

**Surbiton Neighbourhood Committee**

**13 June 2018**

**Late Material**

Ref: 17/16795/FUL – Demolition of existing garage buildings and erection of two five bedroom detached houses with associated car parking and landscaping.

Correction to report:

- Paragraph 30, sentence 2 – replace “Building 2 on Plot 2 would measure a maximum of 9.15m in height.” with “Building 2 on Plot 2 would measure a maximum of 9.6m in height.”
- Paragraph 41, sentence 2 – replace “Villiers Road ” with “Southborough Road and Ditton Road”.

New Condition (Arboricultural Method Statement):

No development shall commence until an updated Arboricultural Method Statement is submitted and approved in writing by the Local Planning Authority detailing the following elements:

1. Details regarding alterations in levels both within the development site and the adjacent access road.
2. Details of the manner in which the widening of the access road will be undertaken, including any new hard surfacing and no dig methodology.
3. Details regarding any works to retained trees required to facilitate access and development including any trees adjacent to the access road.

The approved Arboricultural Method Statement shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only.

Reason: These details are required prior to commencement of development because the details would affect subsequent design of other elements of the scheme and must be agreed at the outset and in the interests of good arboricultural practice, in order to safeguard the longevity, health and appearance of the tree(s) protected by a Tree Preservation Order (TPO) and in the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

**Comments received from Mr David Morgan, Member of the Southborough Residents Association submitted on 7 June 2018**

On Thu, Jun 7, 2018 at 12:57 PM, David Morgan <gamorgan37@sky.com> wrote:  
Dear Malcolm,

Following the publication of the Committee Report which is now on the Planning File for the above application a group of residents and neighbours met last night to review the position and following such

review I was asked to write to you to point out the following discrepancies in the report which we feel need to be drawn to the attention of Councillors who will be deciding the application on the 13th June :-

1. The first document in the list of documents is a CGI image of the front elevation of the style of the new buildings showing an expanse of green grass at the front. Whilst this is only for illustration purposes it does give an entirely false impression as anyone viewing the new properties from the lane would be a good deal closer as there is only a distance of approximately 9 metres between the north/west boundary of the lane and the front of the houses. Moreover the neighbouring properties either side have a protective hedge or wall in front screening them from the lane.
2. In paragraph 38 of the report dealing with the effect on neighbouring properties there is no mention of number 10 Southborough Road which is directly opposite whose garden will be overlooked and there will be some loss of light and privacy. There is no mention of the second storey window in the front elevation of plot 2 which will overlook both no 8 and 10 Southborough Road. In paragraph 41 there is a reference to "Villiers Road" which is clearly an error.
3. The Arboricultural Report obtained by the developer does not deal with the effect of the proposed development on the route protection area of tree T15 in the garden of number 8 Southborough Road which is the subject of a TPO. It does say that less than 1% of the route protection area will be affected but it is clear that in digging the foundations of the building which is plot '2' the route protection area will be compromised. This is a valuable tree and the building line should be moved back so as not to damage its roots.
4. In the Transfer Deed of number 88 Ditton Road, there is a restrictive covenant taken for the benefit of number 88 Ditton Road that the owners of the retained plot cannot plant a tree or hedge along the common boundary. This will restrict the developer's ability to replant trees or a hedge along the rear boundary of the plot as proposed.
5. The Report makes no reference in the previous relevant history to the 2006 Planning Appeal in respect of Application 06/16139 for the erection of two 5 bed roomed houses on this site which concluded that the erection of two 5 bed houses on this site would significantly harm the character and appearance of the Conservation Area. Moreover in paragraph 49 the concluding paragraph there is no reference to Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires any development in conservation areas to preserve or enhance the existing heritage assets of the Borough. The conclusion simply says that the benefits of providing additional residential housing outweigh any harm to the heritage assets but it does not address the point made by the objectors that this proposed development will significantly harm the character and appearance of the Southborough Conservation Area.
6. The Southborough Residents' Association and the objecting neighbours acknowledge that the site has an existing Planning Permission for a 4 bed roomed house the design of which is generally acceptable but we would ask the Committee to pay a site visit and the surrounding area and see for themselves that two large and imposing 5 bed roomed properties do not reflect the general style and size of the newer properties in Dunton Close, Malcolm Drive and Redwood Walk. Moreover to link the style of the proposed new five bed houses to the Edwardian properties on substantial plots in Southborough Road is like comparing apples to pineapples.
7. Those neighbours who live on Southborough Lane are concerned about the health and safety aspects of the development and the increase in traffic that will arise from the provision of 6 new parking spaces within the site. This is surely contrary to the London Mayor's policy of reducing reliance on private motor vehicles and encouraging use of Public Transport. There is an excellent bus service within half a mile of the site. Whilst the development will replace a garage and car port on the site these have not been used for some time. The width of the Lane only just permits the passage of a single vehicle and the Lane is regularly used by school children and other pedestrians, there is no pavement or street lighting to light the Lane in winter and the Council does not appear to have addressed these issues in its Report.

I have sent a copy of this e-mail to Hilary Gander and would ask you to circulate this to other members of the Committee before the 13th June.

Yours sincerely

David Morgan  
Committee member of the Southborough Residents Association

Officers' response to the above points raised are as follows:

1. Members should note that the submitted CGI is indicative and has only been depicted in such a way so as to clearly show the proposed appearance of the two dwellings without any surrounding obstruction.
2. Whilst Officers have not specifically acknowledged No. 10 Southborough Road in Paragraph 38 of the report, Paragraph 39 states that "generous separation distances of between 26m and 41m between the properties on Ditton Road and Southborough Road" would remain. This applies to No. 10 Southborough Road. The proposed dwellings would be at right angles to Nos 8 and 10 Southborough Road and whilst limited views into neighbouring gardens may be afforded, as stated in Paragraph 39 the partial screening that the proposed fences... and boundary trees would provide are considered not to create an unacceptable sense of enclosure or loss of outlook. Neither would they afford direct views into neighbouring habitable rooms. The reference to Villiers Road in Paragraph 41 is an error and should read "Southborough Road".
3. The Arboricultural report states the following:

"Ground protection:

The area at the front of the site is within the RPA of T15. The spread of roots from the tree within the site are likely to have been impeded by the road, as well as the root system of G1. However, it is recommended that a cautionary approach is taken to the area, and that the area is protected with ground protection throughout the development. To ensure the ongoing survival of the retained trees, this is detailed in the Arboricultural Method Statement and indicated on the Tree Protection Plan where required.

New Hard Surfaces within RPAs:

It is proposed that the existing lane is widened at the northwest of the site. This area is within the RPA of T15. The spread of roots from the tree in this area are likely to have been impeded by the road, as well as the root system of G1 - the area of widening is directly under the rootline of G1. There will be the requirement to grind out the stumps of the G1 trees to form a base for the new surface. Due to the demand for water and nutrients from the G1 trees it is likely that root activity from T15 will have been hindered in this area, and impact on T15 is therefore likely to be limited.

Construction within RPAs:

The construction of the proposed plot 2 encroaches slightly into the RPA of T15. This encroachment has been measured accurately in cad as being less than 1% of the RPA. This is considered to be a marginal encroachment, and the retention of the tree is still viable. Therefore special construction measures or adjustment of the plans are not required.

The Council's Tree and Landscape Officer agrees with the conclusions drawn by the Arboricultural Report. According to Council records it is noted that the access road has existed since the late 1800's and is a highly compacted granular surface with a capping of tarmac. This will be predated by the tree, but the impact of this compacted hard surfacing will likely mean that less root activity is found close to the surface on this side of the tree, and when this is combined with the aggressive and dense rooting nature of the Leyland Cypress hedge on the opposite side of the road, it is clear that the roots of T.15 would very much have been impeded in this direction and outcompeted for resources by the hedge. It is possible that some roots may have grown at a deeper level, but the great majority of roots will be concentrated within the open ground of the garden within which the tree is situated. Given that this is the case, the intention of the Arboricultural Consultant to employ ground protection prior to demolition and throughout development is possibly beyond what is necessary but demonstrates their willingness to ensure that no harm is caused where possible. The encroachment of the proposed dwelling is minimal to non-existent given the likely impediment to root growth in this direction, the only part of the development that will require particular attention to the roots of T.15 will be the widening and resurfacing of the access road. With regards to this element the Arboricultural Consultant has stated within the report that site levels and hard surfacing were still to be finalised at the time of writing.

As such, an updated Arboricultural Method Statement with regards to the levels and hard surfacing and specifically the widening of the access road via a pre-commencement condition would be required. Additional information required within this same condition would be in reference to the works to trees in order to facilitate the development as it has not been clarified whether any works would be required to other protected trees growing along the length of the access road in order to facilitate site deliveries etc.

4. Whilst Officers acknowledge that there may be a restrictive covenant associated with the new plot of land created to the rear of No. 88 and planting hedges or trees along the common boundary, this issue falls outside the remit of planning.
5. The Planning Appeal in relation to application 06/16139/FUL was assessed under a previous policy framework which is no longer applicable. As to the reference to Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990, whilst it is not specifically mentioned, the spirit of the legislation ("to preserve and enhance" the existing heritage assets in the Borough) is captured by Paragraph 29, bullet point 1 of the Officers report which states that "the Council will:
  - preserve or enhance the existing heritage assets of the Borough through the promotion of high quality design and a focus on heritage-led regeneration"Paragraph 35 of the Officer Report states that the proposed development is considered to preserve the significance of the Southborough Conservation Area by incorporating a high quality development.
6. As stated in Paragraphs 35 and 31 of the Officer's Report:

“Overall, the proposed development is considered to preserve the significance of the Southborough Conservation Area by incorporating a high quality development.”

And

“In terms of design the new dwellings would take cues such as the gable features, porches on the front elevations and sash and bay windows from similar properties in the immediate surrounding area” and therefore would be in keeping with the character and appearance of the surrounding area.

In accordance with Paragraph 132 of the NPPF, 2012, Policies 3.5 and 7.8 of the London Plan, 2016, Core Strategy policies CS8, DM10 and DM12.

7. As stated in Paragraph 3 of the Officer Report, the Council’s Highways and Transportation Engineer has not raised any objection with regards to vehicular and pedestrian safety. In addition, the submitted swept path diagrams show adequate space to enable safe vehicular manoeuvrability in accordance with Policies DM9 and DM10 of the LDF Core Strategy and the Sustainable Transport SPD, 2013.

**Comments received from Mr David Barton and Ms A Wren, submitted on 8 June 2018**

Officers’ response to the above points raised in the attached document” are as follows:

1. Exhibit 1 - Members should note that the submitted CGI is indicative and has only been depicted in such a way so as to clearly show the proposed appearance of the two dwellings without any surrounding obstruction. Exhibits 2 -5 - The Arboricultural report states the following:

**“Ground protection:**

The area at the front of the site is within the RPA of T15. The spread of roots from the tree within the site are likely to have been impeded by the road, as well as the root system of G1. However, it is recommended that a cautionary approach is taken to the area, and that the area is protected with ground protection throughout the development. To ensure the ongoing survival of the retained trees, this is detailed in the Arboricultural Method Statement and indicated on the Tree Protection Plan where required.

**New Hard Surfaces within RPAs:**

It is proposed that the existing lane is widened at the northwest of the site. This area is within the RPA of T15. The spread of roots from the tree in this area are likely to have been impeded by the road, as well as the root system of G1 - the area of widening is directly under the rootline of G1. There will be the requirement to grind out the stumps of the G1 trees to form a base for the new surface. Due to the demand for water and nutrients from the G1 trees it is

likely that root activity from T15 will have been hindered in this area, and impact on T15 is therefore likely to be limited.

Construction within RPAs:

The construction of the proposed plot 2 encroaches slightly into the RPA of T15. This encroachment has been measured accurately in cad as being less than 1% of the RPA. This is considered to be a marginal encroachment, and the retention of the tree is still viable. Therefore special construction measures or adjustment of the plans are not required.

The Council's Tree and Landscape Officer agrees with the conclusions drawn by the Arboricultural Report. According to Council records it is noted that the access road has existed since the late 1800's and is a highly compacted granular surface with a capping of tarmac. This will be predated by the tree, but the impact of this compacted hard surfacing will likely mean that less root activity is found close to the surface on this side of the tree, and when this is combined with the aggressive and dense rooting nature of the Leyland Cypress hedge on the opposite side of the road, it is clear that the roots of T.15 would very much have been impeded in this direction and outcompeted for resources by the hedge. It is possible that some roots may have grown at a deeper level, but the great majority of roots will be concentrated within the open ground of the garden within which the tree is situated. Given that this is the case, the intention of the Arboricultural Consultant to employ ground protection prior to demolition and throughout development is possibly beyond what is necessary but demonstrates their willingness to ensure that no harm is caused where possible. The encroachment of the proposed dwelling is minimal to non-existent given the likely impediment to root growth in this direction, the only part of the development that will require particular attention to the roots of T.15 will be the widening and resurfacing of the access road. With regards to this element the Arboricultural Consultant has stated within the report that site levels and hard surfacing were still to be finalised at the time of writing.

As such, an updated Arboricultural Method Statement with regards to the levels and hard surfacing and specifically the widening of the access road via a pre-commencement condition would be required. Additional information required within this same condition would be in reference to the works to trees in order to facilitate the development as it has not been clarified whether any works would be required to other protected trees growing along the length of the access road in order to facilitate site deliveries etc.

Exhibit 6 and 7- As stated in Paragraph 3 of the Officer Report, the Council's Highways and Transportation Engineer has not raised any objection with regards to vehicular and pedestrian safety. In addition, the submitted swept path diagrams show adequate space to enable safe vehicular manoeuvrability in accordance with Policies DM9 and DM10 of the LDF Core Strategy and the Sustainable Transport SPD, 2013. Officers highlight that the access lane is already used as the principle access for other properties such as Glenthorne and Cedar Lodge. A Construction Management Plan would be enforced via

condition to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

Exhibit 8-10 - Whilst it is acknowledged that Southborough Road is a wide Avenue, Officers would like to point that the proposed dwellings would not be the first to be erected on the access lane and that a number of other properties of a comparable scale already exist.

2. As stated in Paragraph 48 “Despite the proposal involving the removal of eleven trees, Officers note that the loss of trees does not relate to any “high category” specimens. In addition, it is considered that this loss would be mitigated by replacement tree planting and soft landscaping and secured by way of a planning condition. The Council’s Tree and Landscape Officer agrees with the conclusions drawn by the Arboricultural Report.

As stated in Paragraphs 35 and 31 of the Officer’s Report:

“Overall, the proposed development is considered to preserve the significance of the Southborough Conservation Area by incorporating a high quality development.”

And

“In terms of design the new dwellings would take cues such as the gable features, porches on the front elevations and sash and bay windows from similar properties in the immediate surrounding area” and therefore would be in keeping with the character and appearance of the surrounding area.

The observations made by the Inspector in relation to the appeal regarding planning application 06/16139/FUL was assessed under a previous and policy framework which is no longer applicable.

3. Whilst Officers acknowledge that there may be a restrictive covenant associated with the new plot of land created to the rear of No. 88 and planting hedges or trees along the common boundary, this issue falls outside the remit of planning.