



Elmbridge Borough Council

... bridging the communities ...

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Mr Adam Beamish

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Officer:	Natalie Lynch
Telephone:	01372 474828
Email:	nlynch@elmbridge.gov.uk
Date:	06/01/2020
Reference:	PreApp133018591

Dear Mr Beamish,

Gold Pre-application Enquiry

	Location:	<i>Sundial House, The Molesey Venture, Orchard Lane, East Molesey KT8 0BN</i>
	Site visit:	<i>19/08/2019</i>
	Face to face meeting:	<i>02/09/2019</i>
	Written response:	<i>06/01/2020</i>

Thank you for your pre-application enquiry concerning the above. I apologise for the delay in responding. Since the meeting, an amended site plan was submitted via email on 12th September and this pre-application letter has been updated to reflect this latest plan.

It should be noted that a further amended plan was received by email of 19th December which varied the proposed layout. The applicant was advised to submit this through a further pre-application enquiry so that this can be fully assessed.

Description

The site consists of assisted living units, with its own horticultural area.

Constraints

- Green Belt
- Flood Risk Zone 2
- Contaminated Land

Policy

In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to this pre-application enquiry:

Core Strategy 2011
CS1 – Spatial strategy

CS2 – Housing, provision, location and distribution
 CS7 – East and West Molesey
 CS14 – Green Infrastructure
 CS15 – Biodiversity
 CS16 – Social and Community Infrastructure
 CS17 – Local character, density and design
 CS19 – Housing type and size
 CS20 – Older people
 CS21 – Affordable Housing
 CS25 – Travel and accessibility
 CS26 – Flooding
 CS28 – Implementation and delivery

Development Management Plan 2015

DM1 – Presumption in favour of sustainable development
 DM2 – Design and amenity
 DM3 – Mixed uses
 DM5 – Pollution
 DM6 – Landscape and trees
 DM7 – Access and parking
 DM8 – Refuse, recycling and external plant
 DM10 – Housing
 DM13 – Riverside development and uses
 DM21 – Nature conservation and biodiversity

Design & Character SPD 2012

Developer Contributions SPD 2012

Flood Risk SPD 2016

Relevant Planning History

Reference	Description	Decision
2016/0899	Single storey rear extension and fenestration changes following demolition of existing extensions	Granted
2011/5700	Single storey front extension and side porch	Granted
2002/2574	Variation of condition 2 of planning permission 2000/2417 to allow occupation of the first floor of the rear two storey building as six bedsits providing general needs accommodation for single people instead of staff accommodation	Granted
2000/2417	Change of use of 14 hostel rooms for adults with learning difficulties to 7 bedsits for staff accommodation on first floor and resource room on ground floor	Granted

1998/1637	Change of use of the rear two storey building only from hostel for adults with learning difficulties to emergency temporary short stay hostel for asylum seekers and refugees.	Granted
1998/0743	External alterations and part covered ramp.	Granted
1996/1169	Replacing existing 1.83 metre high chain link fence and gates with 2.1 metre high gates piers and brick wall.	Granted
1989/1557	Erection of extension to horticultural building.	Granted
ELM/84/39 4	Conversion of part of outbuilding into a one-bedroomed staff flat.	Granted
1978/0027	Change of use of storage building into 8 self-contained flats for older boys	Granted
ESH/71/82 3	Alterations to convert premises into 2 flats.	Granted

Proposal

The proposal is for the redevelopment of the front part of the site to provide 38 residential units (see sketch supplied below) following demolition of the existing buildings on the site. 50% of the 38 residential units would be market units and 50% would be affordable units. It is expected that the existing social care/assisted living accommodation would be re-provided on site and the existing horticultural area would be retained as existing.



Planning Considerations

The main planning considerations in the determination of this proposal are:

- Principle of the Development
- Housing
- The size, scale and design of the proposal and its impact on the character of the surrounding area
- Impact on Neighbouring Amenity
- Highway Safety and Parking
- Flood Risk
- Contaminated Land
- Biodiversity
- Other Considerations

Principle of the development

The new residential units would be located outside of the Green Belt and the horticultural centre would be retained as existing, so there would be no direct impact on the Green Belt.

The NPPF seeks to make the most efficient use of land. Core Strategy policies CS1 and CS2 indicate that there is scope for residential development through the redevelopment of existing sites with well-designed schemes that integrate with and enhance the local character. The new development is required to deliver high quality design, which maximises the efficient use of land and which responds to the positive features of individual locations; integrating sensitively with locally distinct townscape while protecting the amenities of those living in the area. The NPPF has a presumption in favour of sustainable development with emphasis on the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas. The surrounding area is characterised as residential and there are existing residential units on the site. Therefore, the principle of a residential development in this location would be considered acceptable subject to other policy considerations as discussed below.

Housing

Housing mix and need

Policy CS19 and para. 122a of the NPPF states 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. Details of the proposed unit mix have been provided, however, this includes the whole site. The redevelopment of just the front part of the site is likely to result in the unit mix changing. Any proposal put forward should seek to meet the identified need for smaller 1, 2 and 3 bedroom units. There is a surplus of 4+ bedroom units and proposals for larger 4+ bedroom units are likely to be considered unacceptable due to this not making the most efficient use of land.

The proposal is for a mixed use development to provide 38 residential units to be divided evenly between market and affordable units. It is understood that the existing social care/assisted living units would be re-provided. Any loss of assisted living/social care units would be resisted unless it can be demonstrated that the proposal would satisfy the requirements of policy CS20, i.e. to demonstrate that there is insufficient demand/need or if the loss would result in overall improvement of provision that meets local needs.

Any social care/assisted living units will need to demonstrate that it is a genuine form of C2 use or be a genuine affordable unit. It is understood that some of the assisted living units are Alms houses and these would fall within C3 use, not C2. In support of any applications provided a C2 use, a full specification of the service and facilities to justify the C2 use should be provided with particular reference to the following questions:

- What legal restrictions apply to the occupation of the units?
- What arrangements are in place in relation to the availability of care from a registered care provider?
- What eligibility criteria apply at the admission/sign-up stage? Do prospective occupiers have to have a need for paid care (above a minimum number of hours per week) at the point of moving in? Is this backed up by a formal care assessment? Are residents required to pay for a minimum number of hours per week as a condition of occupation? How many hours of care must residents agree to?
- What are the arrangements for and availability of meals?
- What is the extent of the communal facilities?

Reference should also be had to the Council's advice note:

Development Management Advice Note 3 – Understanding the Need for Specialist Accommodation which can be viewed on the following link: <https://www.elmbridge.gov.uk/planning/planning-policy/development-management-policies-and-advice-notes/>

Affordable housing

Policy CS21 of the Council's Core Strategy (2011) requires that development where the Gross number of dwellings is 15 dwellings or more, that 40% of the gross number of dwellings on site to be provided as affordable housing.

The preferred split between Affordable/Social Rent and Intermediate units is 70/30. It is recommended that you enter into discussions with a Registered Provider now so that any requirements can be included as part of the scheme. Details of the Registered Provider should be provided as part of the application. A Unilateral Undertaking to secure the affordable units should be submitted as part of the application. A template Unilateral Undertaking is available to download from the following link: <https://www.elmbridge.gov.uk/planning/developer-contributions/>.

Paragraph 57 in the National Planning Policy Framework (NPPF) states that where up-to-date policies have set out the contributions expected from development,

planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Government policy on viability assessment is that they should be the exception not the norm. This is reiterated in policy CS21 that only in exceptional circumstances will an alternative to on-site provision of affordable housing be accepted. Viability of Policy CS21 requirements has already been assessed under the Elmbridge Core Strategy 2011 and therefore the full contribution towards affordable housing is expected to be made. However, if you do not consider that the scheme proposed is viable with the provision of affordable housing as required by policy CS21, you will be required to submit the necessary viability evidence with any application made. Any viability assessment should be based upon and refer back to the viability assessment that informed the Local Plan. Viability assessments should reflect the Government's recommended approach on standardised inputs as set out in the PPG. The viability assessment must explain what has changed since the Council's review of viability for the Core Strategy and why this would prevent full payment.

Further details of what is required are contained within the Council's adopted Supplementary Planning Document on 'Developer Contributions' (2012), which can also be found via the above link. If a policy compliant level of affordable housing cannot be achieved for viability reasons, then applicants may be required to agree to a late review mechanism.

Please be advised that viability evidence must be submitted upfront as part of the application documents to be validated. The Council will expect you to pay for our Independent Viability Consultants to review the information submitted. A commitment to pay this fee should also be submitted with the application. The determination of any application will likely be delayed whilst this information is reviewed, and the Council will request an extension of time for the determination of any application whilst such evidence is being considered. Please note that the Council's Validation Checklist requires viability reports to be submitted upfront. Once an application has been registered there will be no further opportunity to contend the viability of the development. If, following the registration of the application, you wish to dispute the viability, the application will need to be withdrawn and resubmitted.

The pre-application sets out that the scheme would provide 19 affordable units which would comply with the 40% requirement.

The quality of the living accommodation for future occupiers

No detailed floor plans have been provided, however, policy DM10 states that proposals for new housing development will be expected to offer an appropriate standard of living, internally and externally. Any residential units should comply with the minimum internal space standards as set out in the Technical housing standards - nationally described space standards. Policy DM10 also goes on to state that all new residential development should provide an appropriate level of lighting and outlook for future occupiers.

In terms of external amenity space for residential units, the Design and Character SPD recommends a minimum garden depth of 11m. There is no minimum requirement for

flatted development although communal amenity space should be provided where possible. Careful consideration should also be given to the ground floor units in flatted development to ensure an appropriate amount of defensible space and privacy can be achieved.

From the submitted plans, it appears as though units 35 – 38 would be houses and would have little private garden space. Further consideration should be given to the layout of the residential units to ensure that suitable private amenity space can be provided for all the houses.

The size, scale and design of the proposal and its impact on the character of the surrounding area

Policy CS17 of the Elmbridge Core Strategy states that new development should deliver high quality, inclusive sustainable design which maximises the efficient use of urban land integrating sensitively with the local townscape and landscape.

Density and massing

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). From the indicative plan, I have measured the site area to be approximately 0.6Ha and this would achieve a density of 63dph. This would exceed the minimum density levels and subject to there being no adverse impact on the character and appearance of the surrounding area would maximise the efficient use of the land.

The submitted plans indicate that the residential units would be 2/3 storeys in height. The surrounding area is characterised by 2 storey residential units although there are examples, particularly in the Imber Court development to the south of 2 storeys residential units with habitable accommodation in the roof space and 3 storey residential units. Therefore, 2/3 storeys would not appear out of keeping with the surrounding area.

Layout and design

The NPPF states that '*the creation of high quality buildings and places 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...*' An indicative layout has been provided. The layout of the roads and houses should be carefully considered and I would recommend that you refer to the Manual for Streets for further design guidance. For residential developments it is also recommended that the principles of Secured by Design are followed. You may wish to contact Surrey Police to discuss any potential issues prior to submission.

You should note that the MHCLG have recently published (1st October 2019) a National Design Guide (NDG) which indicates that there are ten characteristics that should be considered as part of any design. The NDG highlights that the purpose of design quality and the quality of new development is to create well-designed and well-built places that benefit people and communities. The document can be viewed on the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835212/National_Design_Guide.pdf

Impact on Neighbouring Amenity

Policy DM2 seeks to protect the amenity of adjoining and potential occupiers and users. There are residential occupiers adjacent to the site and any proposal should seek to ensure that there would be no adverse impact on neighbouring amenity. The Design and Character SPD provides further guidance on assessing the impact on light and overlooking. In particular, those residential units that back onto the rear of properties in Ember Farm Way should ensure that a separation distance of at least 22m between facing habitable room windows is achieved to ensure there would be no issues of overlooking or loss of privacy. From the indicative layout, it appears as though this separation distance can be achieved.

Highway Safety, parking and refuse

Trip generation and access

The existing access to the site would be utilised, however, there would be an increase in the number of trips to and from the site. Due to the scale of the development, a detailed Transport Assessment and Travel Plan should be provided as part of any formal planning application to assess the transport implications of the proposed development. Surrey County Council as the Highway Authority would be consulted as part of any formal application and it is recommended that you enter into pre-application discussions with them regarding the transport impacts on the safety and operation of the highway.

Parking

The road layout and location of car parking should be carefully considered to ensure the street scene does not become dominated by car parking. Surrey County Council have produced a good practice guide for parking layouts. This can be viewed on the following link: https://www.surreycc.gov.uk/_data/assets/pdf_file/0005/82535/TDP-Good-Practice-Guide-2017.pdf.

Appendix 1 of Policy DM7 sets out the maximum parking standards for residential units.

Size of unit	Maximum number of car parking spaces
1 bed	1
2 bed	1.5
3+ bed	2

For residential dwellings 1 trickle electric vehicle charging point should be provided and for flats, 20% of available spaces should be fitted with a trickle changing point.

In terms of cycle parking, 1 cycle parking space should be provided per 1 & 2 bed unit and 2 cycle parking spaces should be provided per 3+ bed unit. All cycle parking should be safe, covered and secure. Detailed plans and elevations will be required for any cycle stores as part of any formal application.

Refuse and recycling

Individual houses should have space to store refuse and recycling bins and a refuse and recycling store should be provided for flatted development. The bin store should be large enough to accommodate communal bins with sufficient capacity for fortnightly collections of landfill and recycling and weekly collections of food waste. The Council will usually provide communal bins for recycling for new developments in either 770 litre or 1100 litres sizes. Food waste will also be provided, using either individual 23 litres containers or communal 140 litre bins. Developers are required to purchase communal landfill bins. Approximate dimensions of communal bins are given below:

Capacity (Litres)	1100	770	140 (food waste)	23 (food waste)
Height (mm)	1470	1370	985	405
Width	1370	1370	485	350
Depth	1100	900	550	400

The bin store area should provide a clear space of 15cm between the bins to allow the bins to be emptied without needing to move other bins. The bin store should be located no more than 10m from the highway. The access road should be a minimum of 4 metres wide to allow refuse vehicles to enter the site. A tracking plan should be provided to demonstrate that a refuse vehicle can access the site and turn around to leave the site in a forward gear.

Detailed plans and elevations will be required for any refuse and recycling stores as part of any formal application.

Flood Risk

Core Strategy Policy CS26 seeks to reduce the overall and local risk of flooding in the Borough. Parts of the site is located within Flood Risk Zones 2 and parts of the western side of the site fall within Flood Zone 3a. A Flood Risk Assessment should be provided to demonstrate that the proposal would not increase flood risk elsewhere. The Council has produced a Flood Risk Supplementary Planning Document (SPD) that sets out when a Flood Risk Assessment (FRA) needs to be prepared and what should it include. The requirements depend upon the type of development being proposed and the level of flood risk.

Given its location the site is at a medium and high risk of flooding and wherever possible development should be directed away from these flood risk areas. However, where development does take place the Council needs to ensure that it is safe, does

not increase the risk of flooding elsewhere and where possible reduces risk overall. This must be demonstrated within the FRA.

As part of the FRA the submitted documentation will need to demonstrate that sequentially preferable sites have been considered. This is the Sequential Test and is, in effect a sieving process designed to ensure that development is steered away from areas at high risk of flooding, where possible. However, when development cannot be located in a lower flood risk area and Exceptions Test many need to be applied and the necessary criteria met. Further details on the Sequential and Exceptions tests can be found in Section 3.3 of the SPD.

As the proposal would be a major application, details of how the proposal will include sustainable drainage systems (SuDS). The surface water drainage summary proforma can be found on the following link:

<https://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice/more-about-flooding/suds-planning-advice/>.

This should be provided as part of any formal application.

Contaminated Land

The site has the potential for contaminated land. As discussed at the meeting, this would normally be a pre-commencement condition, however, submitting the following information up front, may reduce the number of pre-commencement conditions.

The initial assessment should contain the information necessary to determine whether the proposed development is suitable for the proposed use. The assessment should be carried out by a suitably qualified, competent person to assess the condition of the land to be re-developed, in respect of contamination and proposed use. The assessment must, as a minimum, include:

- A desk-based evaluation, which must include a full history of the site
- Site walkover
- Conceptual site model (assessment of the risks from the site)

If the initial assessment shows that there is a significant possibility that the site could pose a significant risk under its proposed redevelopment use, as a result of contamination, then an intrusive site investigation will be required. This will necessitate further risk assessment and may require the development of a remediation plan to reduce the risks to an acceptable level.

The initial assessment and, if required, intrusive investigation and risk assessment are required prior to any groundworks (including foundation construction) starting on the site.

Please be aware some of the required information (e.g. ground gas measurements), can take months to collect and has the potential to delay the start of sitework.

All investigation and assessments must be carried out to current best practice and in line with published standards and guidance (e.g. British Standard BS10175:

Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11). Chargeable pre-application advice can be arranged with Environmental Health to discuss land contamination. Further information is available on the following link: <https://www.elmbridge.gov.uk/pollution/land-quality/>.

Biodiversity

Policy CS15 states that the Council will seek to avoid the loss of biodiversity and contribute to a net gain. Part of the site falls into a Priority Habitat and Natural England would be consulted on any formal application. The redevelopment of the site would involve the demolition of a number of buildings which may have the potential to house bats. It is recommended that a Preliminary Ecological Assessment is undertaken to assess the potential for bats and other protected species within the site and any mitigation measures are included.

If trees are affected by any part of the proposals, then a tree survey and tree protection plan should be provided as part of any formal application.

Other Considerations

Planning Performance Agreement

The Council offer applicants the opportunity to enter into a Planning Performance Agreement (PPA). The existing pre-application can be amalgamated into this and this would give you the opportunity to have a series of meetings on specific matters pre, during and post application. The Council does not have a fixed fee, as it is dependent on the level of engagement you wish to have. Should you wish to enter into a PPA, please contact me on the details provided above.

Local Validation Checklist

Further guidance this is in our updated local validation list:

http://emaps.elmbridge.gov.uk/ebc_planning_noftr.aspx?requesttype=parseTemplate&template=PlanningValidCheckListStart.tmplt

CIL

If you were minded to submit an application I must advise that a financial contribution may be required towards the Community Infrastructure Levy (CIL). Details of which are available on the Council's website

www.elmbridge.gov.uk/planning/developer-contributions/

Conclusion

On the basis of the above, the proposal would be considered acceptable in principle subject to the design making a positive contribution to the character and appearance

of the surrounding area and there being no adverse impact on neighbouring amenity. It is recommended that you seek further pre-application advice once detailed plans have been developed so that we can give you further feedback on the design of the buildings and layouts etc.

The advice we have provided is a Planning Officer's informal opinion based upon the information you have provided. Our advice cannot fully anticipate the formal consideration process of a planning application; neither will it be binding on the consideration of any resulting application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P Falconer', written in a cursive style.

Paul Falconer
Development Manager