

<b>Application no:</b>	2022/3796
<b>Ward:</b>	Walton Central Ward
<b>Case officer:</b>	Clare Adamson
<b>Location:</b>	16 - 18 Oatlands Drive Weybridge Surrey KT13 9JL
<b>Proposal:</b>	Development of 2 detached blocks comprising 33 flats with new vehicular access, associated parking, cycle storage, refuse storage and amenity areas with hard and soft landscaping, and associated engineering and infrastructure works, following demolition of existing houses.
<b>Applicant:</b>	The Ridge (Oatlands) LLP
<b>Agent:</b>	Mr Joseph Daniels Savills 33 Margaret Street London W1G 0JD
<b>Decision level:</b>	Planning Committee
<b>Recommendation:</b>	Grant Permission

## Report

### Description

1. The site is a 0.35 Hectare parcel of land which slopes down to the north west and currently hosts two dwelling houses. The site is bound to the front/southeast, and accessed from, Oatlands Drive and to the rear/northwest by the public open space area of Cowey Sale (Metropolitan Green Belt). To the southwest are single residential dwellings and to the northeast is the approved development at 8-14 Oatlands Drive for a development of 4 detached dwellings to provide 51 flats.
2. On the site, the trees protected by TPO are located to the northern corner of the site, in the existing rear garden of No.16 Oatlands Drive. The Flood Risk is largely contained to the rear of the site with surface water flooding to the front of the existing property at No.18. Opposite the site are several Grade II listed buildings at No.1,3 & 11 Oatlands Drive. The rear of the site is constrained by Green Belt, Priority Habitat and Area of Biodiversity Opportunity.

### Constraints

3. The relevant planning constraints are;
  - Area of High Archaeological potential
  - Trees protected by TPO
  - A-Road – Oatlands Drive
  - FZ3B, 3 & 2 to rear of site
  - SWF M & H to the front of No.18
  - Nos. 1 and 3 Oatlands Drive to the east of the site and No.11 Oatlands Drive to the southeast are Grade II Listed Buildings
  - Adjacent Green Belt and Priority Habitat/Area of Biodiversity Opportunity
  - Adjoining Leisure Site

- Adjoining Authority – Spelthorne
- Designated Character Areas WAL11 Oatlands Park & WEY09

## Policy

4. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

- Core Strategy 2011
  - CS1 – Spatial Strategy
  - CS3 – Walton on Thames
  - CS14 – Green Infrastructure
  - CS15 – Biodiversity
  - CS17 – Local Character, Density and Design
  - CS19 – Housing type and size
  - CS21 – Affordable housing
  - CS25 – Travel and Accessibility
  - CS26 – Flooding
  - CS27 – Sustainable Buildings
  - CS28 – Implementation and Delivery
  - CS29 – Monitoring
- Development Management Plan 2015
  - DM1 – Presumption in favour of sustainable development
  - DM2 – Design and amenity
  - DM4 – Comprehensive development
  - DM5 - Pollution
  - DM6 – Landscape and trees
  - DM7 – Access and parking
  - DM8 – Refuse, recycling and external plant
  - DM10 – Housing
  - DM12 - Heritage
  - DM13 – Riverside development and uses
  - DM20 – Open Space and views
  - DM21 – Nature conservation and biodiversity
- Design and Character SPD 2012
  - Companion Guide: The character of Elmbridge (an overview)
  - Companion Guide: Walton-on-Thames
- Development Contributions SPD 2021
- Flood Risk SPD 2016
- Parking SPD 2020
- The Planning (Listed Buildings and Conservation Areas) Act 1990

- DM Advice Note 7 – Supporting biodiversity and encouraging nature in development

## Relevant planning history

### 5. Planning history 16 Oatlands Drive

Reference	Description	Decision
61/7868	Erection of garage to bungalow	Accepted

### 6. Planning history 18 Oatlands Drive

Reference	Description	Decision
2016/0423	2 pairs of 2-metre high automated entrance gates	Permitted
2015/0112	Extensions to convert existing single storey house into two storey house	Permitted
1993/0180	Alterations and extensions to roof at rear to form first floor accommodation.	Permitted
72/0399	Erection of single storey extension	Accepted
66/11743	Erection of garage and formation of access	Accepted

### 7. Other relevant planning history;

- Development approved at 8-14 Oatlands Drive – application reference – 2020/3223 permitted at appeal and multiple follow up applications, both CCO and S73. The latest permission at the site, at the time this report was written, is application reference 2022/2276.
- Development at 4-6 Oatlands Drive – application reference 2022/2118. Appeal dismissed on 29/9/2023. The Inspector found harm to the character of the area caused by the development and the impact of the development on trees. The Inspector also found that the development would be located inappropriately in relation to flood risk and would fail to make adequate provision for affordable housing.

This application was considered at appeal for the non-determination of the application by the LPA due to delayed consultation responses. The LPA would have refused planning permission at this site if all the required responses had been received prior to the determination date.

## Proposal

8. Planning permission is sought for a development of 2 detached blocks comprising 33 flats with new vehicular access, associated parking, cycle storage, refuse storage and amenity areas with hard and soft landscaping, and associated engineering and infrastructure works, following demolition of existing houses.

9. The new access would be located to the southeast of the site within the existing plot of No.18. There is both ground level and basement parking proposed to provide 32 parking spaces including 2 disabled spaces. Building A at the front of the site would host 15 units, with Building B hosting 18 units. The unit mix would be 3 x 1-bed, 28 x 2-bed and 2 x 3 bed units.
10. During the course of the application, the plans were updated to reflect the retention of a pond in the existing garden of No.16 Oatlands Drive. This was accompanied by updated ecological surveys. There was a 21 day public re-consultation.

## **Consultations**

11. Environmental Services (JWS) – initially requested further information, once this was provided, raised no objection.
12. EBC Greenspaces – object to the scheme based on the impact of the development on the restored large pond small, mammals, trees and drainage in the adjacent area of Biodiversity Opportunity Area due to the proximity and height of the development resulting in reduced levels of sunlight reaching the pond.
13. EBC Trees – no objection subject to the use of arboricultural conditions
14. Environment Agency – initially objected to the scheme identifying that the FRA was insufficient. After further details were submitted, the EA have considered the FRA to be sufficient subject to the use of conditions.
15. Surrey Bat Group – Concerned about light spillage, support comments from SWT.
16. Surrey Wildlife Trust – Initially commented that the application required additional information prior to determination. Following a site visit and further ecological information, no objection is raised subject to necessary conditions.
17. SCC Transport Development Planning – no objection subject to the use of conditions
18. SCC Conservation and Archaeology – no objection subject to the use of conditions
19. SCC Sustainable Urban Drainage – No objection subject to the use of conditions
20. Surrey Police – no objection subject to the use of condition for 'secure by design' accreditation.
21. Affinity Water – No response.
22. Spelthorne BC – No objection to the scheme.

23. Natural England - Standing advice offered. LPA should consider the impact on veteran trees and any local wildlife sites.

## **Representations**

24. Initially 9 neighbouring properties were consulted on this application. A site notice was displayed at the application site advertising the application.

25. 103 letters of objection and 3 letters of observation considered to be objections have been received from 94 different addresses which are summarised as;

- Overdevelopment/impact on streetscene/density too high/overbearing
- Too high, out of character with area, modern design clashes with traditional architecture, loss of variety of design, too close to pavement – minimal space for landscaping, forwards of the building line, not 'beautiful' design
- More akin to inner city living - excessive density
- Bigger, higher and wider than 8-14 Oatlands Drive
- Does not meet local or national design requirements
- Does not respect distinctive local character, historical pattern of development or improve character of area
- Impact on listed buildings
- 16-18 & 4-6 Oatlands Drive must be retained to reduce the harm of the development being built at 8-14 Oatlands Drive
- Loss of privacy to neighbouring properties
- Loss of light/overbearing impact
- Roof terraces are completely unacceptable
- Impact on No.20 – from one neighbour to 33 apartments, increase in height and overlooking, noise disturbance
- Plans show No.18 lower than No.20 which is incorrect
- Access is directly adjacent to No.20, car parking area adjacent to rear garden – noise and light pollution
- Insufficient parking, no visitor or delivery spaces, does not meet Elmbridge requirements
- Additional road congestion around Walton bridge area
- Access will result in road safety issues
- Detailed highways safety concerns sent to SCC Transport Planning, copied to Elmbridge
- Needs a formal traffic assessment, Traffic survey is out of date
- Refuse trucks cannot manoeuvre well
- Visually intrusive from Cowey Sale and River Thames
- Nature environment by the bridge will be overlooked by huge apartment blocks
- Too many flats already/Need for family houses with gardens, not more flats
- Characterless development
- Development next door has already materially affected the look of the area
- Gardens and wildlife destroyed
- Applications for this area all submitted separately when one larger development, must all be considered as one impact.
- In reality, 3 applications area one larger project that will overpower the existing residential homes

- Plan to redevelop whole area is being withheld from council and public
- No joint assessment of the impact of all three developments
- Parking (and combined parking from other developments) will overspill into Ashley Close
- Development not suitable for this community area
- Loss of visual outlook
- No affordable housing provision
- Viability assessment indicates flats would sell for same price as 8-14, yet these are currently for sale at prices far higher than the viability assessment stated.
- Insufficient infrastructure; schools, doctors, drainage, utilities, water supply and water pressure
- Destroys family housing and character of the area
- Loss of green space and impact on air quality
- This and other developments proposed will result in 111 new apartments in place of 8 houses
- Flats are too expensive and have high maintenance charge
- Permission will lead to the replacement of all the houses in this area
- No amenity area for flat users/ small outdoor area unusable
- Significantly harmful to existing residents / not yet experienced full harm from other new developments in area.
- Impact on adjoining Green Belt
- Loss of green corridor between Cowey Sale and Oatlands Drive
- Loss of trees/ impact on biodiversity/lack of surveys for protected species
- BNG matrix is unclear
- Detailed neighbour letter to SWT& Natural England copied to Elmbridge
- Queries over previous appeal decision and decision making process
- No. 18 was recently re-developed
- Devalue properties
- Decision making should be consistent – council should refuse this application
- Queries over future traffic management plans for Walton Bridge
- EIA required as over 100 flats
- Already multiple amendments to 8-14 Oatlands Drive which have worsened the scheme
- Insufficient public consultation
- Concerns over validity of environmental assessment
- Hedgerows must be retained
- Where are the lift overruns given the issues at 8-14

26. 23 letters of support have been received from 23 different addresses which are summarised as;

- In keeping with neighbouring development/well designed/not overdevelopment
- Meets housing requirements
- Bring younger generation to Walton/revitalise area/commercial benefits
- Parking is provided for each unit
- Should be encouraging higher density on edges of town centres
- Already apartments in the area
- Will fit well into the area

- Will provide family housing
- Increase housing supply/Elmbridge needs housing
- Tasteful and welcome addition
- Not Green Belt land
- Need affordable housing in area

### **Positive and proactive engagement**

27. The National Planning Policy Framework requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.

28. No formal pre-application advice was sought prior to the submission of this application.

### **Planning considerations**

29. The main planning considerations in the determination of this application are:

- The principle of development
- Housing mix, density and affordable housing
- The design of the proposal and the impact on the character of the area and the streetscene
- The impact on the amenity of neighbouring properties
- The impact on the living conditions of future occupiers
- The impact on highways, safety and parking
- The impact on trees
- The impact on ecology
- The impact on heritage
- The impact on flooding
- Financial considerations

### **The principle of development**

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

31. The Core Strategy indicates that there is scope for residential development through the redevelopment of existing sites with well-designed schemes that integrate with and enhance the local character. The new development is required to deliver high quality design, which maximises the efficient use of land and which responds to the positive features of individual locations; integrating sensitively with locally distinct townscape while protecting the amenities of those living in the area. Innovative contemporary design that embraces sustainability and improves local character will be supported. This proposal is for residential redevelopment which would result in a net increase in the number of dwellings in the Borough.

32. Policy DM10, d, states;

Housing development on garden land and/or to the rear or side of existing residential property will be appropriate provided that:

- i. The scheme as a whole has been well designed to respect the character of the area,
- ii. The relationship between buildings within and outside the site ensures that privacy and amenity of existing and future residents are preserved,
- iii. The means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and to prevent harm to the amenities of adjoining residents, and
- iv. A high standard of landscape is incorporated into the design.

33. The application site does not lie within a conservation area or contain a listed building (although it is located opposite listed buildings). The development of flats in this area is considered to be appropriate in principle given the existence of flats elsewhere within Oatlands Drive, its proximity to the town centre and the need to make more efficient and effective use of land. Other matters within DM10 will be considered below.

34. The surrounding area is characterised as residential. Therefore, the principle of the redevelopment and intensification in the use of the site would be considered acceptable subject to compliance with DM10 and the material planning considerations below.

### **Housing mix, density and affordable housing**

#### Density

35. The NPPF, para 124 seeks to support development that makes efficient use of land taking into account the identified need for different types of housing; local market conditions and viability; the availability and capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting (including residential gardens); and the importance of securing well-designed, attractive and healthy places. Para 125 continues that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

36. The NPPF has a presumption in favour of sustainable development with emphasis on the need to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas.

37. The Council's minimum density requirement is 30 dwellings per hectare (dph), with an overall housing density target of 40dph. The entire site is a 0.35ha parcel of land, and the placement of 33 units on this site would exceed the council's minimum density requirement. The density would be greater than the prevailing



character of the immediate area, however it is necessary to view density in relation to design and character and not just in isolation. The site is not located within a special low-density area, the wider Walton and Weybridge area has a higher density, including 8-14 Oatlands Drive and the wider vicinity. Given the proximity to the town centre, a high density and buildings containing flats is considered in-principle to be acceptable on the site, in order to make a more efficient and effective use of land.

38. It is therefore considered that the proposal represents efficient and effective use of the site as required by Policy CS17 and the NPPF subject to compliance with policy and other planning matters as discussed below.

#### Housing mix

39. In accordance with the latest evidence base, there is a significant shortage of 1, 2 and 3-bedroom residential units within the Borough and therefore provision of such units would be supported by policy. Policy CS19 of the Elmbridge Core Strategy states that the Council will seek to secure a range of housing types and sizes on developments across the Borough in order to create inclusive and sustainable communities reflecting.
40. The latest measure of housing need for Elmbridge is set through the Government's Standard Methodology which, at December 2022, identifies the requirement to provide 647 dwellings per annum across the borough. Breaking down the annual requirement to identify the type, size and tenure of new homes that should be provided to meet local housing needs, is the Local Housing Needs Assessment (LHNA, 2020). The LHNA identifies the overall need within Elmbridge is smaller market, and larger affordable units.
41. The development proposes the residential mix of the additional dwelling to be: 3 x 1-bed, 28 x 2-bed and 2 x 3 bed units, which is considered to be acceptable and would meet the identified housing need within the Borough. It is therefore considered the housing mix of the proposed development to be acceptable.

#### Affordable housing

42. Policy CS21: Affordable Housing of the Council's Core Strategy (2011) requires that development resulting in the net gain of 15 and more residential units should provide 40% of the gross number of dwellings on-site as affordable housing.
43. It is acknowledged that a revised National Planning Policy Framework has been published and is a material consideration in the determination of all relevant planning applications. However, as set out in Section 38(6) of Planning and Compulsory Purchase Act 2004, the starting point for any decision is the Development Plan unless material consideration(s) indicate otherwise. As set out in paragraph 2 of the NPPF, this approach is required by planning law. It is therefore for the decision-maker to determine the weight to be applied.
44. Paragraph 65 of the NPPF states that 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at

least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

45. Paragraph 60 of the NPPF states that within the context of significantly boosting the supply of homes ‘... that the needs of groups with specific housing requirements are addressed’. Paragraph 62 states ‘... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing...’ Finally, paragraph 63 states:

‘Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be on-site unless:

off-site provision or an appropriate financial contribution in lieu can be robustly justified...’

46. The applicant has submitted a viability assessment which indicated that the proposal could not make a policy compliant Affordable Housing (AH) contribution. The Council’s independent assessors initial review of the submitted assessment commented that the development could support a lesser AH contribution of £630,000. Through the submission of further information this amount was reduced to a sum of £0 as the proposal was not deemed to be viable. The policy-compliant affordable housing contribution would have been 13.2 units equating to 13 onsite units and an additional financial contribution.
47. The Development Contributions SPD 2021 sets out that for applications such as this, where it is not viable for a policy compliant contribution to be provided, the Council will seek to secure review mechanisms (early and late) through legal agreements. The SPD is a supplementary document, and it has been set out in multiple recent appeal decisions that review mechanisms must be detailed in the Development Plan to be applied, though a number of appeal decisions have not raised this as an issue. As such, at this time, a review mechanism is not considered appropriate for this application. Therefore, in summary the application would comply with Policy CS21.
48. Letters of representation have commented on the proposed sale prices of the development at 8-14 compared to the information provided within their viability assessment and the resultant variation. These letters have raised concern that the same issue will arise with this application site. This matter was raised with the

Council's viability consultant who reviewed the viability information presented for this application prior to their final conclusion. As such officers feel the matter has been reviewed by the expert consultants.

### **The design of the proposal and the impact on the character of the area and the streetscene**

49. The NPPF confirms that importance should be attached to the design of the built environment and that development should add overall quality of the area and reflect and respond to the character and identity of local surroundings. Paragraph 126 of the NPPF 2021 states that good design is a key aspect of sustainable development. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies.
50. Policy CS17 of the Elmbridge Core Strategy states that new development should deliver high quality, inclusive sustainable design which maximises the efficient use of urban land integrating sensitively with the local townscape, landscape, and heritage assets. Policy DM2 highlights that development proposals must be based on an understanding of local character including any specific local designations and take account of the natural, built and historic environment. Development proposals will be expected to take account of the relevant character assessment companion guide in the Elmbridge Design and Character Supplementary Planning Document (SPD).
51. Policy CS3 states that new development will be promoted through redevelopment of previously development land, taking account of relative flood risk, in a way that integrates with and enhances local character. Policy DM2 of the DM Plan requires all new development to be high quality design.
52. Given the other proposals in the area and the development under construction at 8-14 Oatlands Drive, Policy DM4 is relevant to this application. DM4 (Comprehensive Development) states the following:
  - a) Comprehensive development that achieves a co-ordinated approach with adjoining sites will be encouraged, especially when it may result in additional benefits to the Borough such as, for example, improved access arrangements, a wider mix of housing, integration of key external natural and biodiversity links through the development site or provision of on-site play space.
  - b) Developers and landowners of adjoining sites will be encouraged to work together with each other and key partners to deliver comprehensive development.
  - c) To avoid piecemeal development, proposals for a site adjacent to another site with development potential should demonstrate that all reasonable attempts to develop the sites comprehensively have been exhausted. Development proposals that fetter the potential for developing an adjoining site will not be supported.
  - d) In assessing proposals for separate sites in the same and/or public control or ownership that involve sharing and/or transferring uses between the sites, the Council will give careful consideration to balancing the benefits of such development to the Borough as a whole with the aims of sustainability and achieving mixed communities whilst making efficient use of land

53. Policy DM12 states that planning permission will be granted for developments that protect, conserve and enhance the Borough's historic environment, including Listed Buildings and their settings. Specifically, the policy also states that development within the vicinity of a listed building should preserve or enhance its setting and any features of special architectural or historical interest which it possesses.
54. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
55. The existing character of this northern end of Oatlands Drive is largely made up of single residential units in reasonable plots, set back from the road with good separation distances between plots. The approval of development at 8-14 Oatlands Drive has added a new element to the character of the area but cannot be considered to define the character. The character sub area is WAL11, and partially WEY09 – Oatlands Park, York Road and Oatlands Chase Environs. The WAL11 area is described as having considerable cohesion and consistency, being predominantly mixed residential 20<sup>th</sup> century two storey houses at low to medium density with some post-war three storey flatted developments interspersed throughout. As such it is considered that the proposal needs to take account of the whole character of the area, including its neighbour at 8-14 and the single residential units.
56. There has been considerable concern raised by residents about the 'creeping nature' of this proposal, coupled with the development at 8-14 and proposal at 4-6 Oatlands Drive. While DM4 promotes Comprehensive Development, there is no requirement for all the sites to be considered as one application. Thus far the proposals have not prevented development at the adjoining sites and so the proposal is not considered to be contrary to DM4. The impact on the character of the area can be considered separately for each proposal.
57. The layout proposes a side vehicular access with one block at the front of the site and a second behind to provide the 33 units. This layout mimics the development next door at 8-14 Oatlands Drive and whilst the frontage building is slightly further forward the front elevations at 8-14, the principle of such an arrangement has been accepted by the determination of the appeal for 8-14 Oatlands Drive. Separation between the site and its neighbours is proposed which is considered to help preserve an element of the current character of the area. Courtyard parking located between the blocks with further parking at lower ground floor level under the front block is provided. The layout of the parking is considered to be acceptable when considering the neighbouring permission. The bins and cycle stores would not be visible in the streetscene.

58. During the application for 8-14 Oatlands Drive (2020/3223), concern was raised about the impact on the development on views from the Engine River area and Cowey Sale. The Inspector commented that the rear buildings would be prominent in views for the footpath along the Engine River but not from other locations across Cowey Sale. The Inspector further commented in paragraph 28 that the rear buildings would be “set back far enough from the Engine River to allow for a landscaped buffer or retained trees and supplementary planting to enhance the appearance of the development.” When considering the appeal for 4-6 Oatlands Drive, the Inspector commented that the rear buildings at 8-14 did detract from the rural character of the path along the Engine River however those buildings were contained by the mature planting on either side. The Inspector found that collectively the three buildings (two rear blocks at 8-14 and the rear building at 4-6) would be “visually hard and dominant. They would have an uncharacteristic and urbanising impact which would materially detract from the rural character and appearance of the Engine Pond, Engine River Path and Cowey Sale.”
59. This application site is south of the large pond that is formed from the Engine River and views of the application site would be limited from the footpath by the retained trees. However the development would be far closer to this ‘rural’ area and its footpath than the existing dwellings and when coupled with the development at 8-14 Oatlands Drive will continue to change the character of the area.
60. Turning to the bulk and massing of the proposal, the overall height of the central element of each of the blocks would be greater than the neighbouring development. The additional height is proposed to be 0.6m and it is considered that this additional height would not be a prominent feature in the streetscene. There is also an increased massing and scale to both of the proposed blocks. They are wider than the blocks at 8-14 Oatlands Drive, taking advantage of the application site’s plot width. The increase provides a different massing to the neighbouring scheme, while making the blocks appear somewhat more prominent, it also provides some variety in the streetscene.
61. The design of the proposal is largely a copy of the neighbouring scheme. Officers found the original scheme for 8-14 Oatlands Drive to “be of a grandeur appearance and scale that would be out of character with the vicinity.” The Inspector did not agree with this consideration and found the design to be acceptable. This is a material consideration that has to be taken into account.
62. This proposal varies from the design at 8-14 in that the Blocks are not entirely two storey development with rooms in the roof space. Each Block has a central element which appears as a three-storey mass. The development does reflect other parts of the design of 8-14 with the stepped-down design to the sides and a variety of materials.
63. It is still considered that the proposal would not enhance the character of the area or reach the high standards of the Government’s ‘Build Beauty’ notion. Nonetheless, the neighbouring development has been granted and is a material consideration for the design of developments nearby. This development could be

considered to exacerbate the overall impact of both developments and therefore harm the character of the area. It could also be considered that one additional block, as would appear in the streetscene, would lessen the impact on the streetscene of the development at 8-14 Oatlands Drive.

64. It is still considered that given the location and varied character of the dwellings in the vicinity, the proposed building could provide greater visual interest to respond to the varied character and appearance of the area. However, in approving the development at 8-14 this changed the character of the area. The development at 4-6 Oatlands Drive, conversely was found to have a harmful impact on the character of the area. That development however was a corner plot with a vastly larger development proposed. Therefore, given the new context of the character of the area, while the development is not considered to enhance the character of the area, it is also not considered to have a significantly harmful impact. This matter will be weighed in the planning balance.
65. The site is located outside of a conservation area and there are a number of listed buildings in the vicinity. Whilst there are a number of heritage assets nearby, it is considered that the proposals would not harm their setting. The settings would be altered but this is not considered harmful in this specific situation.
66. Letters of representation have commented in the potential future need for lift shaft overruns and smoke shafts at this site. No significant overruns are proposed as can be seen on the roof plan and elevations provided. The application has to be considered on its merits based on the plans submitted. It would be inadvisable for the applicant to not consider the type of lift and building regulation requirements at this stage as different types of lifts can have different requirements. This application would not confer permission for the type of lift overrun that has been installed without permission at 8-14 Oatlands Drive.
67. In summary the proposal, on balance, is not considered to result in harm to the character of the area or the streetscene.

### **The impact on the amenity of neighbouring properties**

68. Policy DM2 states that to protect the amenity of adjoining and potential occupiers and users, development proposals should be designed to offer an appropriate outlook and provide adequate daylight, sunlight and privacy. Policy DM5 requires development located near to existing noise, odour or light generating uses will be expected to demonstrate that the proposal is compatible and will not result in unacceptable living standards.
69. The neighbours most likely to be impacted by the proposed development are No.20 & 22 Oatlands Drive located to the south west of the application site, the development at 8-14 Oatlands Drive to the north east and the dwellings to the south east on the opposite side of Oatlands Drive.

70. Building A at the front of the site would be greater in height and massing than the neighbouring property at No.20. The uppermost level of this building would also be taller than the development at 8-14 Oatlands Drive. However, the majority of the development would accord with neighbouring development at 8-14 Oatlands Drive in terms of layout. A good separation distance would be maintained to both neighbouring boundaries and it is not considered that the proposal would result in an overbearing impact. Building A would be on a similar building line to that of the front buildings at 8-14 and the building line of No.20 Oatlands Drive. Building B would be set slight further back than the rear buildings approved at 8-14. When taking into account this location and the separation distances, it is not considered that the development would result in a harmful impact on the provision of light to any of the neighbouring properties.
71. Building B would be a substantially sized building, however due to topography and design would appear as two storeys, with the roof accommodation to the sides with the central three storey section. Building B would appear set back when viewed from the neighbouring properties. The proposed buildings would be in excess of 20 metres from the rear of the neighbouring properties and this is considered to be a sufficient separation distance to ensure the proposal would not appear overbearing, dominant or have a material impact on outlook. The development would also be in accordance with the Council's Design and Character SPD, which requires a minimum separation of 15 metres for two storey buildings to prevent a harmful impact on the provision of light. The existing boundary planting is proposed to be retained. The properties at No.20 & 22 Oatlands Drive have good garden depths. While the relationship to their neighbouring property would change from the existing situation, it is considered that the design and layout of the proposal would prevent a significantly harmful impact to their external amenity space.
72. Blocks A and B are proposed with side facing windows. These are detailed on the elevation plans, MA212 370 and MA212 371 as obscurely glazed. The majority of the windows would be secondary windows to the living accommodation or main bedroom of the apartments. The central window would serve the second bedroom of each of the four affected apartments. It is considered that there is sufficient light available in each of the other rooms to provide a suitable level of living accommodation and it will be for future buyers to determine whether the accommodation offered is suitable for them. As such it is considered both reasonable and necessary to condition these windows to be obscurely glazed to protect the privacy of the neighbouring properties.
73. It is considered necessary to apply conditions to ensure the rear facing balconies balconies/terraces on Building B include appropriate screening to the sides to prevent any overlooking. A further condition is considered necessary to prevent the use of the flat roofed areas within both buildings as terraces to prevent overlooking towards neighbouring properties. No use of the flat roofs would be in accordance with the Inspectors recommendation at 8-14 Oatlands Drive and is considered necessary regardless of the plans indicating that the windows at the top levels of the proposed buildings would open outwards.

74. All other dwellings, including those across Oatlands Drive, would be sited at a sufficient separation distance to avoid an overbearing impact or loss of privacy.
75. In terms of loss of amenity from noise and light pollution, it is acknowledged that the additional units would have an increased pattern of activity and noise generation when compared to the existing residential use at the site, including vehicle movements. However, the site has good boundary treatment, which would be enhanced where necessary providing suitable screening, and the site is considered to be of a scale that could accommodate the additional vehicle movements.
76. A condition has been recommended regarding light spill from the proposed development. Construction noise, smell, dust and vehicle disruption is a short-term matter and cannot be used as a means to refuse planning permission. A condition would be recommended regarding a construction transport management plan and an informative could be applied to advise the developer of best practice construction working hours.
77. Taking this into consideration, the separation distance and boundary treatment is considered to be acceptable to ensure the proposed development would not be overbearing, over dominant, or result in a significant loss of light or overshadowing, nor give rise to harmful levels of overlooking or loss of privacy. The proposal therefore complies with Policy DM2.

#### **The standard of accommodation to be provided for future occupiers**

78. Paragraph 130 of the NPPF requires the protection and high amenity of the future occupiers of developments, and Policy DM10 of the Local Plan indicates that proposals for new housing development will be expected to offer an appropriate standard of living, internally and externally in line with national space standards. It further indicates that residential accommodation should offer residents an appropriate level of light, outlook and amenity, including gardens or outdoor space, commensurate with the type and location of housing proposed.
79. The Nationally Described Space Standards and Policy DM10 of the Development Management Plan indicate the minimum internal floor space requirement for new dwellings. The accommodation schedule, plan number MA212 490 details the floor areas for each apartment and shows that each unit would exceed the minimum requirements for the relevant sized apartment. All habitable rooms would have a source of light and ventilation.
80. The Council does not have a minimum requirement for outdoor amenity space for flatted development within the existing Development Plan. In this instance there are some communal open spaces within the site although on a slope at the rear of the site. There is also open public space at Cowey Sale within a short walk from the application site. It is of note that the emerging local plan will set minimum external space standards for flatted developments, however this is not yet a material consideration. In summary the development would comply with policy DM10.



## **Refuse storage and collection**

81. Policy DM8 stipulates that appropriate waste and recycling facilities must be provided on all new developments, and proposals will be acceptable provided that (a) the location and design of bin storage, waste facilities and any proposed external plant, have been considered at the outset and are integral to the development; (b) the design and siting of bin storage and external plant respect the visual amenities of the host building and the area; and (c) storage points for refuse and recycling are accessible for collection vehicles as well as regular users.
82. Bin storage is proposed at lower ground floor level within each of the two buildings. The plan, MA212 251, shows the refuse vehicle collection point and that the drag distance would be less than 10m. As such it is considered that the proposal would meet the requirements of Policy DM8.

## **The impact on highways, safety and parking**

83. Policy DM7 sets out that i. the layout and siting of accesses should be acceptable in terms of amenity, capacity, safety, pollution, noise and visual impact; ii. access to and from the highway should be safe and convenient for pedestrians, cyclists and motorists; iii. Provisions for loading, unloading and the turning of service vehicles are expected to be designed into the scheme ensuring highway and pedestrian safety; iv. the proposal should minimise the impact of vehicle and traffic nuisance, particularly in residential areas and other sensitive areas. DM7 also states that 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. In such instances, a minimum provision of one space per residential unit will be required and provision of car, cycle and disabled parking should accord with the Elmbridge Parking Standards, as set out in Appendix 1 of the Development Management Plan.
84. The proposal would include the provision of 32 parking spaces and 40 cycle spaces for the 33 proposed units. Policy DM7, appendix 1, sets out that the maximum parking standard for this proposal would be 49 spaces and the proposal would not exceed this maximum standard. The site is considered to be in a somewhat sustainable location with the town centre and bus stops within walking distance. The letters of objection regarding the level of parking provision are noted. The Transport Statement supporting the application has not undertaken a parking survey. It has commented on local census data highlighting that 12% of households do not have a car, indicating that if this were reflected across the development, there would be 29 cars for the 33 dwellings.
85. The Transport Statement highlights the walking distance to many of the local facilities and details the public transport in the area. The Council supports promoting sustainable methods of transport. Although no visitor or delivery spaces are allocated, these are short term requirements that are likely to be able to be accommodated within the site or on local streets. The area is not considered to be an area of parking stress and so it is considered that the proposal would not

result in an increase in on-street parking stress that would be harmful to the amenities of neighbouring properties.

86. In terms of Highway capacity and highway safety, Surrey County Council have assess the scheme and raised no objection subject to the use of necessary conditions. Officers have been notified of letters of objection sent directly to the Surrey Highways and within their responses they have commented the following;

- The County Highway Authority (CHA) has to provide responses on planning applications that align with over-arching transportation policy set out within the National Planning Policy Framework (NPPF). The NPPF provides the following guidance regarding situations in which planning applications can be refused on highways grounds. “ Paragraph 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- In the case of the proposals at 16-18 Oatlands Drive the application is very similar in many aspects, including access and layout, to that which was recently allowed on appeal at the adjacent site at 8-14 Oatlands Drive (Elmbridge Planning Application Number 2020/3223). In respect of trip generation data, to which you refer, the current application also utilises the same TRICS (Trip Generation Computer System) and 2011 Census data that was utilised at 8-14 Oatlands Drive within the 2020 application. The TRICS data is based on a national standardised database and a cross section of similar sites surveyed between 2011 and 2019 were used, just before the 2020 application was submitted. Given the changes in travel that occurred throughout the COVID pandemic, it is unlikely that utilisation of more recent surveys (if available) would provide any greater degree of accuracy than the data provided. 2011 Census travel data was used as a comparison to the TRICS vehicular trip rate data and to establish the trips by other modes of travel (pedestrian, cycle, public transport etc).
- As matters stand, the 2021 Census travel data, again, cannot be used due to the impact of the pandemic and so the provided data represents the best available. The Transport Statement for the current planning application identifies a maximum additional vehicular trip generation during either of the peak traffic periods of approximately 9 two-way (inbound and outbound combined) vehicular trips. This was not considered to have a severe impact on the adjacent highway network.
- As set out above, and based on the NPPF guidance, it was not therefore considered there would be differing circumstances compared to the already approved adjacent site such that that the CHA would be in any position to advise refusal of the current application at 18-18 Oatlands Drive.

87. On the basis of the above it is considered that the proposal would be in accordance with policy DM7.

### **The impact on trees**

88. Policy DM6 states that development proposal should be designed to include an integral scheme of landscape, tree retention protection and planting. Furthermore, DM6 seeks to result in no loss of, or damage to, trees and hedgerows that are, or

are capable of, making a significant contribution to the character or amenity of the area, whilst development should adequately protect existing trees including their root systems prior to, during and after the construction process.

89. The proposed tree protection plan highlights that multiple on site trees would be removed as part of the proposal. The plans indicate that the trees protected by TPO in the northern corner of the site would be retained as well as a tree along the shared boundary with No. 20 Oatlands Drive. The hedge along this same boundary is shown as being retained on the plan yet is not offered protection during construction as it is not a tree.
90. The Council's Tree Officer has reviewed the scheme and has raised no objection to the development subject to the use of arboricultural conditions. These conditions would include a Tree Planting & Maintenance condition to ensure there is sufficient replanting at the site. The type of planting should pay regard to the recently published DM Advice note on supporting biodiversity and encouraging nature in development. It is considered that the proposal would comply with Policy DM6 of the Development Management Plan 2015.

### **The impact on ecology**

91. Policy CS15 seeks to ensure that new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the incorporation of biodiversity features. Policy DM21 states that all new development will be expected to preserve, manage and where possible enhance existing habitats, protected species and biodiversity features.
92. The area adjacent to the application site (known locally as Cowey Sale) is part of a Biodiversity Opportunity Area and recorded as deciduous woodland priority habitat. The recently restored large pond adjacent to the application site offers wildlife and amenity benefits in this location. The objection from the Council's Green Spaces Team is noted, concerns raised regarding the proposed scheme, particularly taking into account the impact of the development under construction at 8-14. The proximity of the development to the pond, impact on vegetation, sunlight to the pond and wildlife, drainage rates and light spillage are raised.
93. Comments from the appeal Inspector from application 2022/3796 in paragraph 80 are also noted. The Inspector commented "Conversely, whilst it would not amount to a reason for refusal, collectively the proposal and the approved development on the adjoining site would have the potential to have a negative impact on the adjacent Biodiversity Opportunity Area (BIO). This is due to the proximity of the rear buildings to the BIO and Engine River pond and associated loss of sunlight, light pollution and loss of vegetation."
94. Natural England – while no formal response was provided to the LPAs consultation request, comments were provided in response to a resident's request. Standing advice was offered, advising officers to take account of NPPF paragraphs 175, 179 and 180.

95. The proposal has been reviewed by Surrey Wildlife Trust and Surrey Bat Group, who initially raised some concerns regarding the scheme relating to light spillage and biodiversity net gain. A site visit was undertaken with representatives from the applicant's ecologists, SWT and a council officer. The site was thoroughly inspected and further information requested by SWT. Once this had been provided no objection to the development has been raised subject to necessary conditions. The conditions required would secure a sensitive lighting plan, eradication of invasive species, secure biodiversity net gain, landscape and ecological management plan (LEMP) and construction environmental management plan (CEMP) all prior to commencement. SWT consider these conditions to be sufficient to conserve biodiversity in line with the planning and legislative context. The Council's DM Advice Note on Nature and Biodiversity sets out further guidance on measures that can be added to development to support nature. While this application was submitted prior to the publication of the guidance note, the applicant is advised to pay regard to the guidance in any details submitted through the Landscape Ecological Management Plan.
96. The site would include a green roof which would also host PV panels as shown on the roof plan. Other biodiversity enhancements include bat boxes, hedgehog houses, pollinator nest sites and more as listed in the Ecological Report by AAe. Such features are encouraged in line with the DM advice note on supporting biodiversity and encouraging nature in development.
97. Given the consultation response from SWT following their detailed inspection of the site, it is considered that the proposal would comply with Policy CS15 of the Core Strategy 2011 and Policy DM21 of the Development Management Plan 2015.

### **The impact on flooding**

98. Policy CS26 seeks to reduce the overall and local risk of flooding in the Borough. It requires that new development is located, designed and laid out to ensure that it is safe; the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere; and that residual risks are safely managed. Specifically, development must not impede flood flow and will not give rise to backwater affects or divert water towards other properties. The policy seeks to address the cumulative impact of development on flood risk across the Borough.
99. The majority of the site is located within Flood Zone 1; however the north-western portion of the site is located within Flood Zone 3B - the functional floodplain where the site abuts the open green space at the rear boundary that hosts Engine River.
100. The Environment Agency (EA) initially raised an objection to the scheme, commenting that the FRA did not adequately assess the flood risks posed by the development. Following the subsequent provision of an amended FRA, the EA have withdrawn their objection subject to the use of the necessary condition.
101. In accordance with the NPPF, all Major applications are required to consider sustainable drainage systems. As such the Lead Local Flooding Authority (LLFA), have been consulted upon the submitted Drainage Strategy and FRA.

The LLFA are satisfied that the proposed drainage scheme meets the requirements subject to the use of necessary conditions.

102. In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case. Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.
103. As the site has not been allocated in the new local plan no sequential test has been carried out and the applicant is required to submit this information and where necessary the exception test as set out in paragraph 164 of the NPPF.
104. The applicant has submitted the necessary information which demonstrates that the sequential test had been carried out as per the requirements of the NPPF and the EBC Flood Risk SPD. They have considered other similar sized sites that have been reviewed as part of the Land Availability Assessment for the Local Plan, and therefore subject to Strategic Flood Risk Assessment. The conclusion is that the sequential test is passed. The report considers that as the development itself is located only in Flood Zone 1 that an exception test is not required, however one is carried out to ensure robustness. The Exception test is shown to be carried out in accordance with NPPG guidance and is also shown to be passed.
105. As such the proposal is therefore considered to be in accordance with Policy CS26 and the Flood Risk SPD 2016.

### **Financial considerations**

106. Community Infrastructure Levy (CIL)  
The proposed development is liable for CIL. The applicant has provided the relevant liability forms required to pay the chargeable amount in accordance with the relevant regulations.
- New Homes Bonus
107. Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the Council.
108. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 4 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes. The New Homes Bonus Scheme Grant Determination for 2032/24 is £114,885.

109. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the New Homes Bonus would be payable for the net increase in dwellings from this development.

### **Matters raised in representations**

110. The local infrastructure; schools, doctors, drainage, utilities, water supply and water pressure, cannot be considered at each individual application level and is managed at a borough wide level through strategic planning by Elmbridge and Surrey

111. The BNG matrix and the impact on biodiversity has been found acceptable by SWT. SWT & Natural England have responded to letters sent directly to them.

112. Queries over previous appeal decision and decision making process should be sent to The Planning Inspectorate.

113. The impact on property values is not a material consideration in the determination of a planning application.

114. Queries over future traffic management plans for Walton Bridge should be direct to Surrey Highways.

115. There is no EIA required as this individual development is not over 100 flats.

116. The actions of the developer at 8-14 Oatlands Drive cannot be a material consideration in the determination of this application.

117. The Council has undertaken the necessary public consultation through neighbour letters and site notes.

118. While the Council did refuse the application at 8-14 Oatlands Drive and decision making should be consistent each application has to be considered on its merits taking into account the material planning considerations available at the time.

119. All other matters have been considered in the report above.

### **Planning Balance and Conclusion**

120. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. [...]

121. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

122. The reference to policies being out-of-date includes instances in which the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (as clarified by footnote 8), which applies in this case. Accordingly, the so-called 'tilted balance' in favour of granting permission is engaged. There is no policy within the Framework which would provide a clear reason for refusing the development proposed (as listed in footnote 7 of the NPPF) and so the appropriate test is to consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

123. It is acknowledged that the Council cannot demonstrate a five-year supply of housing and this currently stands at 4.36 years. Paragraph 11) is engaged in the absence of a five-year housing land supply.

124. The proposal would add thirty one net additional housing units which is of an acceptable unit mix, officers attribute significant weight to this. The proposal is also acceptable in terms of policy for design, impact on neighbouring properties, impact on future occupiers, highways, safety & parking, flood risk, trees and ecology which are given moderate weight.

125. As such the adverse impacts of granting permission are not considered to significantly and demonstrably outweigh the benefits and therefore the application is recommended for approval.

### **The proposed development does require a CIL payment**

### **Recommendation: Grant Planning Permission**

#### **Conditions/Reasons**

1 Time limit (full application)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 List of approved plans

The development hereby permitted shall be carried out in strict accordance with the following list of approved plans and documents:

MA212 260 Rev P1	Proposed Bin and Bike Store Plans
MA212 350 Rev P4	Existing and Proposed Street Scenes
MA212 351 Rev P1	Proposed Street Scenes
MA212 352 Rev P3	Front Building - Proposed Inner Courtyard
Streetscene	
MA212 353 Rev P2	Rear Building - Proposed Front Street Sc...
MA212 354 Rev P1	Rear Building - Proposed Rear Street Sce...
MA212 370 Rev P1	Front Building - Proposed Elevations
MA212 371 Rev P1	Rear Building - Proposed Elevations
MA212 400 Rev P1	Front Building - Proposed Floor Plans
MA212 410 Rev P1	Rear Building - Proposed Floor Plans
Received on 19/12/2022	
MA212 001 Rev P3	Location Plan and Block Plan
Received on 19/01/2023	
MA212 230 Rev P3	Proposed Site Plan
MA212 231 Rev P3	Proposed Site Context Plan
MA212 250 Rev P7	Proposed Site Basement Plan
MA212 251 Rev P6	Proposed Site Lower Ground Floor Plan
MA212 252 Rev P7	Proposed Site Ground Floor Plan
MA212 253 Rev P6	Proposed Site First Floor Plan
MA212 254 Rev P6	Proposed Site Second Floor Plan
MA212 255 Rev P7	Proposed Site Roof Plan
Received on 27/06/2023 and	
MA212 360 Rev P2	Proposed Side Elevation and Section A-A
MA212 361 Rev P2	Proposed Side Elevation and Section B-B
received on 05/07/2023.	

Reason: To ensure that the development is carried out in a satisfactory manner.

- 3 Materials - approved  
The development shall not be erected other than in the following materials  
Brickwork - heritage stock facing brick - yellow buff tone  
Render - Through- colour off-white ashlar render  
Windows - Timber double glazed vertical sliding sash window  
Stone detailing- Wetcast reconstituted stone banding  
Roof - Slate roof tiles  
Dormers - Dark Grey GRP dormer with profiled fascia  
to be located as per the approved elevation plans

or such other materials as have been approved in writing by the borough council.

Reason: To ensure that a satisfactory external appearance is achieved of the development in accordance with policy DM2 of the Elmbridge Development Management Plan.

- 4 Obscure glazing  
Prior to the first occupation of the development hereby permitted the side facing windows on the southwest and northeast elevations of the development



hereby permitted shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with policy DM2 of the Elmbridge Development Management Plan.

5 Flat roof - no other use

The flat roof to the development hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area without the grant of a further specific permission from the borough council.

Reason: To prevent undue loss of privacy to adjacent properties contrary to policy DM2 of the Elmbridge Development Management Plan and the Elmbridge Design and Character Supplementary Planning Document.

6 Obscure balcony screen details

Prior to the first occupation of the development hereby permitted details shall be submitted to and agreed by the Local Planning Authority for an obscure glass screen at 1.8m minimum from relevant floor level that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (or similar) on the southwest edge of the balconies nearest the southwest elevation and on the northeast edge of the balconies nearest the northeastern elevation. The screens shall be installed prior to occupation and be permanently maintained in that condition thereafter.

Reason: To preserve the privacy of neighbouring residents in accordance with policy DM2 of the Elmbridge Development Management Plan.

7 Landscaping scheme

Prior to first occupation [being brought into use] written details and plans of the following landscaping works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

This scheme shall include:

a) positions, height, species, design, materials and type of boundary treatment(s)

b) hard surfacing materials

Development shall be carried out in accordance with the approved details and shall be maintained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

8 New access

No part of the development shall be first occupied unless and until the proposed vehicular access to the site has been constructed and provided with

visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: The condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF, and to satisfy policy CS25 of the Elmbridge Core Strategy (2011), and policy DM7 of the Elmbridge Development Management Plan (2015).

9 Closure of existing access

The development hereby approved shall not be first occupied unless and until existing accesses from the site to Oatlands Drive have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: The condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF, and to satisfy policy CS25 of the Elmbridge Core Strategy (2011), and policy DM7 of the Elmbridge Development Management Plan (2015).

10 Construction Transport Management Plan

No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) measures to prevent the deposit of materials on the highway
- (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (h) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF, and to satisfy policy CS25 of the Elmbridge Core Strategy (2011), and policy DM7 of the Elmbridge Development Management Plan (2015).

11 Electric vehicle charging

The development hereby approved shall not be occupied unless and until each of the proposed parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF, and to satisfy policy CS25 of the Elmbridge Core Strategy (2011), and policy DM7 of the Elmbridge Development Management Plan (2015).

12 Parking and turning areas

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. All cycle parking shall be secure, covered and lit. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: The condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF, and to satisfy policy CS25 of the Elmbridge Core Strategy (2011), and policy DM7 of the Elmbridge Development Management Plan (2015).

13 Programme of Archaeological Work

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with Policy DM12 of the Development Management Plan 2015 and the NPPF.

14 Tree Pre-commencement Meeting (With tree protection)

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 a pre-commencement meeting has been held on site and attended by a suitable qualified arboriculturist, representative from the Local Planning Authority and the site manager/foreman.

The site visit is required to ensure operatives are aware of the agreed working procedures and the precise position of the approved tree protection measures that remain installed in accordance with the approved tree protection plan(s) until all development works are finished and building materials have been removed

CONSULTANT: KEEN/SITE: 16-18 Oatlands Drive Weybridge Surrey KT13 9JL/TPP: 2044-KC-XX-YTREE-TPP01RevA/DATE: 2022

To arrange a pre-commencement meeting please email [cspringett@elmbridge.gov.uk](mailto:cspringett@elmbridge.gov.uk) with the application reference and contact details.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, DM6 of the Councils Core Strategy 2011 and Development Management Plan 2015. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

15 Tree Protection Measures (With Pre-Commencement Meeting)

After the agreed tree protection measures (BS5837 2012 fig.2) have been installed in accordance with the tree protection footprint on approved plans, all tree protection measures shall be maintained for the course of the development works. The development thereafter shall be implemented in strict accordance with the approved details and method statements contained in

CONSULTANT: KEEN/SITE: 16-18 Oatlands Drive Weybridge Surrey KT13 9JL/REPORT: 2044?KC?XX?YTREE/DATE: 2022

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14 of the Councils Core Strategy 2011 and Policy DM6 of the Development Management Plan 2015.

16 Site Supervision

The completion schedule/report of all the agreed arboricultural site supervision and monitoring as approved in the arboricultural information

CONSULTANT: KEEN/SITE: 16-18 Oatlands Drive Weybridge Surrey KT13 9JL/REPORT: 2044?KC?XX?YTREE SECTION 6.4/DATE: 2022

shall be submitted to and approved in writing by the Local Planning Authority within 20 working days of the substantial completion of the development hereby approved. This shall include evidence of compliance through supervision and monitoring of the agreed activities by a suitably qualified arboriculturist.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policy CS14 of the Core Strategy 2011 and Policy DM6 of the Development Management Plan 2015.

17 Tree Retention

All existing trees, hedges or hedgerows inside the identified site boundary shall be retained, unless shown on the approved drawings as being removed

and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the proposed development.

No retained tree, hedge or hedgerow providing a screen shall be cut down, uprooted or destroyed, other than in accordance with the approved plans and particulars.

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.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, of the Core Strategy 2011 and DM6 of the Development Management Plan 2015.

18 Tree Planting & Maintenance.

No development including groundworks and demolition shall take place until full details of all proposed tree planting are submitted to and approved in writing by the Local Planning Authority. Serious consideration needs to be given to a significant landscaping scheme that may require engineering solutions in order to work with the amount of hard standing required for parking. More emphasis is required on landscaping to the front of site, consideration should be given to removing low grade trees in order to enhance visual quality with significant replacements. All new planting areas should be protected during construction shown on the tree protection plan.

Details are to include.

" species, sizes, locations, planting pit design / engineering, supports, and guards or other protective measures to be used.

" planting times and maintenance schedules for aftercare to ensure good establishment.

" size of the site and anticipated area for new planting, the Council expects a minimum of 30x heavy standard - semi mature trees that will be significant at maturity and thrive in their given locations (engineered planting pits may be required for certain areas) to be planted to maintain future arboricultural amenity.

All tree planting will be carried out in accordance with BS 8545:2014 prior to the occupation of any part of the development.

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, destroyed, or dies, another tree of same size and species shall be planted at the same place.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning

Act 1990, and in accordance with policies CS14, CS15, of the Councils Core Strategy 2011 and DM6 of the Councils Development Management

19 Sensitive Lighting Management Plan

Prior to the commencement of the works, a Sensitive Lighting Management Plan shall be submitted to and approved by the Local Planning Authority. The Sensitive Lighting Management Plan shall be written in accordance with the recommendations of the Bat Conservation Trust's document entitled "Bats and Lighting in the UK - Bats and The Built Environment Series". The proposed development shall be carried out in accordance with the approved details and thereafter maintained.

Reason: To ensure that the proposed development does not cause harm to protected species in accordance with the Wildlife and Countryside Act 1981 and policy CS15 of the Elmbridge Core Strategy 2011.

20 Landscape and Ecological Management Plan (LEMP)

A detailed Landscape and Ecological Management Plan should be submitted to and approved in writing by the Local Planning prior to the commencement of development. The LEMP should include details of proposed impact avoidance and mitigation for the protected species. In addition, the LEMP should include details of enhancement measures and adequate details of the following:

- a) Description and evaluation of ecological features to be managed and created
- b) Specifications, number and location of proposed ecological features, where appropriate
- c) Aims and objectives of management
- d) Appropriate management options to achieve aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule for securing biodiversity enhancements in perpetuity
- g) Details of the body or organisation responsible for implementation of the LEMP
- h) Ongoing monitoring and remedial measures.
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- k) Recommended enhancements, including those for bats, birds, hedgehogs, grass snakes, reptiles and stag beetle to be included within the final design
- l) Methods to eradicate/ prevent the spread of Schedule 9 invasive plant species, particularly Indian balsam, as set out in the Wildlife and Countryside Act 1981 (as amended).
- m) Details and confirmation of the biodiversity net gain, identified in the AAE document dated 14/06/2023 titled Technical Note: Biodiversity Net Gain Assessment, received on 27/09/2023, to be secured

The approved details shall be implemented in full to the satisfaction of the LPA prior to the first occupation of the development and maintained as agreed.

Reason: To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Policy CS15 of the Core Strategy 2011, Policy DM21 of the Development Management Plan 2015 and the National Planning Policy Framework 2023.

21 Construction Environmental Management Plan (CEMP)

The development hereby permitted shall not commence, including any demolition until a CEMP has been submitted and approved in writing by the Local Authority.

The CEMP should include, but not be limited to:

- a. Map showing the location of the ecological features, specifically the watercourse.
- b. Risk assessment of the potentially damaging construction activities.
- c. Practical measures to avoid and reduce impacts during construction.
- d. Location and timing of works to avoid harm to biodiversity features.
- e. Responsible persons and lines of communication.
- f. Use of protected fences, exclusion barriers and warning signs where necessary.
- g. Ensure precautionary measures are followed during demolition, site clearance, and tree removal, to avoid harm to terrestrial mammals, bat species and reptiles
- h. Methods to eradicate/ prevent the spread of Schedule 9 invasive plant species as set out in the Wildlife and Countryside Act 1981 (as amended).
- i. Details of ecologist supervision during demolition and site clearance
- j. Detailed protection measures for HPI woodland

The CEMP must additionally incorporate the recommendations for bats, birds, other

species and invasive species. The development must be carried out in accordance with the approved detail.

Reason: To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Policy CS15 of the Core Strategy 2011, Policy DM21 of the Development Management Plan 2015 and the National Planning Policy Framework 2023.

22 Biodiversity mitigation

The development shall be carried out in accordance with the conclusions and recommendations by AAe Environmental including all biodiversity enhancements in their reports and letters received on 27/06/2023 and 19/12/2022.

Reason: In the interest of preserving and enhancing protected species and biodiversity in compliance with policy DM21 of the Elmbridge Development Management Plan and the National Planning Policy Framework.

23 SUDS Design

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the

SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

24 SUDS Verification Report

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.

25 Flood Risk Assessment Implementation

The development shall be carried out in accordance with the submitted flood risk assessment (ref 221584/FRA/MK/RS/01) and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 11.925 metres above Ordnance Datum (AOD).



o There shall be no built development within the 1% annual exceedance probability plus 47% climate change flood extent in accordance with Drawing MA212-250-255 - Proposed Site Plan.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: This condition is in accordance with paragraph 167 of the NPPF and seeks to reduce the risk of flooding to the proposed development and future occupants.

26 Secured by Design

Prior to the first occupation of development, a full and detailed application for the Secured by Design award scheme shall be submitted to and approved in writing by the local planning authority in consultation with the Surrey Police Designing Out Crime Officers, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. The development shall be carried out in accordance with the agreed details.

Reason: To ensure the safety of the public and occupants of the proposed development in accordance with the NPPF.

## **Informatives**

1 SUDS

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.

More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

2 Water Efficiency

Developers are encouraged to construct any new dwelling to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach. The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently in accordance with the NPPF. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further information on these discounts can be found at: <https://www.thameswater.co.uk/developers/charges>

3 Construction phase only - Noise and Pollution

To control noise and pollution during the construction phase where sensitive premises are nearby it is advised that:

- (a) Work which is audible beyond the site boundary should only be carried out between the following hours: Monday to Friday 08:00 hrs to 18:00 hrs Saturday 08:00 hrs to 13:00 hrs and not at all on Sundays or Bank Holidays.
- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels.
- (c) Deliveries and collections should only be received within the hours detailed above.
- (d) Adequate steps should be taken to prevent dust causing nuisance beyond the site boundary. These could include the use of hoses to damp down stockpiles of materials which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes.
- (e) There should be no burning on site that causes nuisance to local residents.
- (f) Only minimal security lighting shall be used outside the hours stated above.

#### 4 Highways Informatives

##### New Vehicle Crossovers and Dropped Kerbs

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).

##### Other Works to the Highway

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

##### Closure and reinstatement of existing accesses/footway

When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to

conform with the existing adjoining surfaces at the developers expense

5 Electric vehicle charging

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

Section 278 Agreement

A Section 278 Agreement under the Highways Act 1980 will be required to provide the necessary vehicular access to the site and this may require additional works, such as 'Keep Clear' markings or other works in order to tie in to the current Section 278 scheme for the development at 8-14 Oatlands Drive.

6 Community Infrastructure Levy (CIL)

The development permitted is subject to a CIL liability for which a Liability Notice will be issued as soon as practical after the day on which planning permission first permits development.

To avoid breaching the CIL regulations and the potential financial penalties involved, it is essential a prior commencement notice be submitted. The notice is available at [planningportal.co.uk/cil](http://planningportal.co.uk/cil)

For the avoidance of doubt commencement of demolition of existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of the CIL regulations.