



## **Planning Statement**

**for the proposed development at:  
12 Claygate Lane, Hinchley Wood, Surrey**

**October 2023**

## **Introduction**

This Planning Statement has been prepared by Kona Planning Consultancy Ltd on behalf of Wynngate Limited (“the Applicants”), in support of a planning application submitted to Elmbridge Borough Council (“the Council”). The proposal as set out seeks to provide a total of 9no. new dwellings (2no x detached, 2 pairs of semi-detached and a block comprising 3no.1 bed flats) following the demolition of the existing dwelling.

## **Site Description**

The site is currently occupied by a detached two storey dwelling and a large parcel of land to the rear, which is vacant from built form.

The character of Claygate Lane is one of detached two storey dwellings, set within reasonable plot sizes.

The land to the rear is a rectangular plot of land that links the rear of No.112 Manor Road North (Locally Listed Building) with the rear of No’s 7 & 9 Chesterfield Drive in a east to west direction and separates the rear gardens of No’s 2-30 Claygate Lane and No’s 1-23 Cumberland Drive.

The site is situated within DHW:03 – Hinchley Wood as outlined in the Thames Ditton, Long Ditton, Hinchley Wood and Weston Green Companion Guide to the Design and Character SPD. This document sets out the character of the area as being one where there is consistency in house design and use of materials within roads is a strong part of the character of this part of the settlement area.

## **Proposal**

The details provided indicate that the proposal will be for a total of 9no. new dwellings that would be in the form of detached, semi-detached and a block consisting of 3no. flats.

The above would only be implemented following the demolition of the existing dwelling and substantial site clearance of the land located at the rear of the host dwelling.

The proposal also includes space for a total 15no. cars to be parked.

## **Relevant Planning History**

No relevant planning history in respect of the application site. However, there is recent relevant planning history in respect of 5 Hinchley Way.

2021/1431 – 2 pairs of two-storey semi-detached houses, two-storey building containing 2 flats, bin store, cycle store, associated landscaping and access – Refused - Allowed on appeal.

The reason for refusal was as follows:

*This proposal has not addressed the previous reason for refusal and as such it will introduce an unacceptable form of back-land development which would be out of keeping with and at odds with the prevailing pattern of development along this part of the street scene. The proposal is therefore contrary to policy DM2 of the Elmbridge Development Management Plan (2015) policies CS8 and CS17 of the Core Strategy (2011) the Design and Character SPD and the NPPF (2021).*

The Inspector identified at paragraphs 16-18, that despite the localised harm, there was no five-year housing land supply and the proposal exceeded the requirements for much need affordable housing within the borough:

- 16. There is no dispute between the parties that the Council is unable at the present time to demonstrate a five year supply of deliverable housing land. Accordingly, in line with paragraph 11(d) of the Framework, the policies most important for determining the application are out of date. Planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The tilted balance is therefore engaged.*
- 17. I have found that the scheme, as a result of its backland form, would not respect the predominant character and appearance of the local area. However, it would not be widely seen and given its relatively modest scale, I regard this as a localised harm; I attribute moderate weight to this harm and policy conflict.*
- 18. The proposed development would provide six additional dwellings, of which two would be affordable for rent. The provision of two of the six units being affordable for rent would exceed the requirements of Policy CS21 of the Council's Core Strategy.*

## Pre-Application Enquiry

Prior to the submission of this application the Applicants submitted a Pre-Application Enquiry (2022/1493). This enquiry was seeking advice in respect of a development of 7no. dwellings. Concerns were raised in respect of density, character of the area (backland development), the cramped nature of Plots 2 and 3, parking, biodiversity and affordable housing.

Subsequently the plans were amended in the form of a 6no. dwelling scheme. This again raised similar concerns in terms of the density of the development, its impact on the character of the area and biodiversity.

These schemes were caveated by the Planning Officer that any future application would need to demonstrate benefits that would outweigh the harm, such as affordable housing and include a housing mix that accords with the identified need.

Following this advice, a revised Pre-Application Enquiry was submitted (2023/0810). This scheme was for 8no. dwellings and included 3no. flats and reduced the height of the buildings at the rear of the host dwellinghouse. The Officer identified the following.

*'The density of the development has improved since the previous pre-application enquiry and has been done so in a way that does not create any other issues on top of those previously identified and identified above. However, the density would still be below the minimum and target densities of 30 dph and 40dph respectively, and as such an argument for why the density is below the minimum would need to be advanced as part of any application. As mentioned above and previously the proposal would result in harm to the character of the area as a result of the proposal not following the established pattern of development and as such significant benefits would need to be demonstrated that overcome the identified. The policy requirement would be for 2.4 affordable dwellings and as such an excess of this requirement would be a benefit that could be considered.'*

Based upon this, further plans were provided for a 9no. dwelling scheme and identified that the developable area was 0.26 hectares and therefore a density of 34.6 dph could be achieved. A Pre-Application Enquiry was also sent to the Highway Authority.

The Officer's response was more positive in terms of density, stating the *'density matter the policy (CS17) does not provide for undevelopable areas to be excluded, however on the surface of it there would appear to be a reasonable argument for that approach to be taken as the TPO trees are a constraint on the site and must be preserved. I would consider it on that basis reasonable for such an approach to be taken.'*

It was identified that there is significant tree coverage and that this would need to be addressed and a query in respect of the proposed studio flats being altered to create a 2no. bed flat with a 8no. dwelling scheme.

### **Planning Constraints**

The relevant constraints relating to this site are as follows:

- Adjacent to a Locally Listed Building
- TPO: EL:12/24 – Area Order within the parcel of land located at the rear of the host dwelling
- Surface Water Flood Risk

### **Policy**

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 and Weston Green

CS15 – Biodiversity

CS17 – Local Character, Density and Design

CS19 – Housing Type and Size

CS21 – Affordable Housing

CS26 – Flooding

CS28 – Implementation and Delivery

#### **Development Management Plan 2015**

DM1 – Presumption in favour of sustainable development

DM2 – Design and Character

DM6 – Landscape and Trees

DM7 – Access and Parking

DM10 – Housing

DM12 – Heritage

DM21 – Nature Conservation and Biodiversity

Development Management Advice Note 1 – Understanding housing need in Elmbridge

Development Management Advice Note 2 – Optimising development land

## **Supplementary Planning Documents**

Thames Ditton, Long Ditton, Hinchley Wood and Weston Green Companion Guide - Design & Character SPD 2012

Developer Contributions SPD 2012

Flood Risk SPD

Parking SPD

## **Planning Considerations**

The main considerations material to the determination of this application are:

- Principle of Development;
- Design and its impact upon the views from within the street scene and on the character of the area;
- Impact on neighbouring residential amenity;
- Quality of the living accommodation for future occupiers;
- Highway safety;
- Trees;
- Ecology;
- Surface water flood risk; and
- Financial considerations.

## **Principle of Development**

This proposal will create an uplift of 8no. new dwellings.

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 NPPF in regard to the making effective use of land, states at para. 119:

*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.*

Para. 125 (c) also 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).*

In this regard Policy CS17 indicates the required densities that is expected.

*In order to promote the best use of urban land and to protect the Borough's green spaces, the Council will promote well designed, high quality and sustainable developments which will contribute to the achievement of an overall housing density target of 40 dwellings per hectare. Other than in the St George's Hill Estate, Burwood Park and the Crown Estate, Oxshott, a minimum density of 30dph will be required.*

In addition, the Advice Note, which is to be read in conjunction with the Development Management Plan, Development Management Advice Note 2: Optimising Development Land issued in September 2018 identifies:

*Elmbridge has a shortfall in its housing land supply and sites coming forward for development are predominantly small in size. The local housing need figure has significantly increased and is now 641 homes per year based on the standardised methodology.*

Any application must make the most efficient use of land. The proposal would need to ensure any proposed development achieves the required density.

Policy CS19 of the Core Strategy 2011, Policy DM10 of the Development Management Plan 2015 and para. 124a of the revised NPPF 2021 state that development should meet the identified need for housing. The latest measure of housing need for Elmbridge is set through the Government's Standard Methodology which, identifies the requirement to provide 641 dwellings per annum across the borough.

Breaking down the annual requirement to identify the type, size and tenure of new homes that should be provided to meet local housing needs, is the Local Housing Needs Assessment (LHNA, 2020). The LHNA identifies the overall need within Elmbridge is for affordable, smaller units within one to

three bedrooms. With regards to breakdown para. 13 of the LHNA states that for Market Housing the need is:

- 1 bed (20%)
- 2 bed (50%)
- 3 bed (20%)
- 4 bed (10%).

For Affordable Housing, the LHNA (paras. 19 and 21) identifies the net annual need as 269 units broken down as:

- 1 bed (15%)
- 2 bed (34%)
- 3 bed (11%)
- 4 bed (40%)

The proposed scheme as provided addresses the overwhelming need for 1, 2, and 3 bed dwellings as identified within the latest SHMA. In this regard the proposal provides the following:

- 3 x 1 bed
- 1 x 2 bed
- 4 x 3 bed
- 1 x 4 bed (replacing the existing dwelling)

In light of the above the principle of redeveloping this site is an acceptable one, subject to compliance being met with all of the relevant planning considerations.

### **Design and its impact upon the views from within the street scene and on the character of the area**

As part of the Development Management Advice Note 2: Optimising Development Land issued in September 2018 identifies:

*The Council does not accept that smaller units and higher densities detrimentally affects character of an area. To enable the optimisation of land and to respond to local housing needs development schemes will need to be innovative and utilise higher densities while respecting the local character.*

As identified above the Applicants submitted numerous proposal via the Pre-Application service prior to the submission of this application. As a result, the original submission has been significantly altered in order to take on board the comments raised by the Planning Officer.



In this regard the siting of the proposed dwellings that are located to the rear of the host dwelling have been reduced in height, mass and scale so they no longer represent a cramped form of development or compete with the size and scale of the properties that are located on Claygate Lane.

It is accepted that the proposed plot sizes will be smaller than those within the surrounding area. However, as identified above within the planning history section, an application was allowed on appeal. That application also had smaller plot sizes, which the Inspector identified as creating harm. The Inspector indicated that the harm was only considered to represent localised harm and in accordance with the requirements of the NPPF the Inspector identified that the benefits of that proposal outweighed the harm.

Similar to that of the permission for No.5 Hinchley Way, the majority of this proposal will not be visible from within any of the surrounding street scenes. The only building that will be visible will be the replacement building fronting Claygate Lane. Whilst this resulting plot will be slightly narrower than that of the neighbouring plots, the proposed design ensures that it does not appear out of keeping with the existing views from within the street scene.

The proposed dwellings located at the rear of the host dwelling are of a height, scale and mass that do not compete with the properties located on Claygate Lane. As such, as previously addressed by the Planning Inspector in relation to 5 Hinchley Way, any harm created will be localised and not readily apparent in the street scene.

It is therefore considered that this proposal has addressed the previous concerns raised by the Planning Officer as part of the Pre-Application process. As such, this proposal will not create any adverse impact upon the views from within the street scene and any localised harm in terms of the character of the area will be outweighed by the benefits of this proposed development.

### **Impact on neighbouring residential amenity**

Careful consideration has been given to ensure that the internal layouts of the proposed new dwellings have no impact upon the living conditions of the occupiers of the neighbouring residential properties.

In this regard this proposed layout are sited in such locations that they do not breach the 45 degree angle (within 8m or 15m as identified within the Residential Design Guidance). Therefore, this proposal will not create any adverse loss of light.

The location of the proposed windows ensure that no habitable room window will look into any private amenity area of the neighbouring properties. Any non-habitable room window will be obscurely glazed and have a non-opening principal light.

In light of the above, this proposal is considered to adequately protect the living conditions of the occupiers of the neighbouring residential properties. As such, this proposal will ensure that no adverse loss of light, privacy or amenity will be created in accordance with Policy DM2.

### **Quality of the living accommodation for future occupiers**

All of the proposed units meet the requirements laid out within the nationally described space standards.

The proposed design and internal layouts have been carefully considered to ensure that there would be no adverse impact in terms of loss of light, privacy or amenity created upon the living conditions of the future occupiers.

The proposal includes a suitable number of parking spaces (including visitor spaces) for the development as proposed.

The proposal include sufficient space in order to provide secure cycle storage. The Parking SPD indicates that flats and houses that do not benefit from a garage or garden should allow for the following:

- 1 and 2 bedroom unit – 1 space
- 3 or more bedroom unit – 2 spaces

The proposed development allows for sufficient space for refuse/recycling storage. In addition, the proposal includes sufficient space to allow for a refuse vehicle to enter and exit the site in a forward gear.

### **Highway safety**

This application has been accompanied with a Transport Statement prepared by RGP dated September 2023.

This Statement confirms that a Pre-Application Enquiry with the Highway Authority (SCC Highways) was carried out and the written response can be found within Appendix B of the Transport Statement. It also confirms that a Road Safety Audit was carried out in July 2023 and a swept path analysis is included in Appendix D.

Overall, the Transport Statement confirms that this proposal complies with the highway requirements and therefore will not lead to any highway safety or capacity concerns.

### **Impact upon trees**

This application has been accompanied with an Arboricultural Survey Impact Assessment & Arboricultural Method Statement, prepared by RMTTree Consultancy Ltd.

This Statement identifies that there will be a number of trees that will be required to be removed in order to facilitate the proposed development. The Statement confirms that in all instances, the trees and groups for removal are C category trees that are unremarkable and of low quality. The removal of these trees could be mitigated by suitable replacement planting around the proposal site.

The Statement also provides a tree and ground protection plan to ensure that the retained trees will be adequately protected before and during the construction phase.

In light of this it is considered that this proposal complies with Policy DM7.

### **Ecology**

This application has been accompanied with a number of ecology documents. These include a Bat Survey Report and a Reptile Survey Report carried out by AEWG both dated September 2023. These reports followed an earlier Ecological Appraisal carried out by Cherrywood Ecology dated November 2022.

These Reports confirm that subject to a number of mitigation measures being incorporated, this proposal will not result in any adverse impact being created upon any protected species.

### **Surface water flood risk**

This application has been accompanied with a Flood Risk Assessment, prepared by RGP and dated August 2023.

This Report identifies that the site is located within Flood Zone 1 and that surface water drainage will be restricted to predevelopment greenfield runoff rates, so there will be no change to the flood risk downstream.

### **Financial considerations**

Policy CS21 identifies that the Council requires provision of on-site affordable housing. The Policy states that 30% of the gross number of dwellings on sites of 6-14 dwellings should be provided as

affordable housing. In this instance the on-site contribution would need to be 2no. dwellings and a financial contribution equivalent to 0.7 dwellings.

However, this application has been accompanied with a Financial Viability Assessment that confirms that a policy compliant contribution would make this proposed development unviable.

The Applicant is aware that this application is liable for a financial contribution towards the Community Infrastructure Levy (CIL).

### **Summary**

In conclusion, the principle of developing this site is an acceptable one and the site is more than capable of being redeveloped.

The proposed development complies with the latest guidance which states there is an identified need for 1, 2 and 3 bed units, with only 10% of all new dwellings being 4+ bed.

It is accepted that this predominantly backland proposal will create limited localised harm to the character of the area. However, due to a previous Inspectors assessment of a similar backland development at No.5 Hinchley Way, the fact that the benefits of this proposal outweigh this limited localised harm.

The proposed plans confirm that there is no adverse impact going to be created upon the living conditions of the occupiers of the neighbouring residential properties

The proposal ensures that the future occupiers will benefit from sufficient amenity and includes sufficient off-street parking, along with sufficient space to house secure cycle storage and refuse storage areas.

The application has been accompanied with numerous reports/statements to address transport impact, trees, ecology, flood risk and viability. These all confirm that the proposed development will comply with both local and national planning policies.