug 2018**

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- **SUBJECT TO PLANNING APPROVAL**

- **PRELIMINARY ISSUE**

- **Revision notes: A - Revised rear car parking arrangement 220818**

- **BMK Construction Ltd110 Fairmile Lane, Cobham, Surrey, KT11 2BX**

- **E: info@zgrp.co.uk T: 020 8944 1180 F: 020 8944 0863**
**PROPOSED FIRST FLOOR PLAN**

1:100@A1, 1:200@A3

**PROPOSED SECOND FLOOR PLAN**

1:100@A1, 1:200@A3

**PROPOSED ROOF PLAN**

1:100@A1, 1:200@A3

**PROPOSED BLOCK PLAN**

1:500@A1

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**SCHEDULE OF ACCOMMODATION**

**FLOOR AREAS: GIA**

<table>
<thead>
<tr>
<th>Floor</th>
<th>Unit</th>
<th>Beds</th>
<th>Baths</th>
<th>Area (sqm)</th>
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<td>Ground</td>
<td>Unit 1</td>
<td>2</td>
<td>4</td>
<td>90</td>
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<td>Unit 2</td>
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<td>Unit 6</td>
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<td>Unit 7</td>
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<td>Unit 8</td>
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**Revision notes:**

- A - Unit 5 and 6 Layout rationalised 220818
- B - Unit 4 and 5 Layout rationalised 040918
- C - Regularisation 140219
- D - Regularisation 140219

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**Additional information:**

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COMPARATIVE GROUND FLOOR PLAN

1:100@A1, 1:200@A3

COMPARATIVE GROUND FLOOR PLAN

OUTLINE OF PREVIOUSLY APPROVED SCHEME 2016/1093 AND 2016/1094 IN SEPTEMBER 2016

Removal of existing garage would open up the rear of the site

New proposal pushes back the building line on the ground floor from the rear boundary

Front layout remains as with previously approved 2016 layout

E: info@zgrp.co.uk T: 020 8944 4150
F: 020 8944 0863

SUBJECT TO PLANNING APPROVAL
PRELIMINARY ISSUE

BMK Construction Ltd
110 Fairmile Lane, Cobham, Surrey, KT11 2BX

ZGRP LTD ©
PROPOSED STREETSCENE

1:100@A1, 1:200@A3

Revision notes:

Drawing title: Proposed Streetscene and 3D Views

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subject to planning approval
planning issue

front elevation (courtyard facing)

doors to bin store to be fully operable and able to be folded back again bin store wall to allow manoeuvre of bins in and out of the store easily

front elevation (courtyard facing)

rear elevation (private courtyard facing)

1.5m door width for moving bins in and out freely by operatives

15cm between bins for easy filling and emptying of bins

level surface for easily removal of bins by operative

flank elevation (fairacres lane)

flank elevation (courtyard)

section (a-a)

pergola style roof with planting to match car parking arrangement

matching brickwork and brick detailing to the main house

plan layout (internal arrangement)

roof layout (external layout)

plan layout (internal arrangement)