



# Elmbridge Borough Council

... bridging the communities ...

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22 October 2020

Dear Sir/Madam

## Pre-application Enquiry

**Proposal:** 78 residential units divided across 3 blocks of accommodation

**Location:** The Molesey Venture Orchard Lane East Molesey Surrey KT8 0BN

**Pre-application Number:** 2020/2269

**Date of Site Visit:** N/A

Thank you for your pre-application enquiry concerning the above. I can offer the following comments:

### Constraints

The relevant planning constraints are:

- Flood Zone 3B
- Bank Top Width (20m)
- Contaminated Land
- Adjoining Green Belt
- Priority Habitat
- SSSI Impact Risk Zone

### 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
  - CS8 – Thames Ditton, Long Ditton, Hinchley Wood and Weston Green
  - CS14 – Green Infrastructure
  - CS15 – Biodiversity
  - CS17 – Local Character, Density and Design
  - CS19 – Housing Type and Size
  - CS21 – Affordable Housing
  - CS25 – Travel and Accessibility
  - CS28 – Implementation and Delivery
- Development Management Plan 2015
  - DM1 – Presumption in favour of sustainable development
  - DM2 – Design and amenity

- DM5 – Pollution
  - DM6 – Landscape and Trees
  - DM7 – Access and Parking
  - DM8 – Refuse, recycling and external plant
  - DM10 – Housing
  - DM13 – Riverside development and uses
  - DM20 – Open Space and Views
  - DM21 – Nature conservation and biodiversity
- Design & Character SPD 2012
  - Developer Contributions SPD 2020
  - Flood Risk SPD 2016
  - Parking SPD 2020

### Relevant Planning History

Reference	Description	Decision
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 (corrected description)	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
1985/0184	Use of land for horticultural training ancillary to hostel for mentally handicapped and erection of single storey building and glass house	Granted
1984/0394	Conversion of part of outbuilding into one bedroomed flat	Granted
1978/0027	Change of use of storage building into 8 self contained flats for older boys	Granted
1977/0082	Increase in number of resident boys from 18 to 26	Granted
1977/0040	Renovations to storage outbuildings to form	Granted

	rest rooms to be use in connection with hostel	
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## Planning Considerations

The main planning considerations are:

- The Principle of the development
- The provision of affordable housing for major developments
- The design of the proposal and its impact on the character and appearance of the area
- The impact on the amenities of neighbouring properties
- The provision of a suitable residential environment
- The impact on trees
- The impact on biodiversity
- The impact on parking and highway safety
- Financial considerations

### The principle of the development

The Core Strategy indicates that there is scope for residential development through the redevelopment of existing sites with well-designed schemes that integrate with and enhance the local character. The new development is required to deliver high quality design, which maximises the efficient use of land and which responds to the positive features of individual locations; integrating sensitively with locally distinct townscape while protecting the amenities of those living in the area. 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).

The latest measure of housing need is the 2016 Strategic Housing Market Assessment (SHMA) for Kingston and North Surrey. The SHMA identifies the need within Elmbridge is for smaller units, with one to three bedrooms.

The NPPF in regard to the making effective use of land, states at para. 117:

‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions’.

In regard to achieving appropriate densities, Para. 123 states:

‘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’

this is supported by point a) of Para. 123 which states:

‘plans should contain policies to optimise the use of land in the their area and meet as much of the identified need for housing as possible’.

and further supported by point c) of Para. 123 which states:

‘local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or

guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).<sup>7</sup>

In this case, the proposal would have a site area of approximately 0.616 hectares (though it needs to be clarified if the building to the south of Block B is within the site boundary or not as the location plan and plans within the supporting documents are contradictory). The proposal for 78 units would therefore have a density of 126.6 dwellings per hectare which would exceed the minimum requirement. The principle of the development is therefore considered acceptable.

### Provision of affordable housing for major developments

Policy CS21 of the Council's Core Strategy (2011) requires that development resulting in the provision of 15 or more dwellings requires 40% of the gross number of dwellings on site to be provided as affordable housing. The preferred split between social-rented, affordable-rented and intermediate units varies dependent on the unit sizes proposed and can be found on page 18 of the Development Contributions SPD 2020. Overall, however, the requirement is for 72% social rent, 14% affordable rent and 14% intermediate. 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. The viability of Policy CS21 requirements have 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 Development Contributions (2020) 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 review mechanisms.

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.

We are committed to doing everything in our power to address the housing crisis and to maintain the transparency and accountability of our decisions. As such we publish all financial viability appraisals submitted as part of planning applications alongside other planning documents on our website.

The details provided state that of the 78 proposed units 26 of them would be provided as affordable housing with an accommodation mix of 24 x 1 bed units and 2 x 3 bed units. This would equate to 33.33% of the proposed dwellings. This would be below the policy compliant position of 40% of the dwellings to be provided as affordable dwellings. It is recommended that the proposal be reviewed and the affordable housing position be improved to meet the policy requirement. If the requirement cannot be met, as stated above a viability report to demonstrate non-compliance would be required.

It has not been stated what tenure the affordable housing would be, though it is noted that it is stated that the existing C2 use on site would be re-provided as C3 residential use. Further information is required about exactly how this would operate as it is noted that it is stated that the units would be in C3 use but with visits from off-site support workers. The units would also be located together in a 'cluster' with a dedicated communal amenity space solely for these units. This could potentially be considered to fall under C3(b) as a form of supported housing and if so this needs to be noted in the application documentation, along with the tenure mix for the affordable housing provision. As stated above the general requirement is for 72% social rent, 14% affordable rent and 14% intermediate.

#### The design of the proposal and its impact on the character and appearance of the area

The proposals seek to demolish the existing buildings and to erect three new standalone buildings that would be ground plus three storeys in height. The largest block (Block A) would also include a basement for parking.

The existing buildings are of little overall interest and therefore their demolition would be considered acceptable subject to the quality of the proposed replacements. In the first pre-application the proposal included a large area to the north of the site that lies within the green belt, this area has been removed from consideration. In terms of design little was mentioned regarding the massing of the proposals and was left open to a further pre-application. In the second pre-application the proposed layout was very similar to the current submission, however there were no elevations, but the buildings were noted as being 2/3 storeys. This was considered likely to be acceptable. Our response also mentions the National Design Guide, although this submission does not follow the ten principles of design set out in that documents. I recommend that any further submission start to look at those principles.

Following our meeting further revisions to the scheme have been submitted which are considered, along with all of the submitted information below.

#### *Layout*

The proposed layout is similar to that submitted under the previous pre-applications. The retention/extension of the existing buildings and the neighbouring residential properties determine the proposed arrangement, overall the proposed layout is considered to be the most effective. The car parking has been predominantly removed from the surface and placed in the basement under Block A, which is considered beneficial. The layout of the surface car parking would appear to be satisfactory, the exact number and location of spaces for each block would require further attention and it is understood that the requisite level of detail would occur at a later stage of the design. The access road to the area north of the site has been removed following the meeting and this is welcomed as it creates more amenity space and its retention would certainly generate uncertainty among consultees regarding the future status of the land to the north of the site.

### *Height and Massing*

The originally submitted drawings indicated that Block A was proposed to be ground plus three storeys (4 in total) and therefore taller than the previously discussed 3 storey maximum. The revised drawings have altered the massing, creating a stepped effect to the residential properties to the east and whilst the fourth floor is retained towards the west, it is reduced and the location is considered to be suitable for the additional mass. Therefore, based on the limited information presented it is considered that the massing would likely be received favourably. The revisions also note the height of Blocks Band C, both of which are found likely to be acceptable.

### *Appearance*

In design terms the elevation of Block A has an Art Deco type aesthetic with white render, split by large areas of rectangular glazing. At this stage we are neither for nor against such a design, however the alterations in the massing will need to be carefully considered. As always high-quality materials will be important. We cannot provide any commentary in design terms for Blocks B or C as no designs have been put forward.

### *Landscaping and Public Realm*

The proposal would include shared amenity space for the dwellings, currently little to no information has been provided regarding proposed landscaping. It is recommended that as much information as possible be provided in support of an application.

### The impact on the amenities of neighbouring properties

The neighbouring properties most likely to be affected by the development are Nos. 64, 66, 68, 70, 72 and 71 Ember Farm Way, No. 18 Orchard Lane, Brook House Orchard Lane and Ember Farm Cottage.

The Council's Design and Character SPD states that the 45 degree angle test will be used to assess the impact of a proposal on the availability of natural light to neighbouring properties. The 45 degree angle is taken from edge of the closest window to the development. New single storey development should be positioned further than 8 metres from the nearest habitable room window measured along the 45 degree angle sight line, and two storey elements should be further than 15 metres. In this case, the site plan indicates that there may be a breach of the 45 degree angle from No. 18 Orchard Lane, it is not clear however as the neighbouring properties are not shown on the site plan. It is recommended that the proposed site plan submitted with any application show the neighbouring properties and any relevant 45-degree angles.

The properties backing onto the site along Ember Farm Way are not considered to suffer a material loss of amenity due to the separation distance between the rear elevations of these properties and the proposed elevations of Blocks A and C which is shown as 36 metres. This distance is considered sufficient to avoid a material loss of light and privacy and any loss of outlook or overbearing impact.

The impact on Ember Farm Cottage is likely to be acceptable as Block C (located opposite) would be two-storey and angled away from the front elevation of Ember Farm Cottage, resulting in an impact that would most likely be similar or better than the existing situation with regards to light, privacy and overbearing impact.

Please note that Council's local validation checklist requires the submission of a Daylight/Sunlight Assessment where there is a potential adverse impact on adjoining or nearby properties or buildings, including associated gardens or amenity space, or potentially low light levels for new

dwellings. The Assessment must be carried out in accordance with BRE guidelines set out in “Site Layout Planning for Daylight and Sunlight - A guide to Good Practice” (2nd edition).

The Council’s Statement of Community Involvement (2018) requires applicants to undertake public consultation prior to the submission of an application for major development or other locally-sensitive schemes. Submission of a statement to outline your consultation with the public, and how the results of the consultation have affected the scheme’s development, is a local validation requirement.

#### The provision of a suitable residential environment

The proposed plans state that the 1 bed units would have a floor area of 55m<sup>2</sup>, the 2 bed units an area of 75m<sup>2</sup> and the 3 bed units an area of 90m<sup>2</sup>. The proposed floor areas for the 1 and 2 bed dwellings would exceed the minimum requirements of the Government’s Nationally Described Space Standards. With regards to the 3 bed units it cannot be stated that they would comply with the Space Standards until detailed floor plans are provided as it is not clear currently how many bed spaces would be provided per unit. The majority of the units would be single aspect, with some dual aspect units, without detailed floor plans it cannot be stated that there would be adequate natural lighting and ventilation, however it is considered likely that there would be. There would be adequate amenity space for the enjoyment of the occupiers through the provision of shared amenity space. There would be the potential for some, or may be all, units to potentially have balconies to provide private amenity space. If balconies are to be included, then the design of the balconies should be carefully considered as well as the impact on the amenity of other future occupiers and neighbouring properties.

Consideration should be given to storage arrangements for the necessary refuse and recycling receptacles. Public collection of refuse in Elmbridge is now managed by Joint Waste Solutions. <https://www.jointwastesolutions.org/> A Developer’s guide to bins and waste has been produced by the Council and can be accessed using the following link: [www.elmbridge.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=2604](http://www.elmbridge.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=2604)

The site is located on land potentially affected by ground contamination. A land contamination assessment will be required when your application is submitted. The assessment should contain adequate information to determine whether the proposed development is suitable for the proposed use, or may be rendered so through appropriate mitigation measures, and must be carried out by a suitably qualified, competent person. The initial assessment must include a desk-based evaluation, which must include a full history of the site; site walkover; and a conceptual site model. It may also include intrusive investigation. If the initial assessment shows that there is a significant possibility that the re-development of the site could pose a significant risk as a result of ground 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 impact on flood risk

The application site is at risk from flooding. A Flood Risk Assessment (FRA) will be required and this should demonstrate how the proposed development will be made safe, that it will not increase flood risk elsewhere and, where possible, will reduce flood risk overall. The FRA should be produced by a suitably qualified person. Guidance on producing an FRA can be found in the Council’s Flood Risk Supplementary Planning Document 2016, which is accessible using the following link: <https://www.elmbridge.gov.uk/planning/sdps/flood-risk/>

The flood risk assessment should contain resistance and resilience measures to demonstrate that the development itself is safe. Examples of resistance and resilience measures can be found on

pages 41 and 42 of the SPD. The FRA should also include mitigation measures to show that flood risk elsewhere will not be increased: examples of these measures can be found on pages 44 to 46 of the SPD. You will also need to provide a plan showing a route of escape to the closest area within Flood Zone 1, and a personal flood plan to illustrate the actions to be taken in the event of flooding.

Proposals for major development, or development on any site at risk from surface water flooding will be required to incorporate Sustainable Drainage Systems (SuDS) into the design of the scheme. Some examples of these measures can be found on pages 49 to 51 of the SPD. You will need to take into account different factors including the layout of the site, topography and geology when planning and positioning different SuDS elements for the whole scheme. This information will be required for both outline and full applications, so it is clearly demonstrated that the SuDS can be accommodated within the development that is proposed. You will need to submit a separate Statement on SuDS as a validation requirement, and Surrey County Council (in their capacity as the Lead Local Flood Authority) will be consulted. The County Council has produced additional guidance on SuDS. This can be accessed using the following link:

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

### The impact on trees

The site plan will need to accurately show the position of all trees on the site and those on adjacent land (including street trees). In addition, you will need to submit supporting arboricultural information consisting of:

- Tree Survey
- Arboricultural Impact Assessment
- Tree Protection Information
- Tree Protection Plan
- Arboricultural Method Statement

The arboricultural information supplied must be to British Standard 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, and produced by a suitably qualified and experienced professional.

### The impact on biodiversity

Due to the demolition of the existing building, any forthcoming application would need to be accompanied by a Preliminary Ecological Appraisal report compiled by a qualified professional. The findings of this report will determine whether or not further surveys are required. Please note that if the preliminary report identifies a need for further surveys, your application will not be validated and registered until these survey reports are received.

Some species can only be accurately surveyed at certain times of the year. A table indicating optimum survey times, as well as a detailed breakdown to show when a survey will be required, can be found in the Council's validation checklist.

### The impact on parking and highway safety

The Council's approach to parking is set out in Appendix 1 of the Development Management Plan 2015, which is supported by the Parking SPD 2020. The parking standards in Appendix 1 are recommended as a maximum. However, in areas of parking stress, it is expected that a minimum of one space per residential unit will be provided. The general presumption should be that



sufficient car parking should be provided in accordance with the parking standards and reliance should not be made of on-street parking unless it has been appropriately designed from the start (e.g. new large residential development). The Council will expect a robust justification to be provided to support a significant variation from the figures in the form of a parking survey.

There will also be a requirement for electric charging points and these should be clearly identified on the site plan. The electric charging point requirements are set out in Table 4 of the Parking SPD 2020.

The proposed parking would appear to comply with the requirements outlined in Appendix 1.

Appendix 1 also sets out the minimum cycle parking provision expected. Cycle parking should be suitably secure, covered and lit and the storage arrangements should be detailed on the site plan. Sheffield-style storage is preferred.

For high density residential developments where space to accommodate on-site parking is constrained, it may be appropriate to consider a car club. A car club provides cars for short term hire on a pay per trip basis. Surrey County Council Highways Authority provides advice on the suitability of a car club as part of their own pre-application advice service, and can provide contact information for their preferred operator. You are advised to contact an operator at an early stage of the planning process, so that the viability, cost and logistics can be accurately assessed. The County Highways Authority has published draft guidance on the use of car clubs, which can be accessed using the following link:

<https://mycouncil.surreycc.gov.uk/documents/s50095/Annex%20C.%20Draft%20Guidance%20on%20Car%20Clubs%20in%20new%20developments.pdf>

It is recommended that you submit a statement outlining the method of construction. The statement should ensure that disruption arising from the construction is minimised and it should provide for the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, a programme of works including measures for traffic management, the erection and maintenance of security hoarding behind visibility zones, before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused, wheel washing facilities and a scheme for recycling/disposing of waste resulting from demolition and construction works. If the statement is not submitted in support of your application, you will be required to submit it for approval prior to the commencement of the development.

The site is located on a classified road, and Surrey County Council Highways Authority would be consulted on the application. The County Highways Authority offer their own pre-application enquiry service, which you may wish to use. Further information on this service can be found using the following link: <https://www.surreycc.gov.uk/land-planning-and-development/planning/transport-development/charging-for-pre-application-advice>

### Community Infrastructure Levy

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 are available on the Council's website: <http://www.elmbridge.gov.uk/planning/developer-contributions/>

### Planning Performance Agreement

You may wish to consider entering into a Planning Performance Agreement to cover the application phase. Such an agreement could cover the following:

- Fast-tracked validation

- A feedback meeting to be held after the end of the consultation period, with attendance by internal consultees as required
- The acceptance of one set of amended drawings and one round of re-consultation
- Further feedback to be given after the second consultation period
- An agreed target date for the application to be heard by the Planning Committee
- Involvement of department managers in the application process
- A briefing to Councillors

If you would like to pursue this, please let me know which of the above elements you would like to include and we will be pleased to provide you with a quote.

## **Conclusion**

On the basis of the above I would recommend that the applicant progress to developing a detailed design with a view to submit a formal application or a further enquiry should that be desired. The details submitted are predominantly acceptable, with the exception of the provision of affordable housing which whilst welcomed needs to be increased to meet the policy requirements. Further details are required regarding the tenure of the affordable units. Further details are also required regarding the exact type of care being provided on-site currently to determine it is definitely C2 use, if it is C2 use then justification for the loss of C2 units should be provided in the Planning Statement.

To ensure the swift registration of your application, you are advised to refer to the Council's validation checklist and ensure that all of the required documents are submitted together. The checklist can be found using the following link: <http://www.elmbridge.gov.uk/planning/requirements>

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 following consultation and site inspection; neither will it be binding on the consideration of any resulting application.

Yours sincerely



Paul Falconer  
Development Manager