
Appeal Decision

Site visit made on 28 January 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2020

Appeal Ref: APP/K3605/W/19/3240490
36 Stoke Road, Cobham KT11 3BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Queenshill against the decision of Elmbridge Borough Council.
 - The application Ref 2019/0560, dated 22 February 2019, was refused by notice dated 29 July 2019.
 - The development proposed is described as the 'demolition of the existing building and erection of a pair of detached dwellings comprising no. 10 residential units with associated external amenity space, parking and refuse storage'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'demolition of the existing building and erection of a pair of detached dwellings comprising no. 10 residential units with associated external amenity space, parking and refuse storage' at 36 Stoke Road, Cobham KT11 3BD in accordance with the terms of the application, Ref 2019/0560, dated 22 February 2019, subject to the schedule of conditions attached to this Decision.

Application for costs

2. An application for costs was made by Queenshill against Elmbridge Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of local residents with particular regard to on-street parking.

Reasons

4. Policy DM7 of the Elmbridge Local Plan Development Management Plan April 2015 (DMP) aims to reduce the reliance on driving by detailing maximum parking standards. These are set out at appendix 1 of the DMP and indicate a maximum standard of eighteen vehicular parking spaces for the development, based on the proposed housing mix of four 2-bedroom flats and six 3-bedroom flats.
5. In areas subject to 'parking stress' the Policy requires a minimum of one space per dwelling to be provided. Otherwise, there is no minimum parking requirement and it is for the developer to justify the levels of parking proposed. Furthermore, appendix 1 to Policy DM7 states in relation to visitor parking that,

- in suburban locations, where space permits, it may be appropriate to consider provision for visitors.
6. The proposal has been submitted with provision for ten car parking spaces to serve the needs of the development. There is no absolute requirement for this level of provision. This is below the maximum provision and as such would not conflict with the strategic objective of reducing the reliance on the private car. The layout of the scheme shows the parking within a satisfactorily designed and landscaped frontage car park. Moreover, the available space is insufficient for more parking, for either residents or their visitors.
 7. The appellant argues that the 2011 Census data for the ward indicates a need for nine car parking spaces from the development. This is based on the car ownership data for 2 and 3-bedroomed flatted developments. 2-bedroom units have an average of 0.64 cars and 3-bedroom flats have an average of 0.99 cars. On that basis the proposal for 10 spaces leaves one as a visitor space. I note that this data is now nine years old, but it is the most recent Census. Whilst not determinative of the levels of parking required, it is a reasonable source of evidence to help inform a planning judgement.
 8. Furthermore, the appellant highlights the accessibility of the site. I have noted the proximity of public transport, including a train station and bus stops. These are within reasonable walking distance. However, the bus stops do not have shelters and the services are limited, especially at the evenings and weekends. Nonetheless, they offer a service that reduces the reliance of local residents on the private car for some trips. Furthermore, I find that the good range of services and facilities offered within Cobham are a reasonable walking and cycling distance from the appeal site. Additionally, I note the proposal makes provision for cycle storage. Therefore, I consider that a level of parking below the maximum would be reasonable.
 9. Stoke Road has a suburban residential character. There are no parking restrictions along this road or other nearby public roads such as Fairmile Lane and Millhedge Close. Stoke Road is a main route towards Cobham town centre and may not be so desirable to park on. However, I find that the other streets are in reasonable proximity to the appeal site and offer opportunity for on-street parking. Such parking can be achieved without blocking access to the houses, and those properties are set back from the road so as to mitigate any potential disturbance from noise associated with parking.
 10. However, I have noted the anecdotal evidence from a third party of vehicular parking on the pavement at Stoke Road. They state that this occurs when the adjacent church has an event and its frontage car park is full. This has been supported by photographs showing parking on the pavement along Stoke Road outside the appeal site. This behaviour reduces the space available on the pavement for local residents seeking to walk to and from their properties. Consequently, I conclude that, on occasion, local residents experience 'parking stress' as a result of the non-residential uses in the locality. However, beyond the occasions when the church is having an event, I have no evidence that the area suffers from 'parking stress'. Therefore, for the majority of the time parking stress is not a problem. Moreover, even if I were to consider that the area does have issues from on-street parking, the proposal provides adequate parking spaces to meet the minimum requirements for such circumstances.

11. Finally, I note reference within the comments from interested parties to an emerging supplementary planning document relating to parking and the suggestion is that this document would require a higher level of parking provision. However, I do not have full details of the document or its status, and as such I can afford this minimal weight.
12. Taking a balanced approach to the spatial objectives of Policy, and the need to provide adequate car parking to meet the needs of the development, I find that the provision of ten spaces would be adequate. Therefore, in conclusion on the main issue, I do not find that the proposal would harm the living conditions of local residents with particular regard to on-street parking. As such, the proposal would not conflict with Policy DM7 of the DMP.

Other matters

13. The site is located within 5km of the Thames Basin Heath Special Protection Area (SPA). It is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA.
14. The conservation objectives of the SPA include ensuring that the integrity of the site is maintained, and that the site contributes to the aims of the Wild Birds Directive by maintaining qualifying features. The qualifying features of the SPA are the breeding populations of nesting birds that the SPA supports, namely the Nightjar, Woodlark and Dartford Warbler species, across a number of fragmented lowland heathlands. The SPA is an important recreational resource, utilised by the public and it is likely that occupants of the proposed development would visit it. The evidence from the Council, and which the appellant does not contest, is that the proposal, particularly when combined with other development in the area, would have a likely significant effect on the SPA due to an increased disturbance through recreational activity.
15. The parties have agreed a financial sum in accordance with the Thames Basin Heaths SPA Avoidance Strategy (2016) (the Strategy) towards Strategic Access Management and Monitoring. Natural England has been consulted on the proposal and raised no objection to the Council's Appropriate Assessment subject to securing the financial sum. No further evidence on the matter has been submitted during the course of the appeal and this is not a matter that formed a part of the Council's reasons for refusal. Therefore, I consider that the views of Natural England are very clear and that they have identified that there is an agreed approach that would address the effects associated with the proposed development and relieve pressure on the SPA.
16. I am satisfied that the planning obligation secured would enable the delivery of mitigation sufficient to address the level of harm likely to be caused by the development and would be pursuant to the Strategy. I therefore find that, subject to the proposed mitigation, the proposal would not adversely affect the integrity of the SPA.
17. Additionally, I note that the unilateral undertaking seeks to secure an affordable housing contribution to be calculated in accordance with the Council's Developer Contributions Supplementary Planning Document February 2012. I note that the appellant has submitted a viability appraisal to justify a reduced affordable housing provision compared to the Council's adopted standards and that the Council accepts the findings. Furthermore, this is not a

matter disputed between the main parties and did not form part of the Council's reasons for refusal. I have no evidence to reach a contrary conclusion and find that the obligation is reasonable and necessary.

18. Furthermore, I noted public concerns raised in regard to a number of matters including highway safety as a consequence of on-street parking. However, these were not part of the Council's reason for refusal and I have no substantive evidence to reach a contrary conclusion.

Conditions and conclusion

19. I have noted the suggested conditions within the Council's evidence, which the appellant has had opportunity to comment on. I have found that the conditions are generally reasonable and necessary and made alterations in the interests of precision and necessity.
20. I find that the standard implementation condition and approved drawing schedule conditions are reasonable. Furthermore, I have imposed conditions on materials, landscaping and trees in the interests of protecting the character and appearance of the area, providing secure and covered bicycle storage, and the living conditions of the occupiers of neighbouring properties. I have added to the condition requiring tree protection measures to be put in place, so as to require compliance with the recommendations and conclusions of the appellant's arboricultural report. I find that these requirements adequately protect important trees on the site for the benefit of the character and appearance of the area.
21. Conditions relating to the use of obscure glazing and provision of balcony screens have been imposed in order to maintain the living conditions of the occupiers of neighbouring properties. Furthermore, I have imposed a transport construction management plan in the interests of both the living conditions of local residents and highway safety. For the same reasons I have included a condition to require the access, parking and turning to be laid out in accordance with the approved plans. Furthermore, I find a condition in relation to securing the provision of a proportion of parking spaces with electric charging points necessary to support strategic objectives in relation to air quality.
22. In order to avoid increased flood risk on or off site I have imposed a condition requiring final details of surface water drainage management. I have revised the wording to ensure that the requirements are reasonable. However, I have not imposed the suggested condition to require a verification report of the scheme as I have no evidence that this is reasonable or necessary in light of the requirement to carry out the approved work. Furthermore, I do not find it necessary in light of the requirement for a final surface water drainage scheme, to require compliance with the draft version (including flood risk mitigation) submitted with the application. Finally, in the interests of protecting and enhancing biodiversity I have imposed the suggested ecology condition.
23. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2018/P/373/301, 2018/P/373/302, 2018/P/373/303, 2018/P/373/304, 2018/P/373/305, 2018/P/373/306, and 2018/P/373/307.
- 3) No development above ground shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The buildings hereby permitted shall not be occupied until the windows above ground floor, on the side elevations, have been fitted with obscured glazing to level three obscurity. No part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 5) Prior to the first occupation of the development hereby approved details of screens for the balconies shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be erected and maintained permanently in strict accordance with the approved details before first occupation of the development.
- 6) Prior to the first occupation of the development hereby approved plans and details (including a timetable for their implementation) of the following landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details and plans shall include:
 - a) positions, height, species, design, materials and type of boundary treatment(s);
 - b) hard surfacing materials;
 - c) secure and covered cycle storage; and
 - d) refuse/recycling bin storage and collectionThe development shall be carried out in accordance with the approved details and permanently retained thereafter.
- 7) No development including groundworks and demolition shall take place and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until all tree protection measures have been installed in the positions identified on tree protection plan ref: 71058-02A within the Arboricultural Impact Assessment (ref: 71058 V2) by Property Risk Inspection Limited, dated 15/02/2019. The development shall be carried out in accordance with the recommendations and conclusions in the Arboricultural Impact Assessment.
- 8) Paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.
 - a) no retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance

with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information.

b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.

- 9) Prior to the first occupation of the development hereby approved details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. Details are to include species, sizes, locations, planting pit design, supports, and guards or other protective measures to be used. Details shall also include planting times and maintenance schedules for aftercare to ensure good establishment. If within a period of 5 years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of same size and species shall be planted at the same place, in the next available planting season or sooner. The development shall be carried out in accordance with the approved details prior to the first occupation of the development.
- 10) No development shall commence until a Transport Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
 - a) Parking for the vehicles of site personnel, operatives and visitors;
 - b) Areas for loading and unloading of plant and materials and associated manoeuvring for delivery vehicles;
 - c) Storage for plant and materials;
 - d) A programme of works including traffic management proposals;
 - e) Measures to minimise the deposit of materials on the highway;The development shall be carried out in accordance with the approved details.
- 11) Prior to the first occupation of the development hereby approved the vehicular access, turning and parking shall be laid out as detailed on the hereby approved plans. The vehicular access, turning and parking areas shall be permanently retained thereafter.
- 12) Prior to the first occupation of the development hereby approved an electric vehicle charging point shall be provided to 20% of the available parking spaces.
- 13) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with a final surface water drainage strategy. The strategy shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a

sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 14) The development shall be carried out in accordance with the conclusions and recommendations (including any biodiversity enhancements) of the Ecology Report (ref: 193073/JDT) by AAe Environmental Limited dated 20 February 2019.