

Planning Report September 2020 (as at 26 Sept)
for the ERA Committee meeting of 7th October 2020
NB: A full list of **all** Esher planning applications and decisions is on the EBC WEBSITE
elmsbridge.gov.uk/ebc_planning

Page 1 of 4

Status of Application	Planning Number	Address	Details
Current Undecided	2019/0551	Sandown Park Racecourse	On Appeal (April 2020) Green Belt Hybrid planning application for redevelopment of Sandown Park Racecourse: Outline application for development and redevelopment of sections of the site, to provide up to 150 bedroom hotel , family and community zone, residential development up to 318 units (Use Class C3) and to relocate existing day nursery (Use Class D1), etc following demolition of existing buildings and hardstanding (for access only). Full application for the widening of the southwest and east sections of the racecourse track including associated groundworks, re-positioning of fencing, alterations to existing internal access road from More Lane and new bell-mouth accesses development
	2019/2056	Oldfield House 12 New Road	On Appeal (March 2020) Single-storey rear outbuilding incorporating integral garage, swimming pool, bin store and associated landscaping
	2019/2523	30 Copsem Lane	Development comprising 31 flats et al following demolition of existing house 50 objections inc ERA & CHEA
	2019/3119	4A & 4B Claremont Lane & Amberhurst 1 Broom Close	Development comprising 2 4-storey blocks with 59 flats in total, with basement parking etc following demolition of the existing 3 houses 60+ objections inc CHEA & ERA
	2019/3430	28 Esher Road	Detached two-storey & a pair of semi-detached two-storey dwellings after demolition of existing dwelling
	2020/0291	20 Dukes Road	Detached two-storey house and bin store with associated parking.

2020/043 9	Esher Place 30 Esher Place Avenue	Next to a listed building Terrace of 3 two-storey houses with associated access road, parking, bin and cycle stores following demolition of existing buildings. 130+ objections including CAAC, CHEA & ERA
2020/043 8 2020/056 8	Esher Place 30 Esher Place Avenue	Three-storey rear extension to create 8 flats with associated parking and bin and cycle stores and listed building consent (2020/0568)
2020/044 0	Esher Place 30 Esher Place Avenue	Adjacent to a listed building Two pairs of semi-detached houses with associated access road, parking and bin and cycle stores.
2020/043 7 2020/056 7	Esher Place 30 Esher Place Avenue	Change of Use from Conference Centre to Residential for 22 flats + single and 2-storey extensions to east wing, alterations to fenestration following removal of external staircase and listed building consent
2020/079 9	Esher Lawn Tennis Club 7 Milbourne Lane	Conversion of two tennis courts to 2 all-weather "padel" tennis courts with 8 x 6m high floodlights. 13 objections, 90+ support letters
2020/107 8 2020/114 4	Grapes Cottage 79 High Street	Single-storey rear link extension and conversion of garage into living space with external alterations AND Listed Building Consent
2020/102 0 2020/110 9	Upper Court Portsmouth Road	Change of use from Residential (C3) to Care Home (C2), alterations to fenestration and internal to main house and detached two-storey ancillary building following demolition of existing outbuildings in association with Listed Building Consent
2020/107 6	Pelhams Ridge 1 Copsem Lane The 'TV' house	2-storey detached building of 8 apartments etc following demolition of bungalow. <i>Just been amended</i> 30+ objections including CHEA & ERA
2020/086 3	87 High Street	Terrace of 4 two-storey houses with rooms in the roof space, pedestrian access, entrance gates and boundary fence to a height of 1.8m etc 8 objections

	2020/119 3	Land to the Rear of 83 and 85 High Street	Outline application for a terrace of 4 two-storey houses with rooms in the roof space with ancillary parking following demolition of rear extension to shop
	2020/174 9	2 Lammas Lane	Detached three-storey building containing 6 flats with basement parking, cycle parking and new boundary wall up to a maximum of 1.8m. following demolition of existing house. See previous similar app 2018/3714 recently dismissed on Appeal mainly because of harm to the Conservation Area. 6 objections
	2020/187 4	Fews Cottage 26 Church Street Next to the Esher Green Adult Ed Centre	Part 2/part single-storey side/rear extension with rooms in the roof space, 1st floor side balcony, 2nd-floor juliet balcony, extension existing basement, front porch, front dormer windows, rear roof light and 1.8m front gates & boundary railings following demolition of existing front and rear canopy & dormer window.
New Applications	2020/214 2	48 High Street (The Lebanese Restaurant site)	Tesco Express : Advertisement Consent: 1 x internally illuminated fascia sign, 2 x non-illuminated fascia signs and 1 x internally illuminated projecting sign
Applications Allowed			None of note
Applications Refused OLR = Officer level refusal	2019/1688 See below	Land South Of Halfpenny Cottage West End Lane	On Appeal Conservation Area Detached two-storey house with new vehicular access etc. <i>Dismissed for varied and unique reasons so worth a read & the application for costs was dismissed too</i>
Applications Withdrawn			None of note

2019/1688 **Appeal** Dismissed
14/09/20

Land South Of Halfpenny Cottage West End Lane in the **Conservation Area**: Detached two-storey house with new vehicular access etc.

Reasons

Adequate visibility

4. The appeal site is an area of land to the rear of Halfpenny Cottage and Chequers, both of which are accessed from West End Lane. Other houses to the south of the appeal site and throughout the village are also accessed from West End Lane. An existing path links the appeal site to the road, but is on a different alignment to the proposed access and not suitable for vehicular use.

5. The proposed access would cross Common Land (CL) which is in the ownership of Elmbridge Borough Council. As a result, their consent as landowner would be required both to construct the access, and to provide and maintain the visibility splays necessary to satisfy the requirements of the County Highway Authority (CHA). Having visited the site and seen both the location of the proposed access and the nature of the road it accesses in terms of usage, geometry and visibility, I consider that the requirement for these splays is reasonable and necessary, and I am not persuaded otherwise by the evidence before me.

6. It appears from the evidence of the Council that the part of it responsible for the maintenance of verges, splays and drainage ditches would not be willing or able to grant permission for the creation of the proposed access or the maintenance required for the splays, separate to their other maintenance responsibilities. Although the Council is both the landowner and the local planning authority, there is nothing in the evidence before me to suggest that the grant of planning permission by one part of the Council would necessarily alter the decision of another part of it in exercising a separate function.

7. As such, I do not consider it inconsistent with the Council's role as local planning authority for another arm of the Council to suggest that it would be unable to grant permission for a new access as proposed in the appeal scheme.

8. The appellant states that it would be unreasonable for the Council not to allow a new access in this location, given the existing path and draws parallels between the appeal scheme and other recent developments nearby. However, as I have noted above, the existing path does not appear to be used by vehicles, nor is it on the same alignment or section of CL as the proposed access. In addition, the example of other nearby development relates to development served by an existing access, not a new one as in this case.

9. I note the comments from the appellant that there appear to be informal arrangements elsewhere in the village, relating to grass cutting and vegetation control, and the suggestion that similar arrangements could be made for the appeal site in the future. No specific further details or proposals have been provided, and I do not consider that such arrangements could properly be dealt with by condition. Whilst such informal arrangements may exist elsewhere, I do not consider that as a result, I am not required to have certainty that appropriate access and visibility can be provided for this proposal in this case, in light of the requirements of the CHA.

10. As a result, I do not have the certainty I require in order to be satisfied that the required visibility splays could be both provided and maintained as required by the CHA. The appellant suggests that paragraph 109 of the National Planning Policy Framework (the Framework) precludes refusal of the application. However, if the visibility splays cannot be provided and maintained in line with the requirements of the CHA, then there would be an unacceptable impact on highway safety.

11. As a result, on the basis of the information before me, I consider that adequate visibility cannot be provided and maintained for the proposed access. The proposal would therefore be contrary to Policy DM7 of the Elmbridge Local Plan Development Management Plan April 2015. This policy seeks, amongst other things to ensure that the layout and siting of accesses is acceptable in terms of safety and that accesses are safe and convenient for pedestrians, cyclists and motorists.

Affordable Housing

12. A signed unilateral undertaking (UU) has been submitted, which provides for the payment of a sum towards affordable housing in line with Policy CS21 of the Elmbridge Core Strategy 2011. I have considered whether the UU meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. On the basis of the evidence before me, I am satisfied that the UU is necessary to make the development acceptable in planning terms, directly relates to the development and is fairly related in scale and kind to the development. In this respect, the proposal could therefore comply with Policy CS21 of the Elmbridge Core Strategy 2011.

Other Matters

13. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the West End Conservation Area (the CA), in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also paid special regard to the desirability of preserving the setting of the nearby listed buildings, in accordance with the statutory duty set out in Section 66(1) of the Act.

14. In light of the size, form and materials of the appeal proposal, as well as its spatial relationship to the wider area and neighbouring properties, I consider that its effect on the CA would be neutral, so it would preserve the character and appearance of the CA. For the same reasons, I am satisfied that the proposal would not cause harm to the setting of the nearby listed buildings.

15. I note that the Council as local planning authority is satisfied that any effects on the natural environment are, or could be made, acceptable through the imposition of a condition. However, the Council as landowner remains concerned over the potential effects of the proposed on the cohesion and overall purpose of the SSSI. As I have found against the proposal for the reasons set out above, I have not pursued this matter further.

Planning Balance

16. The appellant has highlighted the requirement for new housing in the area and that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. As such, the provisions of the Framework at paragraph 11d) apply.

17. Notwithstanding the benefits of the proposal suggested by the appellant, I have found that there is significant conflict with the development plan in terms of the harm which the proposal would cause with regard to ensuring that the layout and siting of the access would be acceptable in terms of safety and convenience. The development plan is consistent with the Framework in this regard, so I find that the proposal also conflicts with the Framework.

18. Therefore, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of a single dwelling, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development in the Framework does not therefore apply in this case and there are no other material considerations that indicate a decision should be taken other than in accordance with the development plan.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR