

APPENDIX 1

Comments on Sequential Test for PA 2022 / 3796 Site at 16-18 Oatlands Drive

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1. Background

The sequential test is required for the proposed development at 16-18 because some of site lies within Flood Zones 2 and 3.

National Planning Policy seeks to direct new development to areas with the lower probability of flood risk. This permits development in areas of flood risk only where there are no other reasonably available sites in areas with a lower probability of flooding.

The aim of the sequential test is to assess if there are any other similar sized sites that could accommodate the development which would have a reasonable possibility of being developed in a similar time frame (5 years in this case) and have a lower flood risk.

It does NOT aim to guarantee that planning permission would be granted in that new site without a full planning application and consideration. It just states the development at 16-18 SHOULD NOT BE PERMITTED if any other such site exists.

2. The late publication of Savills report has not allowed for a full review.

The sequential test was only issued by Savills in September 2023 and posted on the Elmbridge website on 26/9/23, just days before the Planning Department posted its recommendation.

It is difficult to see how it could have been properly scrutinised for decision making purposes, and certainly has given residents extremely little time to review or refute it.

3. Identifying Suitable Sites

The site at 16-18 Oatlands Drive has the following constraints:

- Circa 0.35 hectares in total
- Only 0.13 hectares are currently developed land (brown field site)
- Adjoining Green Belt, and an area of Biodiversity Opportunity to one side with Cowey Sale and the Engine River enjoyed by many local residents
- Directly opposite several historic and listed properties
- Site contains trees with TPOs.
- Number of flats proposed 33 with dph circa 98
- LPA estimate of capacity for 16-18 O.D. (brown field part of site 0.13h @ 40 dph) would be 5. Even if you include the undeveloped rear garden, so full site of 0.35h, Elmbridge target would be 14 dwellings. (Based on Elmbridge quoted targets of 40 dph).

Therefore, any similar sites with similar constraints but lower flood risk, should have the same reasonable chance of receiving planning permission and being developed in the time frame. Sites should not be allowed to be discounted unless they have MORE constraints than the proposed site.

No available sites are going to be perfect and able to guarantee planning permission would be granted. That is not the purpose of the sequential test.

Again, if any SIMILAR sites for 16-18 Oatlands Drive are identified that could reasonably accommodate the development, then 16-18 O.D. FAILS the sequential test.

4. Sites Discounted By Savills Without Sufficient Cause

The following sites, considered by Savills on behalf of the developer, were discounted for having constraints despite the fact that these same constraints exist or are exceeded at 16-18 Oatlands Drive:

1. US3 Torrington Lodge Car Park, Hare Land, Claygate
2. US134 Hanover Cottage, 6 Claremont Lane Esher KT10 0EG
3. US283 1-5 Millbourne Lane Esher KT10 9DU
4. U339 Walton Car Park KT12 3ET
5. US527 9 Cricket Way, Weybridge
6. US443 47 Portsmouth Road Thames Ditton
7. US350 Leylands House, Molesey Road, Walton-on-Thames

There are also at least two sites not considered in the sequential tests that appear to be favourable to 16-18 Oatlands Drive:

8. US475 Willow House, Mayfair Housen and Amberhurst, Claremont Lane, Esher
9. US127 30 Copsem Lane, Esher

PLEASE SEE APPENDIX 1.1 BELOW FOR FULL COMPARISON OF THESE SITES

They should not have been discounted, as their constraints are not greater than 16-18 Oatlands Drive, so have at least the same “reasonable possibility of being developed” but are wholly in an area of less flood risk. Therefore the sequential test is failed.

5. Conclusion

There are several sites that have no more constraints than 16-18 Oatlands Drive (so has a reasonable a chance of development being permitted as at 16-18 Oatlands Drive) with significantly less flood risk. The sequential test is not designed to guarantee success of planning permission at those sites without their due consideration, just to demonstrate that there are other reasonable sites with less flood risk

So the Sequential Test fails and planning at 16-18 Oatlands Drive should not be permitted, as there are demonstrably several sites that are suitable and with as good a chance as having planning permission granted as 16-18 Oatlands Drive but with a lower flood risk.

APPENDIX 1.1

Below is an analysis of the sites listed in (4) which were discounted by Savills, explaining why they should not have been discounted. They have either less constraints than 16-18 Oatlands Drive, or at least no more constraints, so are as 'reasonably available' as 16-18 Oatlands Drive, and therefore the Sequential Test is failed:

US3 Torrington Lodge Car Park, Hare Lane, Claygate.



Reasons given for discounting site:

- Land locked on all 4 sides and surrounded by existing residential dwelling houses
- Adjoins site with tree preservation orders
- Problematic providing suitable amenity for future residents
- Compromising privacy of neighbours

However (unlike 16-18 OD):

- This is a fully brownfield, hardscaped site containing no biodiversity
- Contains no trees or TPOs (these are 100% in neighbours' gardens so should be unaffected by any development)
- New development would generate lower traffic than current usage (car park) so no access issues
- No adjoining Green Belt or Area of Biodiversity Opportunity
- Surrounding properties all are separated from the site by long, established gardens with high trees shielding them from the current car park, so any flatted development would be less conspicuous and out of keeping and shielded from view.
- No more cramped than 16-18 OD where flats will be less than 22m apart (including all 6 blocks by same developer less than 22m apart if include 8-14 Oatlands Drive construction)

US134 Hanover Cottage, 6 Claremont Lane Esher KT10 0EG



Reasons given for discounting site:

- LAA capacity quoted as 13
- 2018 application rejected as out of keeping

However:

- 16-18 OD is not part of LAA but if it was, its capacity would likely be between 5 and 14 dwellings based on 40 dph max EBC target and site size of 0.13 (brownfield) or 0.35 hectares. So 6 Claremont Lane would be no more likely to be rejected based on density
- 2018 application was for a very different proposal with houses having back gardens leading onto the main road.
- Since 2018, a 3 storey building of flats with underground parking has had planning permission granted and is under construction in the next-door plot, indicating that flats at 6 Claremont Lane would likely be acceptable.
- There is no adjoining green belt
- The site has already been cleared so no TPOs or other biodiversity issues
- So this site has a reasonable chance of the development being accepted and the Sequential Test fails

US283 1-5 Millbourne Lane, Esher KT10 9DU



Reasons given for discounting site:

- Planning permission in 2006 was rejected
- It might not be possible to deliver facing dwellings less than the minimum 22m metres apart

However:

- The plans for 16-18 OD have facing flats closer than the minimum 22m apart, so this is not a valid constraint.
 - 2006 planning permission is too long ago to be relevant given the changes to planning policies since then (16-18 OD also had planning permission in 2007 rejected as overcrowded and out of keeping with the neighbourhood, so they are equivalent sites)
- So the Sequential Test is again failed.

U339 Walton Car Park KT12 3ET



Reasons given for discounting site:

- It is currently run as an EBC car park
- It is not considered the site could accommodate the same quantum of development (no reasons given!)

However:

- The site is marginally bigger than 16-18 OD and has access roads on 2 opposite sides, so should easily be able to accommodate the same number of flats
 - It is 100% brownfield and hardscaped, so no biodiversity issues or TPOs
 - It is owned by EBC and identified as an opportunity area for development
- There are no valid reasons to discount this site so the Sequential Test fails

US527 9 Cricket Way Weybridge



Reasons given for discounting site:

- Capacity estimated at only 6 dwellings
- Trees with TPOs
- Public open space to the south
- Local listed buildings

However:

- Site is the same size as 16-18 OD so should be able to fit same number of dwellings
- 16-18 OD has TPOs too
- 16-18 OD has public open space to the rear (Cowey Sale) which is currently green, verdant and rural in appearance. Cricket Way has a public park already overlooked by many houses, so the constraints at 16-18 OD are greater.
- There are no listed buildings in the immediate vicinity of Cricket way whereas 16-18 OD directly faces listed buildings.

So again this site should not have been discounted and the Sequential Test fails.

US443 47 Portsmouth Road Thames Ditton



Reasons given for discounting site:

- Near listed pub and war memorial
- Partially within and adjacent to conservation area
- Previously car dealership and no change of use issued
- Owned by Aldi who are pursuing their own development

However:

- Separated from listed pub by commercial building and directly opposite nearly built block of 4 townhouses which are of similar height, width, depth and massing to the proposals.
- 16-18 O.D. by comparison is directly opposite 6 historic and listed homes and not close to any commercial buildings, making the development more out of keeping with Oatlands Drive than Portsmouth Road,
- 16-18 OD is also adjacent to Green Belt and an area of Biodiversity Opportunity.
- The site is open to development and Aldi's planning permission was not rejected based on changes use, but on issues with the proposed Aldi store itself.
- Aldi have had their appeal dismissed, and nowhere here does it indicate that Savills subsequently enquired if they were open to selling the site for to an alternative developer.

As such 47 Portsmouth Road has no more constraints than 16-18 Oatlands Drive and is outside the flood zone, so the Sequential Test fails.

Other sites not considered:

The following sites are in the appendix but not considered in the sequential test with no explanation given:

- 1) US475 Willow House, Mayfair House and Amberhurst, Claremont Land Esher.
These make up 0.5h with capacity for 57 flats, currently residential use, wholly within Flood Zone 1. The only description is that they are in the Rytte Catchment area and there are TPOS. But 16-18 OD has constants that it adjoins Green Belt and public amenity, and also contains TPOs so these are equivalent and it should not have been discounted for these reasons.

- 2) US127 30 Copsem Lane, Esher
This is currently a huge house on 55ha. The only constraints mentioned are proximity to preservation areas, Green Belt, Biodiversity Plan Habitat and containing TPOs (which apply to 16-18 OD). It should not have been discounted for these reasons. Its size means it would be much more able to comfortably fit the development and add improved public amenity for future residents in less cramped (>22m apart) buildings.

Conclusion

There are several sites that have no more constraints than 16-18 Oatlands Drive (so have as reasonable a chance of development being permitted as at 16-18 Oatlands Drive) with significantly less flood risk. The sequential test is not designed to guarantee success of planning permission at those sites without their due consideration, just to demonstrate that there are other reasonable sites with less flood risk.

So the Sequential Test fails and planning at 16-18 Oatlands Drive should not be permitted.