



## Appeal Decisions

Site Visit made on 10 March 2021

**by Rory MacLeod BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 June 2021**

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### **Appeal A Ref: APP/K3605/W/20/3261529**

#### **8-14 Oatlands Drive, Weybridge, KT13 9JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by The Ridge LLP against the decision of Elmbridge Borough Council.
  - The application Ref 2020/0691, dated 2 April 2020, was refused by notice dated 10 September 2020.
  - The development proposed is a redevelopment scheme to provide 51 apartments split between three 2½-storey blocks with additional lower ground level parking, plant, storage and accommodation comprising 12 x 1-bed flats, 35 x 2-bed flats and 4 x 3-bed flats with 57 associated parking spaces, bin and bicycle storage, additional landscaping and new vehicular access following demolition of the existing 4 detached properties.
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### **Appeal B Ref: APP/K3605/W/21/3270427**

#### **8 - 14 Oatlands Drive, Weybridge, KT13 9JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by The Ridge LLP against the decision of Elmbridge Borough Council.
  - The application Ref 2020/3223, dated 26 November 2020, was refused by notice dated 25 February 2021.
  - The development proposed is a redevelopment scheme to provide 51 apartments split between four 2½-storey blocks with additional lower ground level parking, plant, storage and accommodation comprising 19 x 1-bed flats, 27 x 2-bed flats and 5 x 3-bed flats with 53 associated parking spaces, bin and bicycle storage, additional landscaping and new vehicular access following demolition of the existing 4 detached properties.
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## **Decisions**

### **Appeal A**

1. The appeal is allowed and planning permission is granted for a redevelopment scheme to provide 51 apartments split between three 2½-storey blocks with additional lower ground level parking, plant, storage and accommodation; comprising 12 x 1-bed flats, 35 x 2-bed flats and 4 x 3-bed flats with 57 associated parking spaces, bin and bicycle storage, additional landscaping and new vehicular access following demolition of the existing 4 detached properties at 8-14 Oatlands Drive, Weybridge, KT13 9JL in accordance with the terms of the application, Ref 2020/0691, dated 2 April 2020, subject to the conditions set out in the attached schedule.

## **Appeal B**

2. The appeal is allowed and planning permission is granted for a redevelopment scheme to provide 51 apartments split between four 2½-storey blocks with additional lower ground level parking, plant, storage and accommodation comprising 19 x 1-bed flats, 27 x 2-bed flats and 5 x 3-bed flats with 53 associated parking spaces, bin and bicycle storage, additional landscaping and new vehicular access following demolition of the existing 4 detached properties at 8-14 Oatlands Drive, Weybridge, KT13 9JL in accordance with the terms of the application, Ref 2020/3223, dated 26 November 2020, subject to the conditions set out in the attached schedule.

### **Applications for costs**

3. An application for an award of costs has been made by the appellant against the decision of Elmbridge Borough Council in respect of Appeal A. This is the subject of a separate Decision.

### **Preliminary Matters**

4. Planning permission was refused and dismissed at appeal in 2007 to Cala Homes for the redevelopment of 4-18 Oatlands Drive to provide 50 dwellings. This is a material consideration albeit that local and national planning policies have changed since that time.
5. The proposal in Appeal A follows advice received by the Appellant from the Council following a Pre-application submission.
6. Amended plans were submitted for the Appeal A proposal during consideration of the application including design changes and a reduction in the number of parking spaces from 61 to 57.
7. Planning obligations have been submitted for both appeals in relation to a late review mechanism towards the provision of affordable housing.
8. The Appellant has submitted amended plans at the appeal stage for Appeal B to address the Council's second and third refusal reasons relating to the adequacy of the parking and refuse storage arrangements.
9. There is similarity between the appeal proposals in several respects. I shall therefore examine some issues for the two proposals together and shall refer to the proposals individually when appropriate to do so.

### **Main Issues**

10. The main issues are:
  - (a) the effect of the development on the character and appearance of the area with respect to its design, scale, appearance and form, and whether there would be adequate separation between front and rear buildings in Appeal B,
  - (b) whether there should be a review mechanism towards the provision of affordable housing, and
  - (c) in relation to Appeal B only, the adequacy of the parking and refuse storage arrangements.

## Reasons

### *Character and appearance*

11. The appeal site comprises four detached dwellings on the western side of the road each with a vehicular access on to Oatlands Drive. The dwellings have deep gardens with land levels falling significantly towards the rear boundary in a series of terraces. A Tree Preservation Order covers several trees at the site. Oatlands Drive is residential in character with a mixture of bungalows and two storey houses near to the site and some higher flatted developments further to the south. There are two Grade II Listed Buildings opposite the site at 1 and 3 Oatlands Drive. Adjacent to the rear boundary is the Engine River, (both a pond and a stream) and beyond this a wooded area and meadow known as Cowey Sale subject to Green Belt policies and which is within Spelthorne.
12. The Council acknowledges that it cannot currently demonstrate a five year housing land supply. Therefore, the tilted balance at Paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. As such, the Framework states that planning permission should be granted unless *“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”*.
13. The site has an area of about 0.55 hectares and is currently developed at a low density. Paragraph 59 of the Framework sets out the Government’s objective of *“significantly boosting the supply of homes”* and Paragraph 117 promotes *“an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*. The site is in a sustainable location, not far from the services and facilities at Walton Town Centre. It is therefore suited to a higher density housing scheme. As much of Elmbridge is subject to Green Belt designation, and in view of the ongoing shortfall in housing delivery, such sites need to be released for development if the Council is to meet its housing targets.
14. The Council does not object to the principle of residential redevelopment or to the approach with a second tier of development on the rear part of the site. I have no reason to disagree with this as a strategy. The area immediately surrounding the site is characterised by single dwellings, and a development of flats at a higher density to make more effective use of the land would inevitably result in buildings of a greater scale and form and some change in character. But both proposals would reflect the scale and form of flatted developments, elsewhere along Oatlands Drive on wider sites. The proposals’ scale would be compatible with the Elmbridge Design and Character Guide SPD (2012) Companion Guide which describes this area as *“Predominantly mixed residential 20th Century two-storey houses at a low to medium density on medium to large plots with some post-war three-storey flatted development interspersed throughout”*.

### *Appeal A*

15. The two buildings proposed to the Oatlands Drive frontage would both have second floor flats primarily within the roofspace served by dormer windows. They would be a little higher than nearby houses but of much greater width and mass. Nonetheless, their form would not be dissimilar, including hipped roofs with reducing ridge heights to the flanks and multi-storey bay windows.

16. Their siting would respect the strong building line to this side of the road leaving a substantial area to the frontage for soft landscape measures that would enhance the appearance of the scheme. The gaps to both side boundaries and between the buildings would ensure that the buildings do not crowd adjacent dwellings and would help in assimilation in the appearance of the street scene. This spacing would also address a concern raised against the proposal dismissed on appeal in 2007. Both frontage buildings would include a crown roof but as these would be modest in size, they would not be readily discernible from Oatlands Drive.
17. Block C at the rear would be of greater scale having a width equivalent to that of the frontage buildings combined. Its flat roof form and angular design would contrast with that of the frontage buildings and whilst it would be glimpsed between them and along the side boundaries, its set back would not result in a significant impact on the street scene. Its design has been amended during the application process to break up the massing at top floor level when viewed from the front or rear, and a glazed central recess created to provide a break in the form. The resultant scheme shows a bold modern design, greatly differing in appearance to the frontage buildings but which would not be unattractive in relation to its design and appearance.
18. The Council's concerns relate mainly to the visual impact when viewed from a footpath on the opposite side of the Engine River. At the time of my visit it was evident that some tree clearance alongside this footpath has opened up views of the footpath and the rear part of the site. Due to Block C's split level it would appear four storeys high from the footpath and would be a conspicuous feature in close views. But even if it were to be reduced in height with additional landscape measures, the building's considerable width would still be prominent in views from the footpath. If a second tier of development is to be provided to make more effective use of the land, a point accepted by the Council, then there will be some impact on close range views from the footpath arising from the position of the building on the opposite side of the river sited on rising land.
19. The appellant's usage survey indicates that the footpath adjacent to the Engine River is infrequently used and therefore that the building's impact from this close range public viewpoint would not be widely experienced. The Council have disputed the findings of the survey, but regardless if use of the footpath were to increase during drier summer months, the important consideration is the impact of the building from this public vantage point. Even in close views, the building's relatively isolated position means it would not be perceived in the close context of other buildings such that it should adhere to immediate local design precedents. Block C would have an acceptable design and its siting would be far enough back from the boundary with the Engine River to provide a suitable landscaped setting and a satisfactory overall appearance.
20. There are other footpaths in the wider area leading to a popular café and parking area close to the River Thames. Notwithstanding the recent clearance of trees near to the footpath, a substantial block of trees remain that would obscure views of the development at the appeal site from positions alongside the Thames, from the open meadows alongside in Cowey Sale and also from many vantage points along Bridge Street. In long views the public impact of the building's design, scale, appearance and form would therefore be limited, but that impact would nonetheless be satisfactory in the context of the building's relatively isolated and landscaped setting.

21. The proposal would thereby be in accordance with Policy DM2 of the Elmbridge Development Management Plan (2015) (DMP) which requires proposals to be based on an understanding of local character and guidance in the Design and Character SPD in relation to design issues including appearance, scale, height, levels, prevailing patterns and separation distances to boundaries. There would not be conflict with Policies CS3 or CS17 of the Elmbridge Core Strategy (2011) (ECS) relating to development in the environs of Walton on Thames or in regard to respecting local character and achieving appropriate densities.

*Appeal B*

22. In this proposal the buildings would be similarly sited but the single building at the rear would be replaced by two buildings with a gap between, aligning with the gap between the frontage buildings. The number of flats remains at 51 but the mix has changed to provide more 1-bed and fewer 2-bed flats. A more traditional and formal design to the appearance of all buildings is proposed with a more horizontal emphasis and a slight reduction in overall height and massing compared with the design at Appeal A.
23. The central parts to the frontage buildings would be forward of the established building line but the side wings would step back to broadly align with adjacent dwellings. As about 12m would remain between the most forward points and the front boundary, this stepping forward would not have an adverse effect on the appearance of the street scene.
24. The separation between front and rear buildings would be approximately 20m, a little below the Council's preferred back to back distance of 22 metres to maintain privacy between occupiers. Such optimum separation cannot always be achieved in higher density urban developments. Future occupiers would be aware of this relationship prior to making a commitment to any flat. In my judgement the siting of frontage and rear buildings makes effective use of the land and is acceptable in regard to the appearance in the street scene and in providing sufficient set back from the Engine River whilst achieving adequate separation to safeguard the privacy of future occupiers.
25. The detailed design of the frontage buildings would be symmetrical, with a mansard type roof and elements of architectural 'grandeur' (according to the Council) not typified by immediately surrounding buildings. Nonetheless, there are examples of more formal approaches to flatted developments with a greater horizontal emphasis in the wider area. The buildings would have a balanced and well-articulated design approach that would be attractive in its own right. They would contrast with the hipped pitched roofs to adjacent housing but there are variations in the design of buildings in this part of Oatlands Drive. There would be ample separation to adjacent dwellings and the two buildings would fit it with the rhythm of building blocks and spaces between them in the street scene.
26. There is a wide range of front boundary treatments in Oatlands Drive including high walls and gates that obscure views to front gardens and also railings which allow such views. The proposed railings would be extensive in length compared to nearby frontages but would be commensurate with the character of the redeveloped site allowing clear views of the extensive landscaped front gardens and limited views to land behind the frontage buildings. The area between front and rear buildings would be predominantly hard surfaced for parking with more limited opportunities for incorporation of soft landscape

measures in a central band and to the edges. The parking area would not be readily visible from the footway to Oatlands Drive and would not detract from a satisfactory landscaped appearance in the street scene for the front part of the site.

27. The design approach to the rear two buildings would resemble that of the two frontage buildings resulting in a better internal integration than on Appeal A. The buildings would have recessed wings and top floors that would help to break their massing and detailed well-proportioned fenestration that would result in an attractive appearance. The Council has criticised the 'grandeur' appearance in the context of the setting of the rear building, also pointing out that the eaves would be high and the large scale of the buildings apparent in views from across the Engine River. But there are no other rear sited buildings nearby to set an alternative design approach and within the wider area there are examples of flatted developments having 4 storeys visible at the rear, such as Berkeley Court, which similarly has a flat roof design and a landscape buffer between the buildings and the river.
28. The rear buildings would be prominent in views from the footpath alongside the Engine River but not from other locations across Cowey Sale or from Bridge Street. They would be set back far enough from the Engine River to allow for a landscaped buffer of retained trees and supplementary planting to enhance the appearance of the development. The proposal would not be harmful to either the 'tranquil nature' of the Engine River in close views or to the River Thames environs in longer views towards the site. The rear buildings would be of acceptable appearance in the context of the site even in hours of darkness when windows may be illuminated. The proposals would not have an overbearing impact on Cowey Sale.
29. The proposal in Appeal B would not be contrary to the design provisions of Policies CS3, CS17 and DM2. Neither would there be conflict with Policy CS12 of the ECS or Policy DM13 of the DMP which require development proposals to sympathetically respect riverside settings and open character. The proposal would be in accordance with the design provisions in the Framework.

#### *Affordable housing*

30. Policy CS21 of the ECS requires that development resulting in the net gain of 15 and more residential units should provide where viable 40% of the gross number of dwellings on-site as affordable housing. The Council's independent viability consultants have confirmed the appellant's contention that the proposals are unviable to support contributions. But they recommend the imposition of a late review mechanism (LRM) to allow the Council an appropriate method to seek to capture any planning gain beyond the forecasted levels. Support for this stance is taken from the Council's recently adopted Development Contributions Supplementary Planning Document (2020) (SPD).
31. The appellant disputes that a LRM is warranted for either appeal proposal given the viability findings but has submitted completed unilateral undertakings incorporating a LRM in the event that I consider these to be necessary. The undertaking is to provide a review if the foundations of the development are not completed within 12 months of the discharge of the last of the pre-commencement conditions included in the planning permissions if granted on

- appeal. The LRM would then be triggered and undertaken on disposal of 75% of the units.
32. The appellant has commissioned a report on the reasonableness of the Council's affordable housing stance on these appeals. This disagrees with some of the inputs adopted by the Council's viability consultants and notes that the original viability reporting was completed prior to government announcements regarding leasehold and ground rent reform in early 2021. Further, the terms of government programmes such as 'Help to Buy' and the 'Homebuilders Fund' now preclude the charging of significant ground rents. Ground rent values previously included would not therefore be realised.
33. The supporting text to Policy CS21 states that if the Council is satisfied that affordable housing cannot be provided in accordance with the policy, "*it will seek to negotiate alternative provision*". However, there is no mention of a LRM in Policy CS21 or its supporting text. The recent SPD is a material consideration but is guidance and not planning policy, and only suggests the use of a LRM "*where deemed appropriate*". Planning Practice Guidance points out that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy CS21 does not do this.
34. I acknowledge the Council's explanations of an acute need for affordable housing provision in Elmbridge but Policy CS21 only seeks provision of affordable housing "*where viable*". On the viability evidence before me and through examination of the policy basis upon which the Council is relying, the need for a LRM in the event that either proposal may enable a contribution towards affordable housing has not been demonstrated. There would not therefore be conflict with Policy CS21. Accordingly, the Unilateral Undertakings submitted to provide a LRM are not necessary to make the development acceptable in planning terms.

#### *Parking and refuse storage*

35. The appellant has submitted amended plans to address the Council's second and third refusal reasons relating to parking spaces and the location of the refuse store in Building B. The plans also involve a reduction in the number of parking spaces from 57 to 53 spaces. I note that residents' objections include parking concerns, but this change would still provide at least one space per unit, which would accord with the Council's maximum parking standards, and would be appropriate for the site's sustainable location close to a town centre. The amended plans have not been subject to formal renotification but a range of opinions on parking totals have already been expressed in response to previous notifications of both proposals. The change on refuse relates only to an internal arrangement. Acceptance of the plans would be in accordance with the 'Wheatcroft<sup>1</sup> principles' in that the development would not be so changed that to grant it would deprive those who should have been consulted on the changes of the opportunity of such consultation.
36. The revised parking arrangements include some echelon spaces for the basement taking account of the increased dimensions for parking spaces set

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37].

out in the Council's recently adopted Parking SPD. The Council has questioned the practicality of some of these spaces, but the appellant has submitted tracking diagrams to demonstrate the accessibility of the spaces for vehicles. The revised plans also make minor reductions in the size of the soft landscape areas alongside the main parking forecourt between frontage and rear buildings. The number and layout of parking spaces would be satisfactory and there would not be conflict with Policy DM7 of the DMP which requires that parking provision should be appropriate to the development and not result in an increase in on-street parking stress.

37. The amended plans also satisfactorily address the Council's concerns in the third refusal reason about the location of the refuse store in Building B exceeding the maximum acceptable distance to the collection vehicle stopping point. The revised accessibility arrangements would not conflict with Policy DM8 of the DMP on the provision of appropriate waste and recycling facilities.

#### *Housing Need*

38. Both proposals would result in a net increase of 47 additional dwellings in a sustainable location. Whilst the density of development would exceed Council guidelines, the mix of unit sizes would accord with needs and priorities identified in Policy CS19, and the quality of accommodation would be satisfactory with sufficient amenity space provision. Implementation of either appeal proposal would result in a significant benefit towards meeting housing need in Elmbridge.
39. The Council cannot demonstrate a five year housing land supply. Their Annual Monitoring Report for 2019-2020 sets out a position of only 3.93 years. The Housing Delivery Test results for Elmbridge published in January 2021 show a score of 58% of homes delivered against the total required by targets. These figures indicate a consistent and significant underachievement in relation to housing supply. These shortfalls add weight to the benefit of additional housing on the appeal site, even without the inclusion of affordable housing.

#### *Heritage*

40. Nos 1 and 3 Oatlands Drive located on the opposite side of the road to the appeal site are Grade II Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires in considering whether to grant planning permission for development which affects a listed building or its setting, that special regard be paid to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
41. The significance of the two Listed Buildings are in the detail of their original design and construction. Both buildings are set back from the road frontage within relatively wide curtilages. Appreciation of the significance of the buildings and their settings is primarily restricted to their own grounds and the near footway to Oatlands Drive. The road acts as a significant physical separator to the appeal site and the frontage buildings proposed would be set well back from the footway on the opposite side of the road. Having regard to this separation and the limited longer range views in which appeal buildings and Listed Buildings may be viewed together, neither appeal proposal would adversely affect the setting of the two Listed Buildings.



42. There is also a Listed Building at 7-13 Oatlands Drive (Ashley House). The separation distances to this site would be greater still. The proposals would accord with the special duty to preserve the setting of listed buildings and would not conflict with Policy DM12 of the DMP on heritage issues.

*Other matters*

43. There are many trees on the site, the majority of which are young to semi-mature and most densely located towards the boundaries and rear parts to the gardens. A Tree Preservation Order (TPO) dating from 2012 relates to certain trees at 4-16 Oatlands Drive. The Council estimates that some 23 trees would need to be removed as a result of the proposals including some subject to the TPO. These include a silver birch (T23) that would be unduly close to a building and a beech (T28) which has declining health. However, many mature trees would be retained and I have no reason to disagree with the Council's findings that a well thought out landscape strategy to supplement retained trees not at threat from the proposal would bring about a greater long-term benefit than seeking to retain and protect other existing trees poorly sited in relation to the buildings or of declining health. The appellant has submitted a landscape plan for the site for both proposals. There would not be conflict with Policy DM6 of the DMP which requires development to be designed to include an integral scheme of landscape, tree retention protection and planting. Planning conditions can be used to protect retained trees, require implementation of supplementary landscape measures and to protect biodiversity interests.
44. Land beyond the Engine River at Cowey Sale is within the Green Belt. The appeal site itself is not within the Green Belt and there is no policy requirement referencing the setting of the Green Belt. Notwithstanding this the substantial block of trees remaining between the open meadows at Cowey Sale and the appeal site would effectively screen the site from many viewpoints within the Green Belt.
45. Several residents have raised objections on various highway grounds including traffic generation, congestion at the junction with Bridge Street and inadequate parking provision. The existing site has four access points from Oatlands Drive, which would all be closed, and a new access formed at a point with the greatest distance from the junction with Bridge Street. This would be an improvement in terms of the number and position of access points. Paragraph 109 of the Framework states that development should only be refused on highway grounds *"if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. I note that the County Highway Authority (CHA) has not objected. I do not consider that any of the highway or parking impacts that may arise from the proposals would have a severe adverse impact and have no reason to disagree with the conclusions of the CHA.
46. The appellant has also agreed to related off-site works requested by the CHA which would result in benefits. These include shelters and other improvements to the bus stops closest to the site on Oatlands Drive, construction of an information pedestrian crossing point to allow for access to the south bound bus stop, and provision of "Keep Clear" markings at the proposed new access.
47. I have taken account of the other concerns raised in representations, including in relation to noise from cars using the basement parking and other matters that could affect neighbours' living conditions, the impact on biodiversity

interests on land to the rear of the site beyond the Engine River, flood risk, the adequacy of external amenity space provision, precedent and the lack of prior discussions with residents. However, based on the information before me, none of these matters would form grounds to dismiss the appeal.

### *Planning balance*

48. I have examined the issues raised by the Council and by interested parties in representations. My findings are that neither proposal would conflict with the development plan as a whole.
49. The tilted balance at paragraph 11(d) of the Framework is engaged as result of the Council's poor performance on housing delivery. I acknowledge the minor shortfall in the recommended separation distance between frontage and rear buildings in Appeal B, the loss of some trees subject to a TPO and the concerns raised by interested parties on the scale of the buildings and on other matters. But any adverse effects arising from points raised against either proposal would not significantly and demonstrably outweigh the benefits of the proposals when assessed against the policies in the Framework taken as a whole.
50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations before me to indicate that the decisions on both appeals should not be taken in accordance with the development plan.

### **Conditions**

51. The Council has suggested planning conditions in the event that either appeal is allowed. I have considered these against the advice in Planning Practice Guidance and have amended some for clarity. The appellant has had opportunity to review these conditions, including the reasonableness of pre-commencement conditions suggested, in the submission of final comments for both Appeals. There is substantial overlap on the Council's suggested conditions for both appeals. My comments on conditions therefore relate to both proposals apart from a specific condition for Appeal B precluding the subsequent use of the flat roofs to the buildings in that proposal as an external amenity area in the interests of privacy.
52. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. Pre-commencement conditions are necessary in relation to a Construction Method Statement and a Construction and Environmental Management Plan in the interests of highway safety and to safeguard biodiversity at the site throughout the course of development operations. Similarly, before ground works take place, the approval of pre-commencement conditions is necessary to ensure appropriate action is taken in relation to findings relating to archaeology and contamination and to approve a surface water drainage system.
53. As many retained trees are subject to a Tree Preservation Order, the Council's suggested condition requiring a pre-commencement meeting on site is appropriate. Together with other tree protection conditions this should ensure that retained trees thrive during building operations and enhance the appearance of the finished development. Conditions requiring the approval of

hard and soft landscape measures and external materials for the buildings are necessary to ensure a satisfactory appearance to the completed development. To ensure the privacy of future occupiers, conditions are necessary to require obscured glazing to side windows and privacy screens to balconies. A condition on sound attenuation is needed to avoid adverse impacts on health from noise.

54. Highway conditions are needed to ensure the provision of the new vehicular and pedestrian accesses, visibility splays, parking and cycle spaces, turning areas, the closure of existing accesses and provision of electric charging points to ensure that the site operates effectively and does not prejudice highway safety. For the same reasons, in view of the scale of the development, it is appropriate to include a condition requiring works on Oatlands Drive adjacent to the site prior to occupation including bus stop upgrades, a pedestrian crossing and a "Keep Clear" road demarcation. A condition is needed to ensure refuse storage is provided in accordance with the approved plans for the convenience of occupiers and service vehicles.
55. It is necessary to include a condition requiring adherence to agreed flood mitigation measures to reduce the risk of flooding at the site and elsewhere. The Council's suggested condition on "Secured by Design" is appropriate in the interests of creating safer communities. I have included the Council's sensitive lighting management condition in relation to safeguarding biodiversity but have changed its trigger point to development above ground level; it is not necessary for this to be a pre-commencement condition. I have not included the Council's suggested biodiversity net gain condition; this is not necessary to make the development acceptable and many of the measures stipulated are replicated in other conditions included.

## **Conclusions**

56. For both appeals, the effect of the development on the character and appearance of the area with respect to its design, scale, appearance and form would be acceptable. On Appeal B there would be adequate separation between front and rear buildings to safeguard the privacy of future occupiers and the revised parking and refuse storage arrangements would be satisfactory. My findings in relation to affordable housing are that planning obligations relating to a late review mechanism are not required to make the proposals acceptable in planning terms and that there would be no conflict with Policy CS21. Both appeals should therefore be allowed subject to appropriate planning conditions.

*Rory MacLeod*

INSPECTOR

## Schedules of Conditions

### Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
MA196 001 P2, MA196 030 P7, MA196 050 P6, MA196 051 P6, MA196 052 P7, MA196 053 P6, MA196 054 P5, MA196 055 P5, MA196 100 P5, MA196 110 P5, MA196 120 P5, MA196 120 P5, MA196 121 P3, MA196 130 P4, MA196 131 P4, MA196 135 P3, MA196 135 P4, MA196 140 P3, MA196 150 P4 received on 20/07/2020.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site personnel, operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding behind any visibility zones;
  - v) measures to prevent the deposit of materials on the highway;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) on-site turning for construction vehicles;
  - viii) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
  - ix) programme of works (including measures for traffic management).The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Prior to the commencement of the development hereby approved, a detailed Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP should include details of how the protected habitats (Habitat of Principal Importance – Deciduous Woodland and Freshwater Pond; and River Thames Site of Nature Conservation Importance) and species will be protected from any adverse impacts as a result of construction. In addition, the CEMP should include adequate details of:
  - a) Impact avoidance and mitigation measures relating to protected species within the development site;
  - b) Risk assessment of potentially damaging construction activities;
  - c) Practical measures to avoid and reduce impacts during construction including but not limited to dust management and polluted run off control;
  - d) Location and timing of works to avoid harm to biodiversity features (all materials, machinery and work should remain within the red line

- boundary at all times before, during and after construction is completed)
- e) Responsible persons and line of communication; and
  - f) Use of protected fences, exclusion barriers and warning signs where required.
- 5) 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. The development shall be carried out in accordance with the approved details.
- 6) 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 local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory 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 & 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 of 2.3 litres/sec.
  - 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.
  - 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.
- 7) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the local planning authority. This shall demonstrate that the drainage system has been constructed in accordance with the agreed scheme (detailing 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).
- 8) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice

and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority on completion and approved in writing by the local planning authority.

- 9) Clean, uncontaminated rock, soil, brick rubble, crushed concrete or ceramic only shall be permitted as infill material. The developer shall not import any material until a sampling program, including appropriate import criteria for the proposed end use and frequency of sampling, has been submitted in writing, and approved by, the local planning authority. The developer shall carry out the approved sampling program to check that all imported material conforms to the agreed criteria. The sampling program shall also include samples taken from the imported material after final placement. Written confirmation of the suitability of all imported materials shall be provided to the local planning authority as a written verification report. This shall include both the results of the sampling program and also details of the origin, transport, final deposition and any temporary stockpiling of the imported materials. The verification report shall be submitted to, and agreed in writing by, the local planning authority before occupation of any part of the site. Verification of imported materials and preparation of the report shall be carried out by an independent, competent person, stating that the site is suitable for the permitted end use.
- 10) No development including groundworks or 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 or 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 and to ensure that all tree protection measures are installed in accordance with the approved tree protection plan(s) Keen Consultants 8-14 Oatlands Drive Weybridge Tree Protection Plan Drawing Number 1357-KC-XX-YTREE-TPP01Rev0 April 2020. Thereafter, all tree protection measures shall be maintained for the course of the development works.
- 11) No development including groundworks or demolition shall take place until all supporting arboricultural information has been submitted to and approved in writing by the local planning authority. This shall include:

- a) location and installation of services/utilities/drainage/soakaways, including services to automated gates.
- b) details of construction and installations including methodologies within a root protection area or that may impact on retained trees.
- c) full specification for the construction of any roads, parking areas, driveways, hard surfacing, including details of no dig specification and extent of the areas to be constructed using no dig surfacing.
- d) all arboricultural site monitoring and supervision required for the duration of the development.

The development thereafter shall be implemented in strict accordance with the approved details. All tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).

- 12) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of first occupation of any building for its permitted use, other than in accordance with the approved plans details, without the prior written approval of the local planning authority.  

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 13) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place before the end of the next available planting season and that tree shall be of such size and species as may be specified in writing by the local planning authority.  

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 14) A scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land to be retained and set out measures for their protection throughout the course of development. It shall also include details of boundary treatments and fencing which shall incorporate suitable gaps (13cm x 13cm) to allow species such as hedgehogs to move through the site post development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 15) No development shall commence above ground level until details / samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 16) Prior to the first occupation of the development all above ground level side facing windows 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 (or equivalent) and shall only be openable above a height of 1.7m above the internal floor level of the room to which it serves. The windows shall be permanently retained in that condition thereafter.

- 17) Notwithstanding the approved plans, prior to the first use/occupation of the balconies hereby approved details of 1.8m privacy screens shall be submitted to, and approved in writing by, the local planning authority. The screens shall be erected on the side of the balconies and shall be permanently retained in accordance with the approved details.
- 18) The design and structure of the development shall be of such a standard (BS 8233:2014) that it protects residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. The development shall be retained as such thereafter.
- 19) No part of the development hereby approved shall be occupied unless and until the following have been provided:
  - a) new access to the site from Oatlands Drive
  - b) bus stops upgrades at stops adjacent to the site on Oatlands Drive
  - c) a new uncontrolled pedestrian crossing on Oatlands Drive
  - d) reinstatement of the kerblines and footway and existing accesses closed
  - e) provision of "Keep Clear" demarcation to the road in front of the new access.

These details shall be provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority through a Section 278 agreement, under the Highways Act 1980. The measures thereafter shall be permanently retained and maintained.

- 20) No part of the development shall be first occupied unless and until the proposed vehicular and pedestrian accesses to the site have been constructed and provided with visibility zones in accordance with the approved plans; thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 21) The development hereby approved shall not be first occupied unless and until the existing accesses from the site to Oatlands Drive have been permanently closed and any kerbs, verge, footway, fully reinstated.
- 22) 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.
- 23) The development hereby approved shall not be first occupied unless and until space has been laid out in accordance with the approved plans for the storage of refuse within the development site. The storage facilities shall be retained and maintained thereafter.



- 24) The development hereby approved shall not be occupied unless and until a scheme for the provision of fast charge sockets (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) has been submitted to and approved in writing by the local planning authority. The development shall and thereafter be retained and maintained in accordance with the approved scheme.
- 25) The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) LANMOR Consulting Ltd, 8-14 Oatlands Drive, Weybridge, November 2020, 191216/FRA/MK/RS/01 Rev B and the following mitigation measures detailed within the FRA:
1. Finished floor levels are set no lower than 11.850 metres above Ordnance Datum (mAOD)
  2. No built development will be located within the 1% AEP plus 35% climate change flood extent.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 26) Prior to the commencement of development above ground level, 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.
- 27) No development shall commence above ground level until a detailed Sensitive Lighting Management Plan shall have been submitted to and approved in writing by the local planning authority. The report shall demonstrate that the development would not result in a net increase in artificial lighting and shall include lighting plots and evidence that effort has been made to address lightspill, by for example (but not limited to) using low level lighting, cowling and landscape screening. The approved scheme shall be fully implemented and thereafter retained, in accordance with the approved details.
- 28) Prior to first occupation of any of the buildings, measures shall be carried out in accordance with the mitigation, compensation and enhancements actions presented in the Conclusions and Recommendations in the Ecology Report by AA Environmental Limited (ref: 193355/JDT) dated 24/02/2020 and the Discussion and Recommendations in the Supplementary Bat Report by AA Environmental Limited (ref: 193355) dated November 2020. A soft felling approach shall be undertaken to the felling of any trees with low roost suitability under the watching brief of a licenced bat ecologist. The development offers opportunities to restore or enhance biodiversity measures to help offset localised harm to biodiversity caused by the development process. The development shall include provision of bird and bat boxes erected on or integral within the new buildings or on neighbouring trees.

Any trees identified for planting should be complimentary to those growing in adjacent and surrounding deciduous woodland identified as habitat of principal importance, using native species raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.

## Appeal B

- 29) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 30) The development hereby permitted shall be carried out in accordance with the following approved plans:  
MA196 201 Rev P1, MA196 230 Rev P3, MA196 250 Rev P1, MA196 251 Rev P3, MA196 252 Rev P1, MA196 253 Rev P1, MA196 254 Rev P1, MA196 255 Rev P1, MA196 300 Rev P1, MA196 310 Rev P1, MA196 320 Rev P1, MA196 321 Rev P1, MA196 331 Rev P1, MA196 335 Rev P1, MA196 336 Rev P1, MA196 340 Rev P1, MA196 341 Rev P1, MA196 350 Rev P1, MA196 351 Rev P1 received on 26/11/2020; MA196 330 Rev P1 received on 14/12/2020.
- 31) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site personnel, operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding behind any visibility zones;
  - v) measures to prevent the deposit of materials on the highway;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) on-site turning for construction vehicles;
  - viii) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
  - ix) programme of works (including measures for traffic management).
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 32) Prior to the commencement of the development hereby approved, a detailed Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP should include details of how the protected habitats (Habitat of Principal Importance – Deciduous Woodland and Freshwater Pond; and River Thames Site of Nature Conservation Importance) and species will be protected from any adverse impacts as a result of construction. In addition, the CEMP should include adequate details of:

- a) Impact avoidance and mitigation measures relating to protected species within the development site;
  - b) Risk assessment of potentially damaging construction activities;
  - c) Practical measures to avoid and reduce impacts during construction including but not limited to dust management and polluted run off control;
  - d) Location and timing of works to avoid harm to biodiversity features (all materials, machinery and work should remain within the red line boundary at all times before, during and after construction is completed)
  - e) Responsible persons and line of communication; and
  - f) Use of protected fences, exclusion barriers and warning signs where required.
- 33) 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. The development shall be carried out in accordance with the approved details.
- 34) 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 local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory 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 & 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 of 2.3 litres/sec.
  - 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.
  - 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.
- 35) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the local planning authority. This shall demonstrate that the drainage system has been constructed in

- accordance with the agreed scheme (detailing 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).
- 36) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority on completion and approved in writing by the local planning authority.
- 37) Clean, uncontaminated rock, soil, brick rubble, crushed concrete or ceramic only shall be permitted as infill material. The developer shall not import any material until a sampling program, including appropriate import criteria for the proposed end use and frequency of sampling, has been submitted in writing, and approved by, the local planning authority. The developer shall carry out the approved sampling program to check that all imported material conforms to the agreed criteria. The sampling program shall also include samples taken from the imported material after final placement. Written confirmation of the suitability of all imported materials shall be provided to the local planning authority as a written verification report. This shall include both the results of the sampling program and also details of the origin, transport, final deposition and any temporary stockpiling of the imported materials. The verification report shall be submitted to, and agreed in writing by, the local planning authority before occupation of any part of the site. Verification of imported materials and preparation of the report shall be carried out by an independent, competent person, stating that the site is suitable for the permitted end use.
- 38) No development including groundworks or 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 or 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 and to ensure that all tree protection measures are installed in accordance with the approved tree protection plan(s) Keen

Consultants 8-14 Oatlands Drive Weybridge Tree Protection Plan Drawing Number 1357-KC-XX-YTREE-TPP01Rev0 April 2020. Thereafter, all tree protection measures shall be maintained for the course of the development works.

- 39) No development including groundworks or demolition shall take place until all supporting arboricultural information has been submitted to and approved in writing by the local planning authority. This shall include:
- a) location and installation of services/utilities/drainage/soakaways, including services to automated gates.
  - b) details of construction and installations including methodologies within a root protection area or that may impact on retained trees.
  - c) full specification for the construction of any roads, parking areas, driveways, hard surfacing, including details of no dig specification and extent of the areas to be constructed using no dig surfacing.
  - d) all arboricultural site monitoring and supervision required for the duration of the development.

The development thereafter shall be implemented in strict accordance with the approved details. All tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).

- 40) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of first occupation of any building for its permitted use, other than in accordance with the approved plans details, without the prior written approval of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 41) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place before the end of the next available planting season and that tree shall be of such size and species as may be specified in writing by the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 42) A scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land to be retained and set out measures for their protection throughout the course of development. It shall also include details of boundary treatments and fencing which shall incorporate suitable gaps (13cm x 13cm) to allow species such as hedgehogs to move through the site post development. All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 43) No development shall commence above ground level until details / samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 44) Prior to the first occupation of the development all above ground level side facing windows 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 (or equivalent) and shall only be openable above a height of 1.7m above the internal floor level of the room to which it serves. The windows shall be permanently retained in that condition thereafter.
- 45) Notwithstanding the approved plans, prior to the first use/occupation of the balconies hereby approved details of 1.8m privacy screens shall be submitted to, and approved in writing by, the local planning authority. The screens shall be erected on the side of the balconies and shall be permanently retained in accordance with the approved details.
- 46) The design and structure of the development shall be of such a standard (BS 8233:2014) that it protects residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. The development shall be retained as such thereafter.
- 47) No part of the development hereby approved shall be occupied unless and until the following have been provided:
  - a) new access to the site from Oatlands Drive
  - b) bus stops upgrades at stops adjacent to the site on Oatlands Drive
  - c) a new uncontrolled pedestrian crossing on Oatlands Drive
  - d) reinstatement of the kerblines and footway and existing accesses closed
  - e) provision of "Keep Clear" demarcation to the road in front of the new access.

These details shall be provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority through a Section 278 agreement, under the Highways Act 1980. The measures thereafter shall be permanently retained and maintained.
- 48) No part of the development shall be first occupied unless and until the proposed vehicular and pedestrian accesses to the site have been constructed and provided with visibility zones in accordance with the approved plans; thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 49) The development hereby approved shall not be first occupied unless and until the existing accesses from the site to Oatlands Drive have been permanently closed and any kerbs, verge, footway, fully reinstated.
- 50) 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.

- 51) The development hereby approved shall not be first occupied unless and until space has been laid out in accordance with the approved plans for the storage of refuse within the development site. The storage facilities shall be retained and maintained thereafter.
- 52) The development hereby approved shall not be occupied unless and until a scheme for the provision of fast charge sockets (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) has been submitted to and approved in writing by the local planning authority. The development shall and thereafter be retained and maintained in accordance with the approved scheme.
- 53) The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) LANMOR Consulting Ltd, 8-14 Oatlands Drive, Weybridge, November 2020, 191216/FRA/MK/RS/01 Rev B and the following mitigation measures detailed within the FRA:
  1. Finished floor levels are set no lower than 11.850 metres above Ordnance Datum (mAOD)
  2. No built development will be located within the 1% AEP plus 35% climate change flood extent.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 54) Prior to the commencement of development above ground level, 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.
- 55) No development shall commence above ground level until a detailed Sensitive Lighting Management Plan shall have been submitted to and approved in writing by the local planning authority. The report shall demonstrate that the development would not result in a net increase in artificial lighting and shall include lighting plots and evidence that effort has been made to address lightspill, by for example (but not limited to) using low level lighting, cowling and landscape screening. The approved scheme shall be fully implemented and thereafter retained, in accordance with the approved details.
- 56) Prior to first occupation of any of the buildings, measures shall be carried out in accordance with the mitigation, compensation and enhancements actions presented in the Conclusions and Recommendations in the Ecology Report by AA Environmental Limited (ref: 193355/JDT) dated 24/02/2020 and the Discussion and Recommendations in the Supplementary Bat Report by AA Environmental Limited (ref: 193355) dated November 2020. A soft felling approach shall be undertaken to the

felling of any trees with low roost suitability under the watching brief of a licenced bat ecologist. The development offers opportunities to restore or enhance biodiversity measures to help offset localised harm to biodiversity caused by the development process. The development shall include provision of bird and bat boxes erected on or integral within the new buildings or on neighbouring trees.

Any trees identified for planting should be complimentary to those growing in adjacent and surrounding deciduous woodland identified as habitat of principal importance, using native species raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.

- 57) The flat roofs 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 local planning authority.