This application has been referred to the Sub-Committee by Councillor James if the officer recommendation is to permit and by Councillor Randolph if the officer recommendation is to refuse

Report

Description

1. The application site relates to the land rear of 74-128 Speer Road which is a tree lined piece of land with an access road leading to the site from Speer Road. The access currently serves the garages located at the end of the rear gardens of 74-128 Speer Road. The site is bound to the north and west by residential properties and to the east by the Old Paulines Sports Ground. The site is identified within the Design and Character SPD as being located within Settlement Area DHW02 (Thames Ditton, Giggs Hill Green & part of Long Ditton).

2. The site accommodates a hard surfaced access road serving the rear of the maisonettes on Speer Road, most of which have garages in their rear gardens. The remainder of the site is largely covered with existing vegetation, areas of informal car parking, and a number of mature trees some of which are protected by Tree Preservation Orders. These mature trees, and the backland position of the main part of the site, give it a secluded and verdant character.

Constraints

3. The relevant constraints associated with this site are as follows:

- Flood Zones 2 and 3
- Area TPO

Policy

4. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

Core Strategy 2011
CS1 – Spatial Strategy
CS2 – Housing provision, location and distribution
CS8 – Thames Ditton, Long Ditton, Hinchley Wood & Weston Green
CS15 – Biodiversity
CS17 – Local Character, Density and Design
CS19 – Housing type and size
CS21 – Affordable Housing
CS23 – Employment land provision
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
DM4 – Comprehensive development
DM5 – Pollution
DM6 – Landscape and trees
DM7 – Access and parking
DM8 – Refuse, recycling and external plant
DM10 – Housing
DM11 – Employment
DM21 – Nature conservation and biodiversity

Design and Character SPD 2012

Developer Contributions SPD 2012

Flood Risk SPD 2016

Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019/1691</td>
<td>Two single-storey detached buildings comprising 15 garage units.</td>
<td>Application was withdrawn by the applicant</td>
</tr>
<tr>
<td>2018/3840</td>
<td>Erection of 2 x detached two-storey buildings for use as Class B1 office premises</td>
<td>Application was withdrawn by the applicant</td>
</tr>
<tr>
<td>2017/0818</td>
<td>Detached two-storey building for use as B1 (Office) (141.1sqm) with associated parking following demolition of existing building</td>
<td>Refused planning permission for the following:</td>
</tr>
<tr>
<td></td>
<td>• The proposed development by reason of its scale, siting and design would fail to enhance the street scene and would result in a form of development which is out of keeping with and detrimental to the character and appearance of the area contrary to Policies CS8 and CS17 of the Core Strategy 2011, Policies DM2 and DM10 of the Development Management Plan 2015, the Design and Character SPD 2012 and the NPPF 2012.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The provision of an office building in this location is inappropriate and would fail to make a positive impact or allow for sustainable economic</td>
<td></td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Decision</td>
</tr>
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</tr>
<tr>
<td></td>
<td>growth in the area. The proposed development would be contrary to Policy CS23 of Core Strategy 2011, Policies DM10 and DM11 of the Development Management Plan 2015 and the NPPF 2012.</td>
<td>This decision was allowed at appeal.</td>
</tr>
<tr>
<td>2016/2364</td>
<td>A pair of two-storey semi-detached houses and a detached two-storey building for use as B1 (office) (141.2sqm) with associated parking following demolition of existing building</td>
<td>Refused planning permission for the following:</td>
</tr>
<tr>
<td></td>
<td>• By reason of the position of the new dwellings behind maisonettes, the dwellings would barely be visible from Speer Road and would have no presence in its streetscene and appear detached from all other residential development in the area. The length of the access route also contributes to the isolated character of the development. Accordingly the development would not relate well to the existing pattern of development in the area and would appear incongruous. This proposal therefore fails to comply with policies DM1 and DM2 of the Development Management Plan 2015, policies CS8 and CS17 of the Elmbridge Core Strategy 2011, the Design and Character SPD and the NPPF 2012.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• In the absence of a completed legal agreement, the proposed development has failed to secure the necessary affordable housing financial contributions contrary to policy CS21: Affordable Housing of the Elmbridge Core Strategy 2011, the Council's adopted Supplementary Planning Document on 'Developer Contributions' 2012 and the National Planning Policy Framework 2012.</td>
<td>The scheme was dismissed at appeal.</td>
</tr>
<tr>
<td>2015/2004</td>
<td>A pair of semi-detached two storey houses with associated parking</td>
<td>Refused planning permission for the following:</td>
</tr>
<tr>
<td></td>
<td>• By reason of the siting of this proposal being on a vacant parcel of land at the rear of the properties on Summer Road and Speer Road it would be at odds with the existing pattern of development within the locality as there would be no active</td>
<td></td>
</tr>
</tbody>
</table>
street frontage. In addition due to the significant distance between the Speer Road footpath, this could lead to a sense of fear for pedestrians and result in a reliance upon the use of a private car which would not constitute sustainable development. This proposal therefore fails to comply with DM1, DM2 and DM? of the Development Management Plan 2015, CS8 and CS1? of the Elmbridge Core Strategy 2011, the Design and Character SPD and the NPPF 2012.

- In the absence of a completed legal agreement, the proposed development has failed to secure the necessary affordable housing financial contributions contrary to policy CS21: Affordable Housing of the Elmbridge Core Strategy 2011, the Council’s adopted Supplementary Planning Document on ‘Developer Contributions’ 2012 and the National Planning Policy Framework 2012.

The scheme was dismissed at appeal.

<table>
<thead>
<tr>
<th>Reference</th>
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<th>Decision</th>
</tr>
</thead>
</table>

Proposal

5. This application is for the demolition of the existing garages and replacement with a detached two-storey house with associated parking and landscaping. The proposal follows from the grant of planning permission (Ref: 2017/0818) at appeal for the erection of a two storey office building. In terms of the footprint the current scheme is almost identical to the previous approved scheme, with only minor alteration to the fenestrations to provide suitable accommodation for a dwellinghouse. The main changes are highlighted in the following tables:

<table>
<thead>
<tr>
<th>Approved front elevation (Ref: 2017/0818) – Not to scale</th>
<th>Proposed front elevation – Not to scale</th>
</tr>
</thead>
</table>

WEST ELEVATION
6. The proposed design will be traditional in appearance adopting a red facing brickwork, plain brown tiles on the roof and light framed glazing throughout although the full materials are to be confirmed.

7. During the application, the site plan and the internal layout of the building have been amended in an attempt to overcome the concerns of the tree officers and the issues associated with the Oak Processionary Moth (OPM). The site now incorporates a significant red line boundary to allow future occupiers to enjoy a larger amenity space.
Consultations

8. Natural England – No comments subject to standard advice.

9. Elmbridge Planning (Trees) – Raise objection unacceptable juxtaposition between structures and important trees leading to pressures to have those trees pruned or removed to the detriment of the character and visual appearance of the area.

Positive and Proactive Engagement

10. The National Planning Policy Framework 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.

11. No formal pre-application advice was sought prior to submission of the application.

Representations

12. The Council notified 16 number of properties and a site notice was displayed outside the site.

13. A total of 13 representations have been received to the scheme. There is one letter of support stating the scheme will enhance the rear area of the Speer Road. The residential property will smarten up the rear of the property and in the long term increase the elegance and natural area to the rear of these properties. However there have been 12 representations objecting to the scheme, and these are all detailed below:

- Residential development detrimental to the area.
- Increase traffic
- Increase in noise and pollution
- Overlooking and loss of privacy
- Highway safety impacts
- Impact on trees
- Loss of wildlife
- Overdevelopment and cramped
- Additional vehicles and traffic movements
- Not in keeping with the character of the area
- Flooding issues
- Number of applications lodged [OFFICER COMMENT: The Council as LPA has a statutory duty to determine all valid applications]

14. The application has been promoted by Cllrs James and Randolph should the recommendation be to permit or refuse the scheme.

Planning Considerations

15. The main planning considerations of the proposal are as follows:

- Principle of development
- Housing
- Design and impact on local character
- Impact on amenity of neighbouring properties
- Provision of suitable living conditions
- Highways impact
- Impact on trees
- Biodiversity
- Financial Considerations
16. The NPPF seeks a presumption in favour of sustainable development with emphasis on the needs to secure high-quality design and a good standard of amenity for all existing and future occupiers of different areas. Under policy CS2 the Council will encourage appropriate housing development on previously developed land within the urban area, by delivering high density housing developments in the most sustainable locations. Policy CS19 refers to housing type and size and highlights that the Council is seeking to secure a range of housing types and sizes throughout the borough to create inclusive and sustainable communities.

17. The application for additional residential accommodation within a mainly residential area, as such providing that the proposal respects the character and appearance of the surrounding area and there are no other material impacts the principle is supported.

**Housing**

**Housing mix and need**

18. Policy CS19 and para. 122a of the NPPF stated that development should meet the identified need for housing, which is identified with the 2016 Strategic Housing Market Assessment (SHMA) for Kingston and North Surrey. The SHMA identifies the need within Elmbridge is for smaller 1, 2 and 3 bedroom units. The proposal under consideration comprises a single unit for a 3 bedroom 5 person unit which there is an identified need for and as a result would be in accordance with the needs of the authority.

19. Policy CS17 indicates that there is scope for residential development through the redevelopment of existing sites with well-designed schemes that integrate with and enhance the local character. The new development is required to deliver high quality design, which maximises the efficient use of land and which responds to the positive features of individual locations; integrating sensitively with locally distinct townscape while protecting the amenities of those living in the area. Innovative contemporary design that embraces sustainability and improves local character will be supported. The Council promotes development that contributes to an overall housing target of 40 dwellings per hectare and achieves a minimum of 30 dwellings per hectare (dph).

20. At one unit on a 0.1003 ha site the proposal would represent development density of 9.97 dph which is significantly under the minimum density expected and would not represent a suitable density in this location. Policy CS17 further states:

> “In exceptional circumstances, where overriding harm to the valued character of area would occur as a result of the application of the minimum density threshold, development at a lower density, which maximises the efficient use of land, may be acceptable.”

21. In terms of design, the impact on the character has previously been found acceptable through the grant of planning permission for the office development (Ref: 2017/0818) and the proposal would have a similar impact (see design section below). Furthermore, the site and design are further constrained by the location of the TPO trees and existing vegetation, thus providing limited scope to the nature of development at the site and density.

22. Whilst it is acknowledged that the proposal would not meet locally adopted density policy (30dph), it is unlikely that additional units within the area would be applicable here and as such the single unit would in fact make the most efficient use of land given the constraints of the site.

23. The Council is unable to demonstrate a five year supply of deliverable housing sites, and as such Para. 11 d) of the NPPF would be triggered, which states that decision takers should grant permission where policies most important for determining the application (in this case relating to the supply of housing) are out of date, unless ‘the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the
policies in this Framework taken as a whole’. It is considered that given the constraints of the site the provision of development at the current density would make most efficient use of land despite not meeting the minimum density requirement and would contribute to the provision of houses which meet the most up to date measure of housing need. As such the benefits of the scheme demonstrably outweigh the harm when assessed against the Framework as a whole, for those reasons given in the above paragraphs.

24. On balance the scheme accords with the aims of Policy DM10 and CS17 and CS19, which seeks to make effective use of land for meeting the need for homes, and by approving developments which make the most effective use of land and achieve appropriate densities whilst respecting the local character and appearance of the area.

Affordable Housing provision

25. 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, the Ministerial Statement, and the NPPF are material considerations, 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. The Council has produced a statement to set out our local evidence in support of continuing to apply policy CS21.

26. Policy CS21: Affordable Housing of the Council’s Core Strategy (2011) requires that development resulting in 1 – 4 residential units to provide a financial contribution equivalent to the cost of 20% of gross number of dwellings on site. 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.

27. 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’

28. 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.

29. 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.

30. 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.

31. 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.

32. As the applicant did not submit a viability assessment, the viability of the scheme is not considered affected by the provision of the requisite financial contribution towards the affordable housing and therefore this contribution is not considered disproportionate. As such, a financial contribution of £29,887.08 (subject to indexation on the date of the decision being issued) towards the affordable housing from this development is due. The applicant has provided a Unilateral Undertaking to secure this.

Design and impact on local character

33. The NPPF places weight on achieving well-designed places highlighting that the creation of high-quality buildings and places and is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy CS17 identifies Elmbridge’s unique environment and characteristics and requires new development to deliver high quality inclusive and sustainable design to maximise the efficient use of the urban land.

34. Policy DM2 highlights that development proposals must be based on an understanding of local character including any specific local designations and take account of the natural, built and historic environment. Development proposals will be expected to take account of the relevant character assessment companion guide in the Elmbridge Design and Character Supplementary Planning Document (SPD).

35. It is acknowledged that the office development and footprint had previously been found acceptable in this location both by the Inspector in the dismissed appeal (Ref: APP/K3605/W/17/3172080) and the subsequent allowed appeal (Ref: APP/K3605/W/17/3182564).

36. As with these previous schemes the overall design of the proposed building would not detract from the character of the area. The building would be located in excess of 50m away from the Speer Road carriage way. The scale, massing and the use of external materials which would be complementary with the existing street-scene would allow the building to integrate well with the wider character of the road.
37. There are two off-street parking spaces provided within a forecourt to the side of the proposed building, along with a turning head as approved in the 2017/0818 scheme and these are not out of keeping with regard to the surrounding character. The garden area has been amended to provide a significant rear garden space in order to avoid issues associated with the oak canopy and the possible impacts on health from Oak Processionary Moth (OPM – see tree section below). The garden space is significantly in excess of the 11m length requirement of the Design & Character SPD although it would be prudent to attach a condition to remove PD rights in respect to outbuildings and other structures.

38. The proposal would not have a dominant or harmful impact upon the streetscene and would be in keeping with the adjoining development. Nevertheless, given the roof shape it would be prudent to ensure that PD rights are removed in regard to any potential roof extension and this can be secured by a condition. However, the success of the scheme will dependant on the quality of the materials used and as such it would be prudent to attach a condition to ensure that samples are submitted for consideration.

39. Having considered all of the above, against the backdrop of housing need the proposed development would comply with the objectives of the above policies in terms of respecting local character subject to conditions.

Impact on amenity of neighbouring properties

40. Policy DM2 states that to protect the amenity of adjoining and potential occupiers and users, development proposals should be designed to offer an appropriate outlook and provide adequate daylight, sunlight and privacy.

41. The adopted Design and Character SPD details that a notional degree of visual privacy is achieved through the conventional requirement to ensure about 22 metres between rear elevations facing each other. As with the previous scheme the proposed development will be located in excess of 28m from the rear elevations of the existing dwellings located in Speer Road, and again this element of the proposal will not result in any adverse loss of light or amenity being created.

42. The proposal has been designed so no openings that faces the rear garden of the adjoining property in Speer Road. In regard to the windows that face the rear gardens of 74 – 80 Speer Road, as with the office proposal these will not create any significant loss of privacy due to the location of the detached garages situated at the end of the rear garden in conjunction with the separation distance they will not look directly into the private area of these rear gardens.

43. Given the concerns in regard to actual and perceived overlooking from the flank of the proposal it would have been prudent to remove PD rights in respect to Class A to prevent any additional openings being created here.

44. In regard to noise and disturbance the proposed development would not result in undue noise, light or air pollution as a result of an increased number of occupants on the site. The use would intensify the vehicular movement at the site, but this would not be significant given the surrounding residential area. Overall subject to suitable conditions any harm to amenity can be mitigated.

Provision of suitable living conditions

45. Policy CS19 of the Core Strategy states that the council will seek to secure a range of housing types and sizes on developments across the borough in order to create inclusive and sustainable communities reflecting the most up to date SHMA in terms of size and type of dwellings.

46. Policy DM10 and the Nationally Described Space Standards (NDSS) sets out the minimum internal space standards that should be applied to all new housing development. Table 1 below highlights the NDSS requirements for the proposed scheme:
<table>
<thead>
<tr>
<th>No of beds</th>
<th>GIA (sqm)</th>
<th>NDSS (sqm)</th>
<th>Bed 1 (sqm)</th>
<th>NDSS (sqm)</th>
<th>Bed 2 (sqm)</th>
<th>NDSS (sqm)</th>
<th>Bed 3 (sqm)</th>
<th>NDSS (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3b 5p</td>
<td>144.06</td>
<td>93</td>
<td>12.52</td>
<td>11.5</td>
<td>11.56</td>
<td>11.5</td>
<td>7.64</td>
<td>7.5</td>
</tr>
</tbody>
</table>

Table 1: Quality of the living accommodation for future occupiers

47. All the bedrooms and the unit itself would comply with the minimum internal floor areas as detailed in the NDSS and would as result provide adequate accommodation.

48. In regard to the provision of amenity space the unit has access to a significant rear garden space which far exceeds the provision as set out in the SPG of 11m. As such the amenity space would be more than adequate exceeding the expectations of the development plan. There is also adequate space for the suitable storage of refuse and recycling facilities.

Highways impact

49. The County Highway Authority (CHA) were previously consulted on the proposal and raised no objections after considering the application on safety, capacity and policy grounds. It is noted that the Highway Authority has raised no objection to the proposal subject to suitably worded informative requiring ensuring that the development would not prejudice other highway users.

50. The proposal would provide sufficient parking to serve the new unit in accordance with the Council’s maximum parking standards, and a condition can be applied to ensure electric car charging is included within the development.

Impact on trees

51. There are a number of trees of significance on site and this has limited the amount of development possible at the site. As previously mentioned the design and footprint of the scheme is very similar to approved scheme (ref: 2017/0818) which was permitted at appeal. After some alterations to the design the Council had no objections to the previous scheme on arboricultural grounds subject to the inclusion of further information which was conditioned. The footprint and general design are the same except the building will be used as a dwellinghouse rather than B1 offices.

52. Some of the Council’s previous concerns about the design and location were with the juxtaposition and proximity to the protected Oak identified as T3 on the supplied arboricultural report. To accommodate for the crown of the tree and alleviate some of the proximity issues, the previous office design dropped the roof down to single storey and removed all windows facing the crown of the tree and the building would only be occupied during working/office hours.

53. Since the approval (Ref: 2017/0818) the circumstances have changed. Its foreseeable that having a house with associated dining room, living room, bedrooms, and garden space in close proximity or under the crown of a mature Oak tree, will create an overbearing nature and potential anxiety to the future residents. The level of detritus will be high over the very small garden space and roof, and even with the tree being located on the north side will create a degree of shading during time of leisure in the evenings and weekends not previously anticipated with an office building. This could result in future pressure from the residents to have the protected tree heavily pruned to the detriment of the amenity the tree provides or removed to the detriment of the local landscape. However, the increased extent of the amenity area to the whole site, should alleviate the pressures in respect to this.

54. Further consideration since the approved scheme is the rapid spread of Oak Processionary Moth (OPM) across the whole Borough of Elmbridge. The active season for OPM caterpillars is from May through to August when they infest the crowns of Oak trees to feed and form nests. The caterpillars produce and excrete millions of microscopic hairs which cause rashes, skin irritation, and respiratory problems. Taking into consideration the huge increase in
reported cases, sightings, and health complications reported in 2019 across Elmbridge, its foreseeable to predict the Oak will be infested OPM (if not currently) in the future.

55. The living conditions between late April through to September depending on the season, could become undesirable, and result in foreseeable health complications to future residents. It has been proven that the hairs will remain toxic for up to a year after they have been ejected from the caterpillar. However, a condition can be attached to ensure that the trees are sprayed, and nests manually removed although this will create an ongoing cost for the tree owners but could mitigate issues associated with the OPM.

56. There are concerns expressed by the trees in respect to the protection of the trees and the implications of the OPM on the healthcare of the future residents. However, the larger extent of the amenity space coupled with the condition for the ongoing treatment of the OPM would provide a suitable solution and on balance, given the extant planning permission the scheme would be acceptable in this regard.

Biodiversity

57. The Surrey Bat Group was previously consulted and previously raised no objections to the findings of the surveys. The surveys prepared by Ethos, recommended that no further surveys for bats were required and identified only a low risk to some foraging areas as a result of the development. Based on the information provided this seems a well-founded conclusion and it is noted the proposal in para 9.2.1.1 that a lighting plan should be supplied under condition to ensure minimal light spill onto the trees and hedges likely to be used by bats. A condition can be applied to ensure any recommendations for the protection and enhancement of biodiversity is carried out. On this basis it is considered that the proposal would not have a harmful impact upon biodiversity.

Financial Considerations

58. 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.

59. 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 2019/20 is £957,930 (approx).

60. 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)

61. The proposed development is liable for a CIL contribution of £11,448.48. The applicant has provided the relevant forms in accordance with the relevant regulations.

Matters raised in Representations

62. All matters raised have been addressed in the report.
Conclusion

63. On the basis of the above, and the fact that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF applies. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The scheme would result in a net increase in a three bedroomed family dwelling which the Council has a recognised need, and thus promotes an efficient use of land.

64. In terms of the scheme’s benefits, the provision of additional units of housing in an area where there is an acknowledged shortfall would make a small but significant contribution to the Council’s housing deficit. Having considered the benefits and adverse impacts of the scheme that any identified harm would not significantly and demonstrably outweigh the benefits. The proposal therefore represents sustainable development that accords with the policies and accordingly, the recommendation is to grant permission.

The proposed development does require a CIL payment

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: DPA-69741-01 Rev.E and DPA-69741-02 Rev.E received on 21st June 2019 and AAL-19-172-P01 Rev A; AAL-19-172-P02 Rev A; AAL-19-172-P03 Rev B and AAL-19-172-P04 Rev B received on 17th October 2019.

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

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


4. MATERIALS
The external surfaces of the development hereby permitted shall be constructed in the materials specified in the application form, or such other materials as have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the visual amenities of the locality in accordance with Policies DM2 and DM7 of the Elmbridge Development Management Plan 2015.

5. TREE 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. The site visit is required to ensure operatives are aware of the agreed
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 plan(s) DPA Arboricultural Consultants Land to Rear of 74 - 128 Speer Road
Thames Ditton Surrey Proposed Site Layout (Tree Protection) Drawing Number DPA-69741-
02 Revision E Date June 2019. 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,
reduce the risk to protected and retained trees in accordance with the approved details
pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with
policies CS14, DM6 of the Councils Core Strategy 2011 and 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 TREE PROTECTION MEASURES (WITH PRE-COMMENCEMENT MEETING)
After the agreed tree protection measures have been installed in accordance with the
approved plans, all tree protection measures shall be maintained for the course of the
development works. The development thereafter shall be implemented in strict accordance
with the approved details and method statements contained in DPA Arboricultural Consultants
Arboricultural Report to Accompany Planning Application at Land to Rear of 74 - 128 Speer
Road Thames Ditton Surrey June 2019.

Reason: To protect and enhance the appearance and character of the site and locality,
reduce the risk to protected and retained trees in accordance with the approved details
pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with
policies CS14, DM6 of the Councils Core Strategy 2011 and Development Management Plan
2015.

7 SITE SUPERVISION
The completion schedule/report of all the agreed arboricultural site supervision and monitoring
as approved in the arboricultural information DPA Arboricultural Consultants Arboricultural
Report to Accompany Planning Application at Land to Rear of 74 - 128 Speer Road Thames
Ditton Surrey June 2019 Section 5, shall be submitted to and approved in writing by the Local
Planning Authority within 20 working days of the substantial completion of the developmen
thereby approved. This shall include evidence of compliance through supervision and
monitoring of the agreed activities by a suitably qualified arboriculturist.

Reason: To protect and enhance the appearance and character of the site and locality,
reduce the risk to protected and retained trees in accordance with the approved details
pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with
policies CS14, DM6 of the Councils Core Strategy 2011 and Development Management Plan
2015.

8 TREE RETENTION
All existing 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 proposed 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, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, DM6 of the Councils Core Strategy and Development Management Plan.

9 ECOLOGY
The development shall be carried out in accordance with the recommendations set out in the Ecological Report by Ethos Environment Planning updated June 2019.

Reason: To ensure that the development is carried out in accordance with Policy CS15 of the Elmbridge Core Strategy 2011 and the NPPF.

10 FLOOD MITIGATION MEASURES
Prior to the first occupation of the development hereby permitted, all flood mitigation measures shall have been carried out in accordance with the details set out in the Flood Risk Assessment by Lightwood Planning dated 31st July 2019 and retained thereafter.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

11 PD LIMITATION
Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Part 1 Class(es) A, B, C and E of Schedule 2 to the said Order shall be carried out within the curtilage of the/any dwellinghouse, unless planning permission is first granted by the Borough Council.

Reason: To safeguard the character and amenities of the premises and adjoining properties and to comply with Policy DM2 of the Elmbridge Development Management Plan 2015.

12 ADDITIONAL WINDOWS
The development hereby permitted shall have no windows or other openings (other than those shown on drawing number AAL-19-172-P03 Rev B) inserted into the south elevation unless planning permission has first been granted by the Borough Council.


13 ELECTRIC VEHICLE CHARGING POINTS
(a) For flats, the development hereby approved shall not be occupied unless and until at least 1 (20%) of the available parking spaces are provided with a fast charge 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.

(b) For houses, the development hereby approved shall not be occupied unless and until each of the proposed dwelling(s) are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

14 OPM MITIGATION - SCHEME
NO DEVELOPMENT SHALL TAKE PLACE UNTIL FULL DETAILS OF AN OAK PROCESSIONARY MOTH (THAUMETOPOEA PROCESSIONEA; OPM) ASSESSMENT AND TREATMENT WORKS HAVE BEEN SUBMITTED TO AND APPROVED IN WRITING
BY THE BOROUGH COUNCIL AND THESE WORKS SHALL BE CARRIED OUT AS APPROVED. THE APPROVED WORKS AND TREATMENTS SHALL UNDERTAKEN IN STRICT ACCORDANCE FOR THE LIFETIME OF THE DEVELOPMENT.

Reason: To ensure that the development does not prejudice health and is carried out in accordance with Policy CS15 of the Elmbridge Core Strategy 2011 and the NPPF.

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. 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.