Re: 1 – 7 Holly Parade, High Street, Cobham, Surrey KT11 3EE

Elmbridge Borough Council Application no. 2016/2185

REPRESENTATIONS

1.0 INTRODUCTION

1.1 These representations are made on behalf of the Cobham Conservation and Heritage Trust ("the Trust"). They have been settled on behalf of the Trust by Matthew Horton QC

1.2 The representations relate to an application for planning permission dated 29th June 2016 by McCarthy & Stone Retirement Lifestyles Ltd. The development for which permission is sought is described in Box 3 of the application as "*Demolition of existing buildings and redevelopment to form 4 retail units (A1, A2 use), 1 retail unit (A1, A3 use) at ground floor level and 24 residential apartments for older persons including communal facilities and parking*". Eleven of the apartments would have one bedroom and thirteen would have two bedrooms. Eighteen car parking spaces and two disability spaces are proposed.

1.3 The address of the site to be developed is 1-7 Holly Parade, High Street, Cobham. The site comprises seven vacant retail units fronting the High Street and a private car park to the rear. No use is made of the site at present. The area of the site is 0.20 hectares.

1.4 The application was the subject of pre application advice to the Applicant by officers of the Local Planning Authority, Elmbridge Borough Council ("EBC"). The advice given might be said to be confidential; consequently the Trust does not know whether officers expressed support for the proposals.

1.5 Prior to submitting the application, the Applicant consulted with the local community, local organisations and individuals, and held a public exhibition to display the proposals. The Trust, having taken part in that consultation, objected to the plans. That objection is elaborated in these representations.

2.0 APPLICANT'S CONTENTIONS IN SUPPORT OF THE GRANT OF PERMISSION

2.1 The application was accompanied by four main supporting documents:

(i) A Planning Statement;

(ii) A Design and Access Statement;

(iii) A Townscape and Design Statement;

(iv) A Statement of Community Involvement.

2.2 It is clear from the Statement of Community Involvement that there is substantial local opposition to the proposed development. The grounds of opposition range from:

(i) There being no local need for accommodation for the elderly;

(ii) The site being inappropriately located for accommodation for the elderly;

(iii) The location of the site being more appropriate for affordable accommodation for younger people;

(iv) The density, height and design of the proposal being unacceptable;

(v) The size of the individual apartments being too small;

(vi) There being inadequate external amenity space proposed.

2.3 The Townscape and Design Statement ("TDS") is described in paragraph 1.1 as a "*townscape and design assessment of the development proposals*". In it the following points are made (reference to paragraph numbers relate to the paragraphs in the Statement):

(i) "*The existing building on the site is of no architectural or historic interest consisting of a utilitarian two storey post war building of little aesthetic appeal*" (paragraph 2.3);

(ii) The removal of the existing building and its redevelopment "*will provide an opportunity for townscape enhancement*" (paragraph 2.3);

(iii) "*The southern boundary adjoins two storey flat roofed shop units*" (paragraph 2.6);

(iv) "*The northern boundary of the site adjoins 2 – 2.5 storey shop units with steeply pitched gable roofs*" (paragraph 2.7). This relationship is shown in Photo 3 on page 8 of the TDS and on Figure 9 on page 17.

(v) "*The wider context is mixed with a variety of buildings from traditional 2 to 2.5 storey traditional buildings to 2-3 storey post war flat roofed buildings*" (paragraph 2.9).

(vi) In the Design and Character Supplementary Planning Document adopted by EBC, "*key characteristics applicable to the site and immediate surroundings*" identify that "*buildings are rarely more than two and a half storeys with much of the High Street being two storeys*" (paragraph 2.10).

(vii) Despite the foregoing, it is claimed in the TDS that "*the form of the proposed development is largely in line with the Character Assessment*" (paragraph 2.11).

(viii) Furthermore there is missing from the TDS any reference to paragraph 3.14 of the Design and Character document which states "There is significant use of dormer windows, gables and skylights in roofs".

(ix) At paragraph 3.9 of the TDS, the proposed development is described as "*a high density town centre scheme in form of a single building on a small site*". It is stated that "*Communal amenity space*" is provided "*in the form of a landscaped communal roof terrace*".

(x) At paragraph 3.17 of the TDS, the scheme is described as "*largely 3 storeys, although does have a top floor making it 4 storeys*".

(xi) At paragraph 3.18 of the TDS, it is claimed that "*the massing of the building is also well articulated with changes in height and set backs and projections breaking up the outline of the building in a sympathetic manner*". At paragraph 3.20 it is acknowledged that the scheme is "*primarily hard landscaped*".

(xii) At paragraph 3.27 of the TDS, it is concluded that "*the proposals are of a high design quality*". At paragraph 4.8 it is stated that the design "*enhances the street scene considerably improving upon the current situation*".

(xiii) In relation to planning policy, it is claimed in paragraph 8.1 of the TDS that the scheme complies fully with "*the aims and objectives of the Core Strategy and Development Management policies that apply to… this site*", namely CS10, CS17, CS20, CS21 and DM14.

2.4 In the Design and Access Statement ("DAS") submitted with the application, the following points are made (in the document the pages are unnumbered):

(i) On the eighth page are listed "*key constraints*" the third of which is "*the site is located within a very prominent location and therefore the design will need to be carefully considered*".

(ii) On the eighth page also are listed "*key opportunities*", the fourth of which is "*design is currently inappropriate in relation to traditional local appearance. Opportunity to provide building of a more traditional design*".

(iii) Despite the foregoing, on the thirty-sixth page, the proposal is described as having an "*innovative contemporary design*".

2.5 The Planning Statement ("PS") submitted with the application seeks to provide an overall justification for the grant of planning permission having regard to all material considerations raised in the other statements as well as those arising as a matter of planning judgement. In the statement the following points are made:

(i) Cobham High Street has "*no one consistent character or design to the buildings*" (paragraph 3.2);

(ii) To the south of the site lies the Cobham Conservation Area (ibid);

(iii) The location of the site is within a primary shopping frontage and is a "*very suitable location for 'Assisted Living retirement housing*'" (paragraphs 3.3 and 6.4);

(iv) In National Planning Policy Guidance, the need to provide housing for older people is described as "*critical*" (paragraph 4.7);

(v) In Elmbridge Borough there is a particular need for "*specialised accommodation for older persons*" (paragraph 4.11);

(vi) Providing such housing has benefits for the economy, the housing market and the sustainability of communities (paragraph 4.10);

(vii) In National Planning Policy there is a "*presumption in favour of sustainable development*" (paragraph 5.2). There are three strands to such sustainability – economic, social and environmental (paragraph 5.4). The development would satisfy all three strands: economically by contributing to the economy of the town centre; socially by broadening the type of housing available; and environmentally by reusing brownfield land (paragraph 5.6).

(viii) "*Good design is a key aspect of sustainable development*" (paragraph 5.18). It involves not only aesthetic considerations but "*the integration of new development into the built environment*" (paragraph 5.21). "*Design policies should not be unnecessarily prescriptive; they should concentrate on guiding the overall scale, density, massing, height… and layout… of new development in relation to neighbouring buildings and the local area…*" (paragraph 5.22). The proposed design is "*high quality*" and "*contemporary*" (paragraph 5.32 and Policy DM2).

(ix) The impact of the proposal on the setting of the Conservation Area to the south has been considered (paragraph 5.32 and Policy DM12).

(x) The air quality in the vicinity of the site is below "*government advised thresholds*" (paragraph 5.32 and Policy DM5).

2.6 Overall, the documents submitted with the application provide an inadequate analysis of the present townscape in the High Street, the mistakes made previously in relation to

individual redevelopments and the need to remedy those mistakes through further redevelopment as the occasion arises.

3.0 DETAILED GROUNDS OF OBJECTION

3.1 INTRODUCTION

3.1.1 Decisions on applications for planning permission have to be made in accordance with the provision of the statutorily adopted development plan unless material considerations indicate otherwise.

3.1.2 The relevant development plan is the Core Strategy for the Borough of Elmbridge. Other material considerations include other relevant policies, both national and local, and other matters relevant to assessing in detail whether the development is open to material planning objection.

3.2 POLICY CONSIDERATIONS

3.2.1 The Trust accepts that the application site is a previously developed site in an urban area ripe for redevelopment. To that extent, to redevelop it accords with the Core Strategy and the NPPF. The issue arising therefore is what is the appropriate type and design of development?

3.2.2 The Trust accepts that the provision of retail units at ground level on the High Street frontage is not only acceptable but desirable since the frontage is designated as prime retail frontage.

3.2.3 The Trust accepts also that, at upper floor levels, it is appropriate to provide residential accommodation in the form of apartments. It is not accepted, however, that apartments for older persons are appropriate. The High Street is heavily trafficked by motor cars and commercial vehicles; consequently the location is noisy and polluted by exhaust emissions. It is entirely inappropriate to expect elderly people suffering from actual or potential ill health to reside in such a location. It follows that the location is not sustainable.

3.2.4 As for the proposed design, the Trust notes that, as recorded in the Statement of Community Involvement, many local people were very critical of the design on the following grounds (numbers of persons in brackets):

- Design was contemporary, bland and boxy (55)

- Design not in keeping with the traditional character of the High Street (27)

- Four storey development too high (27)

- Flat roof objectionable (15)

By contrast, only five respondents liked the design.

Comments by individual objectors included:

- "*A massive concrete block four storeys high is awful*"

- "*It is a truly ghastly development*"

- "*…rectangular and brutal design at front [lacking] character, charm and sympathy*"

- "*an oversize dominating lump with a flat roof*"

- "*appalling and totally out of keeping*"

- "*The design has no character for a town like Cobham*"

- "*The design fails to understand Cobham, its architecture and the local area. Cobham High Street has enough bland, box like buildings and the proposal does little to counter negativity towards this* _____"

- "*the height could dominate the street and overpower*"

- "*the design looks too modern and overpowering*"

- "*dreadful – this is an opportunity to improve Cobham High Street aesthetics. You replicated the brutal nature of the previous structures. Totally out of keeping to what a village high street should be aspiring to*"

3.2.5 The Trust considers that to inflict on the local community a design which has provoked so much criticism would entirely be entirely incompatible with the trend, since the passing of the Localism Act 2011, of allowing the wishes of local people to be given more weight in the decision making process.

3.3 THE CORRECT APPROACH

3.3.1 In the Trust's opinion, since the 1960s, great harm has been done to the High Street by permitting unsympathetic and inappropriate redevelopment. Indeed, the Trust was established in 2005 as a result of a popular movement concerned about

the way in which Cobham had changed for the worse over a number of decades as a result of utilitarian, unattractive overdevelopment. The development at present on the site is an example of such change.

3.3.2 The applicant for permission appears to consider that it will suffice if the design of the proposed development is better than the existing. In the Trust's opinion, to approach the matter in that way is entirely misconceived. The correct approach is to regard the availability of the site for redevelopment as an opportunity to begin to correct the mistakes of the past and to develop the site in a manner which will serve as an example for the future. The facts relating to the proposed development demonstrate that it will not be such an exemplar, being, at its highest, twice the height of the existing development and having a gross internal floorspace almost four times greater than the existing in a location which the applicant's advisers acknowledge to be "*very prominent*".

3.4 NEED

3.4.1 If, as the Applicant asserts, there is a need for accommodation for the elderly in Cobham, that need should not be allowed to override the manifest policy and site specific objections to the development unless it can be demonstrated that there is no more suitable alternative site on which the need can be met with less harm. No such assertion is made by the Applicant.

4.0 CONCLUSION

4.1 In the Trust's opinion, the proposed development should not be permitted. By virtue of the proposed use for accommodation for the elderly, the location is open to material planning objections. Most importantly the proposed design does not comply with relevant design policies and would be harmful to the townscape of the High Street.

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