

# TRIANGLE RESIDENTS' GROUP



**Appeal reference: APP/K3605/W/23/3333903**

**Planning Application: 2023/2215 Rear of 85 Queens Road, Weybridge, Surrey, KT13 9DZ**

**Third Party Submission to the Planning Inspector from the Triangle Residents' Group**

## **Summary**

This Third-Party submission is made on behalf of the Triangle Residents' Group (TRG) which is an independent, non-political body representing over 400 households in the residential areas of York Road, Pine Grove, Princes Road, and adjoining culs-de-sac opposite the Queens Road-South Road junction. The appellant has failed to present any compelling or new evidence to refute or address the concerns set out in our objection to this application. In particular, we object to the proposed introduction of another development without any parking provision into a generally recognized area of serious parking stress. Given the importance of this issue and the deleterious effect it is having on the amenity of South Road and Triangle residents and on the character of residential streets in the local area, our detailed refutation of the appellant's argument is set out below. We believe that our view is based on sound evidence and therefore endorse the grounds on which Elmbridge Borough Council (EBC) rejected the original application.

## **Background**

1 *TRG Interest:* The Triangle is an area, bounded by Queens Road, Hanger Hill, and the main railway line that has been affected over the last five years by development in and around the Queens Road local centre much of which has inadequate or completely absent onsite parking provision. TRG's main and continuing concern is about the additional parking stress of further development with no on-site parking provision and its cumulative and deleterious impact on the ambience, character, amenity and safety of the area. This concern was reflected in our original objection to this application. We believe that the reasons for those objections remain even more valid for the reasons set out below.

2. *Planning history:* This application relates to the current self-contained commercial extension to the rear of the former Café Rouge building at 85 Queens Road. It is the latest in a barrage of 30 applications (including variations and prior approvals) submitted since 2020, relating to No.85 or what is described as land northwest of Campbell Cottage and 1 Beacon Mews which forms part of the same former Café Rouge site. Most have involved the same owner and agent so they should be well aware of local concerns about their proposed development. The common theme has been the attempt to squeeze as many properties as possible, usually with no parking provision, into a constrained space.

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3. To date, 8 appeals against EBC decisions have been considered by the Inspectorate, split evenly between the main building and the land to the rear. All have been rejected, the majority of which have included lack of parking provision as one reason for rejection.<sup>1</sup> This appeal is one of two currently under consideration in respect of the extension to No.85.<sup>2</sup> A further appeal to add one flat, again without parking provision, to 3 Beacon Mews, adjacent to this site, is currently before the Inspectorate.<sup>3</sup>

4. This appeal is to allow the conversion of an 'extension' to the rear of No.85 to residential accommodation with no parking provision. Permission to add an extension for business use was originally granted in March 2021.<sup>4</sup> No onsite parking was provided for, presumably as it was to form an integral part of the ground floor of a main building already in business use and accessed for service and delivery purposes from the Queens Road frontage. Subsequent history casts serious doubts on whether the intention was ever to use it for business purposes. First, there was no direct access to the ground floor of the main building. Second, over the next 18 months it was subject to several Variation applications relating to fenestration and doors which had the effect of creating a facade that would facilitate rapid transition to residential.<sup>5</sup> Third, it has never been used for business purposes since it was built.

5. The location plans presented as part of the current appeal are no longer accurate. Two houses are currently under construction at the South Road end of the former No.85 plot, thereby allowing access only via footpaths to the side while removing an area previously used for parking. The current appeal fails to address the potential effects of these new houses on the amenity of the proposed development.

## Issues

6. *Overdevelopment and amenity:* The original application represents a classic case of overdevelopment on a constrained site with little regard for the amenity of future occupants or of neighbouring residents in South Road. The cumulative impact of current and planned development on and in the immediate vicinity of the No.85 plots, and thereby on the character of the area, is not considered. The appellant offers little in the form of new evidence or argument to justify overturning EBC's decisions in relation, for example, to lighting, overlooking, amenity space and provision for bicycles. TRG therefore agree with the reasons given by EBC for rejecting the original application as contrary to the requirements of DM7, DM8 and 10 of the Elmbridge Management Development Plan

7. *Overreliance on questionable precedents:* Great weight is placed on precedent in support of the application. In particular, it used to argue that the development is consistent with applications have been allowed for adjacent buildings ignoring the fact that any new development will change the context for reaching judgements on the potential impact of

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<sup>1</sup> For example, 2020/0265, APP/K3605/W/20/3259759; 2020/2174, APP/K3605/W/20/3262414; 2020/3188, APP/K3605/W/21/3286858; 2020/0473, APP/K3605/W/20/3259760; and 2020/1288, APP/K3605/W/20/3259762.

<sup>2</sup> The other live appeal is 2023/1127 APP/K3605/W/23/3327662

<sup>3</sup> 2020/3403 APP/K3605/W/23/3324192

<sup>4</sup> 2021/0008

<sup>5</sup> For example, 2021/3011 (September 2021), 2022/0305 (February 2022), 2022/2729 (September 2022)

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further development. The approved applications cited as key 'precedents' are of questionable relevance, for example, because they are some distance away and set in a different context or in at least two cases were approved some time ago in the context of planning rules and guidance in place at that time.<sup>6</sup> Any decisions taken with regard to this appeal should be evidence-based and related to this specific location. As the EBC Officer Report (OR) makes clear, planning is not a precedent led system and each case is considered on its own merits.<sup>7</sup> TRG's fundamental concerns about the misuse of precedent and the appellant's failure to produce evidence to counter the issues raised by residents are just as applicable when the issue of parking and the applicability of DM7 are taken into account. Those concerns are set out in para 9-10 below and in the Appendix.

8. *Parking provision:* TRG's principal concern is with the implications of proposals that involve development with no or inadequate parking provision in and around the Triangle. The cumulative effect of such developments in this small area is damaging and unacceptable. The appellant's basic argument in respect of parking as set out in the Statement of Case (SC) is that DM7 is satisfied because this is a sustainable location in terms of public transport, the County Highways Authority (CHA) offered no objection, the "likelihood of a significant increase in on street parking is slim", and that precedents – notably Wessex – existed to justify no parking development.<sup>8</sup> No new evidence is presented, however, that would lead to a different conclusion to that reached by EBC. The reasons for rejecting these arguments are set out fully in the attached Appendix.

9. As EBC have observed, it is not unreasonable in this area to assume that new occupants would want to own/lease a car.<sup>9</sup> The only change of any significance in this application compared to the other appeal under consideration<sup>10</sup> is to provide two parking places in a private car park in York Road (north) some 190-200m walking distance away. This 'solution' is both implausible and impractical for the reasons set out in TRG's original objection. To summarise:

- The Statement of Case (SC) claims that a previous application (2017/3870) relating to Weybridge Hall in the town centre is applicable in this case.<sup>11</sup> Elmbridge Borough Council (EBC) have consistently taken the view that each planning application must be considered on its own merits and in the local context. To concede that a 2017 application relating to a former public hall that has yet to be developed seven years later should override any objections and set a binding precedent for other applications, whatever the circumstances, would be perverse and further undermine public involvement and confidence in the planning process.<sup>12</sup>

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<sup>6</sup> The Cross Road applications (2017/0173 and 2021/4040) were 0.7 miles away in Oatlands Village and could not impact on Queens Road or South Road, Weybridge; the 81A Queens Road application (2010/0680) was 14 years ago on a site that has had a chequered history of applications and appeals (local and site circumstances have changed significantly in the interim); the 2 and 3 Beacon Mews application (2020/0816) was for prior approval.

<sup>7</sup> OR paras 98 and 117

<sup>8</sup> SC paras 4.14-4.19

<sup>9</sup> OR para 110

<sup>10</sup> 2023/1127, APP/K3605/W/23/3327662

<sup>11</sup> SC para 4.17

<sup>12</sup> SC4.18 The LPA 's so-called change of opinion in fact reflects the context of today and the circumstances of this specific application.

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- The context for the two developments is quite different. 2017/3870 related to bringing a public building in a town centre back into use fronting directly onto the arterial A317 without any potential space on the plot for parking but about a 100m walk from a public carpark offering 199 potential spaces. The rear of No.85 exits onto South Road, a quiet side road off the A317 and part of the Queens Road local centre.
- No information is provided on the current usage of the private car park, how it will be accessed (in practice the gates are usually closed and apparently operate with a keypad entry) particularly by visitors, how the spaces will be reserved and managed, whether those who currently have access have been consulted, or what any displacement effect might result as those users compete for reduced spaces.
- The recommendation to allow 3 parking spaces to be reserved in the public car park for the 5 flats approved in 2017/3870 was part of a package based primarily on creating a cinema/theatre on the ground floor and thereby adding to the viability and vitality of the town centre.
- As EBC point out, use of reserved spaces in this chargeable carpark could be controlled using a permit scheme because it is Council land.<sup>13</sup>
- The Weybridge Hall decision was based on a parking survey, the availability of spaces in the public car park, the sustainability of the location, the benefit of bringing the existing building back into use and its retention for public use and the provision of affordable housing. The context surrounding the proposal to provide spaces in the St James Court car park is entirely different. No parking survey is provided; it is a private car park; the sustainability argument is at best tenuous for the reasons set out in the attached Appendix; there is no improvement in public amenity bringing a building back into use for the public benefit; and there is no gain in terms of affordable housing at No.85 or St James Court.

10. Consideration of this proposal should not take place without a proper assessment of the wider local parking context, particularly any potential displacement effects. In particular:

- The pressures on parking in York Road (north) are just as real and damaging to the amenity of residents as they are in South Road and the Triangle. The road faces constant pressures for spaces from employees and customers of local businesses. It narrows considerably from St James Court to the junction with Oatlands Drive (A3050) reducing any potential scope for on-street parking safely on both sides of the carriageway.
- Single yellow lines limiting parking between 8am and 6pm are in operation along most of the east side of the road.
- A CPZ requiring parking permits has had to be introduced recently in response to pressure from residents previously unable to park near their properties.
- Parking on Queens Road itself is controlled by a combination of double and single yellow lines on either side of the York Road junction.
- Immediately behind St Martins and St James House lies a private road, Oakfield Glade.
- The 2023 Elmbridge Parking Review has proposed that 4 electric vehicle charging bays with a 2-hour limit on stays should replace the currently available short-term parking

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<sup>13</sup> OR para 98

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slots immediately outside St Martins and St James House, further reducing general parking opportunities.

- The small public car park (43 spaces) adjacent to St James House is chargeable and is usually full, particularly in the daytime. Any reduction in spaces by designating spaces there would only add to on street parking stress and, particularly, the pressures on local businesses and their customers.<sup>14</sup>

TRG believe that the evidence of severe parking stress in and around this area is irrefutable. It has reached a stage where opportunities for on street parking are so limited that any incremental increase, however small it may be perceived to be, will exacerbate matters further. The appellant's proposal gives little or any assurance that it will work in practice or confine any additional parking associated with No85 within the boundaries of the St James plot. The distance (193m+ at a conservative estimate) from the site will be a significant inconvenience for occupiers of the new development.<sup>15</sup> and there is no reason to believe they will ultimately, as has happened in the case of Wessex, join the competition for places in South Road and the Triangle. The proposal therefore fails to satisfy the requirements of DM7.

## Conclusion

11. TRG contend that the appellant has failed to provide evidence to back up their case for overturning the balanced view taken by EBC in rejecting this application. For example, there is no indication that concerns about noise and the lack of amenity space or of the effect new building at the South Road end of the plot or of the impact on the character of the area and the amenity of surrounding residents have been seriously addressed. Our principal concern, however, is that offering spaces to potential occupants that are located in a private car park some distance away is a tick-box rather than a realistic solution. The fact remains that a further zero-parking proposal in this cramped South Road location would inevitably add to the cumulative pressures that have resulted in on-street parking saturation in surrounding areas that would be detrimental to the amenities of local residents and for those living in the Triangle. The tipping point in terms of parking stress has already been exceeded. TRG therefore support the EBC decision and recommend that the appeal should be turned down as incompatible with the requirements of DM7, DM8 and DM10 of the Development Management Plan.

## APPENDIX

1. *The sustainability and accessibility argument:* The appellant claims that this is a sustainable location is more theoretical than real.<sup>16</sup> Current residents regard this with considerable scepticism given the practical limitations on current accessibility and the absence of any

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<sup>14</sup> TRG also understand that this car park has been identified in the latest draft EBC plans as a possible site for some development.

<sup>15</sup> OR para 113

<sup>16</sup> SC para 4.14

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evidence to show that no-parking developments in such locations result in less demand for cars.

2. The railway the station is 0.9 miles away, a good 19-23 minutes-walk depending on the route taken. Cycling may be an option for the intrepid but there is no designated cycle route in the immediate vicinity and South Road exits onto a busy A road, mixing with over 17,000 traffic movements a day on a single lane in either direction. The existence of bus stops on Queens Road says nothing about the infrequency and inconvenience of available services along this route. Frankly, for those living in or near the Queens Road local centre, an hourly service at peak periods and limited or non-existent evening and weekend services poses serious problems for anyone wishing to shop, travel to or from workplaces, or engage in social and leisure activities without access to a car. Other services operating along Hanger Hill and Oatlands Drive mean factoring in walks of 15 minutes to reach them and require careful timing to ensure connections are not missed. Currently, public transport is simply not a preferred or sustainable mode of transport in this area. Inspectors have already cast doubt on whether the limited services available will encourage people to occupy this location without access to a car.<sup>17</sup>

3. As for encouraging the use of public transport, a summary of research for the Department of Transport has demonstrated that the available research on no-parking developments relates primarily to city and town centre development and focuses on actions taken by employers to, for example, reduce parking space availability in situations where reliable forms of public transport exist.<sup>18</sup> The study confirms that there is little evidence on the impact of reducing or eliminating residential parking spaces. The authors do note that attempts to persuade people away from car use work best when public or active transport alternatives are put in place first and when the community is engaged in the design.

4. *County Highway Authority approval:* The SC argument<sup>19</sup> is based on the CHA response to the original application. That response essentially reflects a desk-based assessment relating to traffic and road safety considerations that fall within Surrey County Council's (SCC) remit rather than a detailed evaluation of day-to-day parking conditions on the ground. It simply reflects general support for the policy of encouraging no-parking development with appropriate alternative transport links rather than a judgement on the adequacy of onsite or off-street parking linked to the specific development. Planning decisions in Elmbridge and parking policy within the borough are the responsibility of EBC who were clear in rejecting the application because no-parking development was not appropriate on this specific site. The county council or the CHA are simply consultees on areas that fall within their ambit, not definitive decision makers on whether no on-site parking is appropriate for particular developments.

5. *Negligible impact on on-street parking:* This argument lies at the heart of TRG's particular concerns and betrays a significant misunderstanding both of EBC policy and of actual parking

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<sup>17</sup> 2020/1007, APP/K3605/W/21/3271737; 2020/2174, APP/K3605/W/20/3262414; and 2020/0265 , APP/K3605/W/20/3259759.

<sup>18</sup> NatCen Social Research report 'Impact of interventions encouraging a switch from cars to more sustainable modes of transport: a rapid evidence assessment' Feb 2021

<sup>19</sup> SC 4.14

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conditions in and around the Queens Road local centre where cumulative and increasing pressure for parking places has led to intolerable parking stress in South Road and the Triangle.

6. In policy terms, the parking standards set out in the EBC Development Management Plan (EMDP) are clear that any proposed parking provision “should be appropriate to the development and not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents”.<sup>20</sup> The EDMP acknowledges that zero parking development may be possible in town centres. However, this location is not part of the town centre. It is part of a local or village centre as designated in the Local Plan. DM7 goes on to note that “in many instances zero parking will not be acceptable and this is often the case where on-street parking stress is a particular problem”.<sup>21</sup> The onus is placed on the developer to demonstrate that zero parking is appropriate. This has not been shown.

7. Attempts can be made to impose conditions designed to prohibit or dissuade potential residents from owning/hiring a car and simply parking it at the roadside within reasonable walking distance. The fact remains that stopping residents from having a car is unenforceable. In short, any on street parking consequences are simply moved elsewhere – in this case to South Road and the Triangle.

8. In practical terms, the evidence for the shortage of on-street parking space is compelling. There is a shortage of uncontrolled parking space in South Road itself; there are widespread parking restrictions in the surrounding area; and various survey and anecdotal evidence confirms that parking stress is a real and growing problem.

9. Parking in South Road is largely controlled by a CPZ. South Road (8 qualifying houses) and the top end of York Road (11 qualifying houses) form one combined CPZ, with restrictions operating all day from 8am to 10pm. The introduction of the York Road section last year is illustrative of local parking pressures that seriously hampered residents' ability to park close to their homes. In South Road, the CPZ is supplemented by extensive double yellow lines. As an inspector previously observed in rejecting an appeal in respect of the 85 Queens Road plot: “Parking restrictions are necessary here due to the narrowness of the carriageway and the bend in the road.”<sup>22</sup>

10. There is only extremely limited scope for alternative on-street parking in the immediate vicinity of South Road. On Queens Rd (A317), parking is strictly controlled for most of its length by double yellow and single yellow lines; there are several private roads in the vicinity (e.g. High Pine Close, Oakfield Glade); and the nearest paid parking to the development is in York Rd (north). York Road (south) and Princes Road (east) in the Triangle are therefore the only locations within 200m of the site where some uncontrolled parking might be allowed. The result is fierce competition for any vacant space leading to parking stress levels well in excess of 90%.

11. The appellant fails to provide an up-to-date transport and parking survey. Several Inspectors have highlighted this absence in applications to develop plots in the adjacent Beacon Mews and in the plot at No.85. For example, in dismissing a previous appeal against EBC's decision to reject an application to build offices on the plot, it was noted that “in the

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<sup>20</sup> EDMP DM7b(i)

<sup>21</sup> Ibid para 2.25 TRG underlining

<sup>22</sup> 2020/2174, APP/K3605/W/20/3262414 para 8.

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absence of a parking stress survey to verify that the proposal would not result in undue on-street parking stress" the lack of adequate parking provision" would be "contrary to the policy DM7".<sup>23</sup> The provision of a survey is not simply a tick-box exercise. A case still has to be made in the context of a specific location.

12. In the absence of a specific survey, there is a body of evidence from surveys, visits by inspectors and residents' experience that confirms the extent and impact of parking stress in the immediate area and the Triangle. For example, A traffic survey conducted in May 2021 in support of an application at Oak House, 19 Queens Road confirmed daytime parking stress in Princes Road and York Road (south) ranging from 94% to 142% .<sup>24</sup> Another survey submitted in support of no-parking development at No.85 identified high parking stress on available spaces in the South Road CPZ even at the dead of night.<sup>25</sup> Inspectors have also observed these parking pressures when rejecting earlier appeals in respect of No.85. For example, in March 2021, the Inspector, noting that unrestricted parking along York Road and Princes Road "on both sides of the carriageway, close to existing private driveways....", warned that the lack of any off-road provision... would very likely exacerbate parking problems in surrounding streets where there is evidence of substantial parking stress. The effect would be detrimental to the living conditions of existing residents in the area, as well as to future occupiers....".<sup>26</sup> In November 2021, another Inspector rejecting an appeal for a block of six flats at 91 Queens Road, again close to No.85 observed "... substantial parking stress on nearby streets which are not currently the subject of CPZ restraints. I therefore do not find that the CPZ defines the full extent of local roads that are currently under parking stress. Consequently, it appears that local parking stress is high".<sup>27</sup>

13. The cumulative impact of no-parking developments on South Road and surrounding areas is particularly damaging. This will be exacerbated by any further development in and around South Road with no, or inadequate, on-site parking provision. This has been recognized by EBC and by Inspectors. In rejecting an earlier appeal in respect of No.85, the Inspector noted that cumulative pressures can trigger a "tipping point" leading to harm to the amenity of residents.<sup>28</sup> In immediate proximity to this site, 4/5 flats in the main body of No.85, 2 houses with only one parking space each at the end of the No.85 plot, the conversion of offices into flats in 1-2 Beacon Mews, and 9/10 flats at the Wessex site have been developed over the last 3-4 years. All have no on-site parking provision. A further application to build five flats with only 4 parking spaces to the rear pf 91 Queens Road, exiting onto South Road, and potentially reducing the scope for on street parking by three places is currently under consideration.<sup>29</sup> Finally, as indicated in para 3 above, the Inspectorate is considering another appeal to add a flat, again with no parking provision, to 3 Beacon Mews. TRG believe that the tipping point has been reached, with no-parking developments in close proximity to South Road, including high density residential development already in place at No.85 and Wessex.

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<sup>23</sup> Ibid. paras 10-11

<sup>24</sup> EBC 2021/3517

<sup>25</sup> 2021/2765

<sup>26</sup> 2020/0265, APP/K3605/W/20/3259759 and 2020/1288 APP/K3605/W/20/3259762

<sup>27</sup> 2020/1007 APP/K3605/W/21/3271737

<sup>28</sup> 2020/1288

<sup>29</sup> 2023/2215



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14. *Dependence on the Wessex precedent:* The appellant produces no new evidence or argument to overturn the EBC decision. Instead, reliance is placed on the decision in 2020 to uphold the Wessex appeal.<sup>30</sup> This is regularly cited by developers in this area seeking no-parking developments. Each new development of course needs to be assessed on its own merits in the context of each individual site. In TRG's view, the Wessex decision in 2020 is not appropriate justification for further no on-site parking development in South Road for a number of reasons:

- The appellant's assumption appears to be that Wessex negates the need to provide any direct evidence to support the specific application. TRG believe that this poses a real danger of encouraging a tick-box approach absolving developers of the need for proper consideration of the context for and feasibility of planning applications that depend solely on off-site parking.
- Since the Wessex decision, EBC have consistently refused no-parking applications in this particular area, citing DM7, because of the degree of parking stress.
- The Wessex decision itself was not based on any assessment of the impact on parking pressures beyond the South Road CPZ, including in the Triangle. The inspector did, however, acknowledge that "the area around the appeal site appears to experience a degree of parking stress... I do not consider the opportunities for unrestricted parking to be extensive".<sup>31</sup>
- As to "highway stress on South Road", the Inspector's report suggested that this might be mitigated by a combination of excluding future residents of Wessex House from using parking permits and by potential residents being deterred from having a car by the absence of parking provision.<sup>32</sup> There is no evidence that this would be, or in practice has proved to be, the case. In any event, the Inspector did acknowledge that in practice the local authority could not enforce any no-vehicle restriction on individuals having a car.
- Anecdotal reports from people living in South Road confirm that, far from being a car-free development, Wessex residents are adding to parking pressures in the road even in sections falling within the CPZ.<sup>33</sup> There is, as predicted by objectors and to a degree by the Inspector's judgement, no effective enforcement mechanism.
- Since permission was granted for Wessex in April 2020, In addition to the properties listed in para 19 above, development slightly further afield has further added to parking stress in the Triangle. For example, the development on the old Grotto site at the top of Monument Hill yielded 11 flats with no parking and Clive House at the junction of York Road and Queens Road has been converted into thirty flats with parking provision for only twenty-two vehicles.<sup>34</sup> The competition for the limited on-street parking spaces in the Triangle is overwhelming to a degree that more no-parking developments, whatever their size, will worsen an already unsustainable

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<sup>30</sup> SC para 4.16

<sup>31</sup> 2019/0657 para 11

<sup>32</sup> Ibid paras 9,11 and 16

<sup>33</sup> Objectors drew attention to people moving into Wessex with cars and difficulties of existing permit holders in finding vacant spaces due to the competition.

<sup>34</sup> We understand that residents have to pay a separate fee for a parking place and it is not surprising that some choose to look for free on-street parking spaces.

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situation. The tipping point noted above where “parking issues can result in substantial harm to existing living conditions”, has been tripped.<sup>35</sup> In this case, the Wessex decision is not relevant as a justification for more such development.

**Nick Thripp,  
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14<sup>th</sup> March 2024

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<sup>35</sup> 2020/1288 APP/K3605/W/20/3259762 para 12