

Town & Country Planning Act 1990 Right to Appeal under Section 78

Location; 16 - 18 Oatlands Drive (O.D.)

Reference: AAP/W/24/3337473

Planning Reference: 2022/3796

**Submitted by Jon Blakeley-Glover, 1 Ashley Close, Walton-on Thames,
KT12 1BJ**

Dated: 3rd May 2024

Request to Dismiss the Developer Appeal

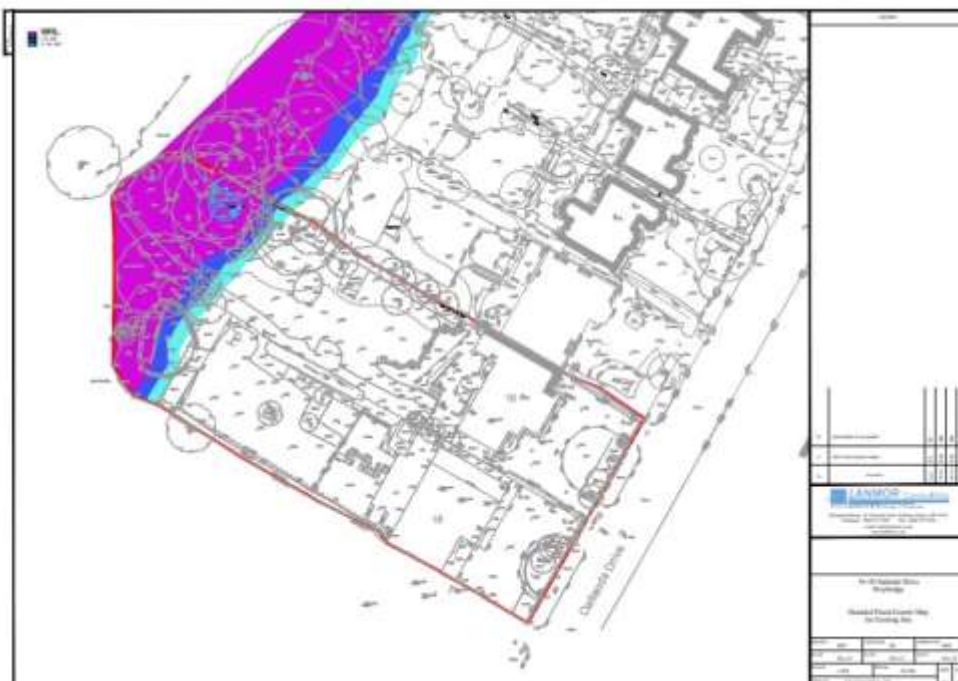
1. Introduction

The following document details the reasons for objecting to the proposed development on the basis of the following factors

- The impact of flooding to the site causing the lack of recreational/leisure space in the rear garden as a result of development over-massing
- Positions Taken by Savills January 2024 Report re: Tilted Balance
- Misrepresentation of key factors by Savills January 2024 Report
- Character of the Ridge Partners/Consero re. Compliance/Credibility

2. Impact of Flooding removing any recreational/leisure space in the 16-18 rear garden, since the development is over massed

2.1. The Lanmor Consulting report (Original Nov 2022, updated 2023) illustrates the flood risk for the area as based on the Zone 1, 2 3 nomenclature. Lanmor's map clearly shows that the rear area of the development is subject to the significant flood risk.



2.2. The following map by Lanmor shows that for an earlier 16-18 Oatlands Drive development plan, the rear garden of the development is within the flood zone. However the map fails to show the large Engine Pond which is a material factor in the flood assessment.



2.3. The above are maps intended to demonstrate the overall picture of potential flooding impact on the development site. The next step is to use actual data in the form of recent photographic evidence. The photo below (17th March 2024) shows the current situation behind the 8-14 Oatlands Drive development.



It is clear that the water levels are very different with the result that there is no effective recreational/leisure space at the back of the 8-14 Oatlands Drive development. The green bank slopes some is c. 30 degrees with consequence that anyone standing on this slope would likely fall into the Engine Pond. It is noted that there are no safety measures to prevent such accident.

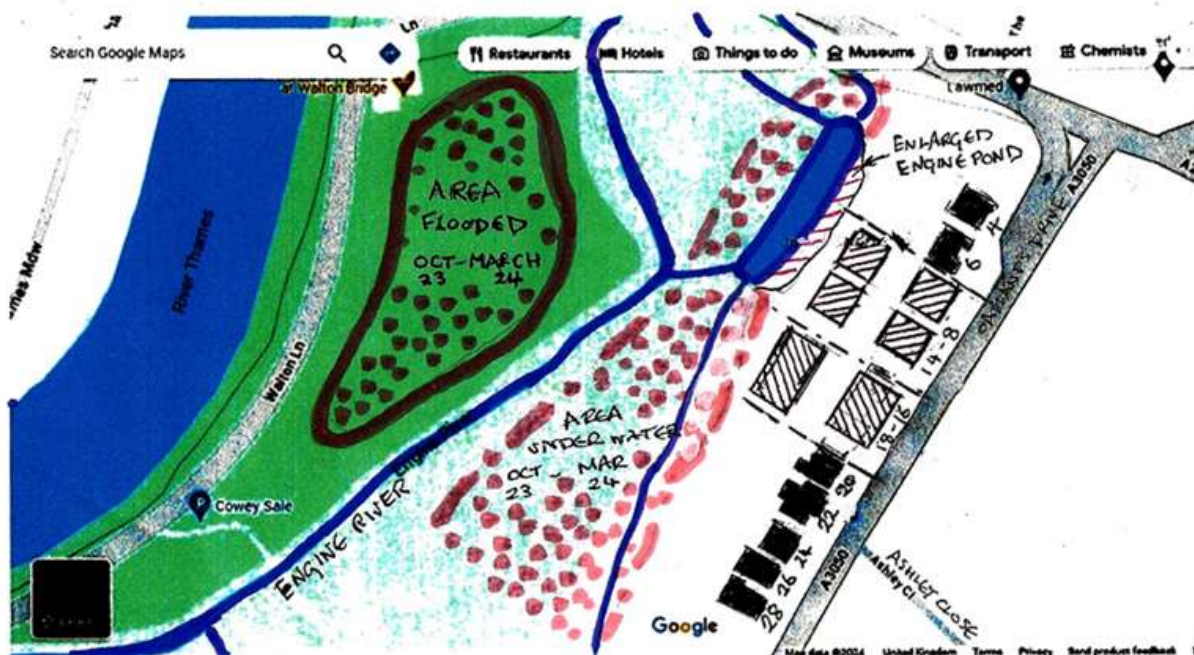


Compare the photo above to the below CGI portrayals.



The above CGI clearly suggests that people are walking and sitting on a relatively flat green recreational area, which does not exist. This is a complete misrepresentation by the developer, which stems from either the miscalculation of the local flooding extent and/or basic surveying practices. This misrepresentation of the amenity space is highly significant since it is the same developer, Ridge Partners/Consero that proposes to develop the 16-18 Oatlands Drive site.

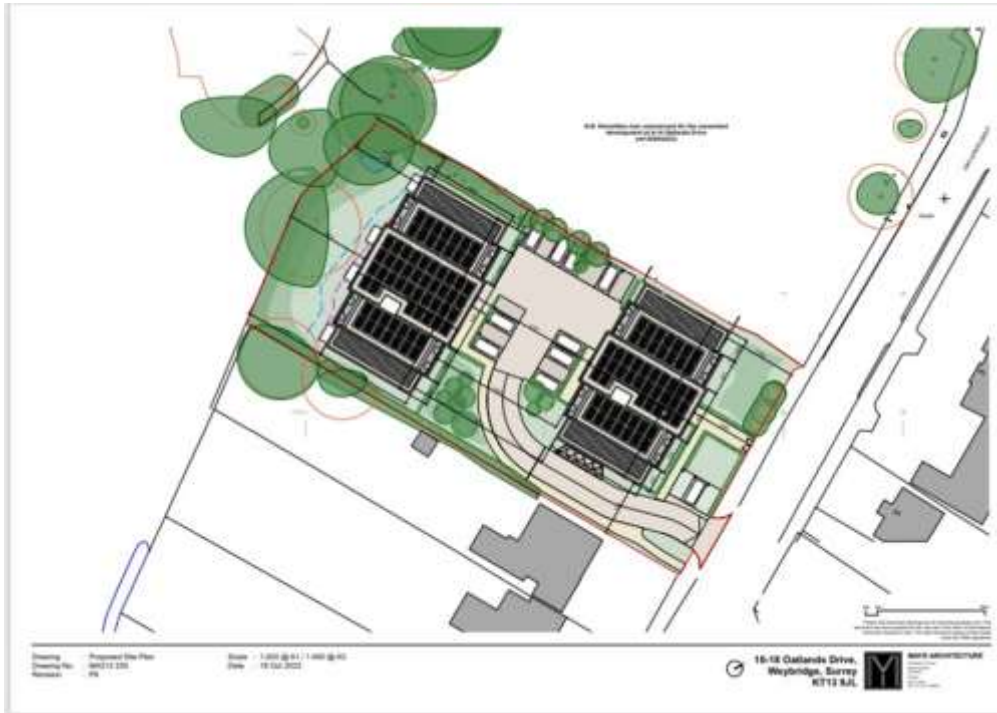
2.4. The map below is compiled from google maps and updated to capture the observations over the period October 2023 to March 2024, and shows the mapped areas of flooding as related to the site area. This compiled map is in accordance with the above photo, together with photo evidence taken from the rear garden of 20 Oatlands Drive. This area is clearly flooded and next to the 16-18 Oatlands Drive development site.



The photograph below is taken from the rear garden of 20 Oatlands Drive which demonstrates the extensive flooding from October 2023 to March 2024, which was not predicted.



- The above map and photographic evidence demonstrates various issues:
- a. The extent of the flooding in the immediate area is extensive and not as predicted. Predictions of a regional nature may hold, whereas predictions on a very localised level are unlikely to stand up, since flood prediction is not an exact science, as demonstrated by the above photographic evidence.
 - b. The enlarged Engine Pond's closeness impacts the garden area of 8-14 O.D. (see photo above), whilst there is an extensive area under water at the rear of the 16-18 O.D.
 - c. The impact of climate change is clear and is progressing faster than the map surveys conducted several years ago, which no longer precisely define the true extent of flooding.
- 2.5. Hence there is clear and undisputed evidence that, just like the 8-14 Oatlands Drive development, there will be effectively no rear recreational/leisure space for the proposed 16-18 Oatlands Drive development. Interestingly no flood risk detail is shown clearly on the developer's plan, see diagram above.



2.6. This is in complete contrast to the other older developments along the northern side of Oatlands Drive that are referenced in the Savills report, whereby the developments have spacious recreational/leisure area. Because the 16-18 Oatlands Drive is over-massed, there is effectively no rear garden space as compared to other flatted developments along Oatlands Drive.



Chesham Court - 45 Watlington Drive - Borehamwood





Berkeley Court - Rear elevation



Broad Water Place - Rear elevation

- 2.7. The 8-14 Oatlands Drive development required a significant amount of earth to be removed from the rear garden to accommodate the over-massed development. Such removal, despite drainage efforts, has the impact of loss of flood storage. Accordingly it is likely from the evidence above, that part of the Engine Pond expansion in 2023/2024 results from the loss in flood storage.
- 2.8. The removal of large sections of earth to accommodate the higher rise rear back building of the 16-18 Oatlands Drive development will likely have the same effect and the majority of the rear garden will be flooded. If the development was massed at a reasonable size, then this problem would not exist.
- 2.9. It is noted that SCC Flood Risk Planning (30 January 2023) rejected the developers proposed drainage scheme since it did not comply with NPPF & PPG standards and requirements. Lanmor Consulting in their letter of 6th April 2023 responded to this rejection. There appears to be no compliance documentation that the SCC Flood Risk Planning has since approved the developer's proposed drainage scheme.
- 2.10. The above clearly demonstrates that the current 8-14 Oatlands Drive development does not meet the requirements for adequate recreational/leisure space and moreover the current development plan for 16-18 Oatlands Drive will similarly fail to provide the recreational/leisure space needed for sustainable living. The lack of such space is due solely to development over massing. The photos of the other flatted developments along Oatlands Drive clearly have adequate recreational/leisure space and set a strong precedent with regards to how such developments should be designed. Moreover since the said rear buildings are set back further, then they do not negatively impact the view from the Green Belt area. Hence from a tilted balance and over-massed standpoint the proposed 16-18 development should be rejected.

3. Positions Taken by Savills January 2024 Report re: Tilted Balance

- 3.1. Firstly it is considered that Savills detailed report section with regard to EBC not meeting their housing targets and not having a Finalised Plan is both undignified and unprofessional. It is common knowledge that throughout the UK, housing targets have not been met due to many factors, and to make the argument that developments should by default go ahead on a tilted balance standpoint is unacceptable.
- 3.2. In reality Government policy has understandably made ambitious housing targets to provide the right housing and make better living places. However it is realistic/fair to say that these targets are somewhat arbitrary and inflated. Unfortunately local authorities like EBC are then held responsible for meeting these targets despite, for the most part, not building homes themselves. When the targets are missed, the end result should not lead to a loosening of local planning control which in turn leads to inappropriate developments.
- 3.3. This is also in the context that Covid has interfered with the ability of local Councils like EBC to deliver their future development plans in a time frame that was set before the onset of Covid. It is therefore inappropriate and unprofessional by Savills to argue that a default approval is given to a development. This is not in the spirit of a sustainable development approach and the argument that is this 'tips the balance' should not be upheld.
- 3.4. On December 6th 2022 Michael Gove advised that local authorities (i) end their obligation to maintain a rolling 5 year supply of housing and (ii) sustainable developments apply, while tilted-balance over-riding arguments will not typically apply. The most important factor being that the housing plan will be best in the form of community action and protection.
- 3.5. Accordingly it is proposed that the Section 5 of the Savills report be disregarded.
- 3.6. Additionally on 6th December 2022 Michael Gove announced the intent to place communities at the heart of the planning system, not developers with only their commercial interests in play. He requires that housing numbers set are purely advisory and it is up to local authorities working with their communities to determine which and how many houses should be built. Full consideration should be given to the precious Green Belt, the character of the area and heritage assets.
- 3.7. 16-18 Oatlands Drive (with ostensibly no rear garden) is directly adjacent to the Green Belt, hence any development should be fully respectful and large massed buildings immediately next to/looking onto the Green Belt where views from the Green Belt are greatly disadvantaged, should not be approved.
- 3.8. In the case of 16-18 Oatlands Drive the introduction of large massed building close to the pavement is totally out of keeping with this residential leafy street area.
- 3.9. In the case of 16-18 Oatlands Drive the proposed development is immediately opposite a listed building and again not in character with the surroundings.

4. Misrepresentations by Savills January 2024 Report

- 4.1. It is important to note that amongst factually correct aspects of Savills report, there are numerous occasions where the report is littered with 'estate agent speak'. Accordingly many issues appear to be misrepresented which can lead to false conclusions being drawn with regards the proposed 16-18 Oatlands Drive development, which are summarised below.
- 4.2. The area along Oatlands Drive is clearly residential and not urban. Urban is defined as belonging to a town or a city. Oatlands Drive does not belong to the town of Walton-on-Thames, since its characteristics are wholly different to the town centre. The S.E. side of Oatlands Drive is made up of large detached houses with large front and back gardens in a leafy setting, which includes listed properties. The N.E. side of Oatlands Drive is made up of large detached houses, bungalows, and modest flatted apartments with ample front and rear garden space. This is not an urban setting, but a peaceful, leafy street scene.
- 4.3. Additionally Savills appears to mislead the reader who is not familiar with the area by referencing buildings that have no relevance to the Oatlands Drive street scene. Savills refer to the Heart shopping centre, the Aston Martin Garage and even the Homebase development which are not in view of the 16-18 Oatlands Drive proposed development and part of a wholly different urban street scene. The suggestion by Savills is that Oatlands Drive is urban in nature is completely false.
- 4.4. The photo below shows how 4-6 Oatlands Drive residential houses are dwarfed by the large 8-14 Oatlands Drive development, as are the properties in the distance.



The photos below show the 8-14 Oatlands Drive area pre and post development. The development is incongruous, oppressive, and harmful due to its scale, massing, design, and layout. Accordingly it fails to sit comfortably within the residential environment and no such over massed flatted developments should be permitted.



4.5. Furthermore the modest flatted apartments are typically set back from the road allowing adequate front garden space, as per the Broadwater Place development, thus preserving the street scene.



4.6. With regard to the massing of the 16-18 Oatlands Drive, it is argued that such massing is not incompatible with the flatted developments along Oatlands Drive. This again is a misrepresentation as shown by the table below.

4.7. The average DPH for the pre-2020 Oatlands Drive developments is 31.6 dph. Compare this to the 16-18 Oatlands Drive development which is 298% above this average. Also consider the distance of the developments from the pavement. Hence it cannot be argued that the 16-18 Oatlands Drive is in keeping, not over-bearing and not harmful to the street scene of this residential area.

Site	# of units	Approx. site area (m2)	Density (DPH)	Extensity communal gardens	Tandem Development	Minimum Distance from pavement	Percentage variation to pre-2020 Development Average
2022/3796 16-18 Oatlands Drive	33	3500	94.3	N	Y	12.1m	298.1%
8-14 Oatlands Drive	51	5500	92.7	N	Y	11.9m	293.1%
Chaseley Court	18	5700	31.6	Y	N	18.29m	99.9%
Anarth Court	9	3247	27.7	Y	N	17.4m	87.6%
Treglos Court	9	3200	28.1	Y	N	15.5m	88.8%
Albany Court	10	3579	27.9	Y	N	15.5m	88.2%
Beckworth Place	9	30.95	29.1	Y	N	15.3m	92.0%
Oakhill Gardens	18	4400	40.9	Y	N	20m	129.3%
Broadwater Place*	25	6933	36.1	Y	N	13.5m	114.1%
Notes							
* Google Earth							
Pre 2020 Oatlands Drive Development average DPH =			31.6				

- 4.8. The CGI in the Savills report is totally misleading with regard to the rear garden space, as per the CGR shown below for the 8-14 Oatlands Drive rear garden space. Due to the higher water levels observed from October 2023 to March 2024, the lower part of the garden will likely be under water for a good part of the year. Additionally the mild slope of the grass, given the steepness of the existing steep topography, is likely to be much greater. Consequently there will be very little recreational /leisure space which is unacceptable and unsustainable.



Figure 4.4. CGI of proposed development's rear elevation fronting on to landscaped communal garden

5. Character of the Developer Ridge Partners / Consero Compliance & Credibility

5.1. The Ridge Partners/Consero are also responsible for the planning and building of the 8-14 Oatlands Drive development, now referred to as Riverside Gardens. In the course of their development they appear to have made significant professional errors/ misrepresentations, which are summarised as follows;

- 5.1.1. The Ridge Partners/Consero were non-compliant with the their Construction Management Plan, which required that the parking for vehicles of site personnel, operatives and visitors should not prejudice highway safety nor cause inconvenience to other highway users 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). The developer failed to meet this requirement by causing great inconvenience to the residents of

Ashley Close and in often cases, created highway safety issues by the parking of large vehicle on either side of a narrow residential road.

- 5.1.2. Ridge Partners/Consero have also breached planning permission with regards to the lift over-runs and the smoke stacks whereby EBC refused permission, but the developer built them regardless. Both the lift over-runs and smoke stacks on the roofs of all 4 buildings are unsightly and degrade the street scene.
- 5.1.3. Additionally Ridge Partners/Consero also appear to have breached planning permission with regards to the unauthorised sliding doors on the top floors to gain access to the roof areas, which overlook the adjacent properties, when planning permission for the roof terraces was refused.
- 5.1.4. Additionally Ridge Partners/Consero appear to have failed to be compliant with the landscaping approved plan, resulting in harm to the street scene. The minimal landscaping fails to deliver the promised screening of the bulk and massing of the development or fit in with the leafy tree lined street.
- 5.1.5. Additionally the inadequate landscaping bears little resemblance to the planned intent e.g. hedging and trees and the removal of trees with TPOs' is unforgivable.
- 5.1.6. These non-compliance issues ties up the valuable resources of the various EBC sections, and such an approach makes one question the integrity of the Ridge Partners/Consero to implement any further developments.

6. Recommendation to Uphold Elmbridge Borough's Council to deny the 16-18 Oatlands Drive Appeal

- 6.1. The onset of much higher water levels than predicted is undisputable as per the evidence above e.g. the flooding of the rear garden at the 8-14 Oatlands Drive site, together with the recent mapping of the areas under water for the period October 2023 to March 2024. The over massing has resulted in little land being allocated to rear garden amenity space and that which has been allocated is flooded. The topography along all the rear gardens of this area of Oatlands Drive are so steep that in order to preserve amenity space, adequate areas of land have been an integral part of existing developments. Clearly the 8-14 Oatlands Drive has made a grave mistake and it is recommended that the 16-18 Oatlands Drive proposed development does not make the same mistake.
- 6.2. The tilted-balance commercial arguments made by Savills appear to be both unprofessional, and are no longer relevant as per Gove's instruction of December 2022, and should be duly dismissed. Savills arguments have no connection to sensible local decision making, but appear purely commercial in nature. They do not reflect local constraints, consider the impact on the adjacent Green Belt or consider any neighbourhood say.
- 6.3. The apparent misrepresentations by Savills might question their objectivity, with their report being littered with estate agent speak. Savills misrepresent the nature of the area; it is residential not urban. Their CGI's of the rear garden spaces appear are at best misleading and at worst unethical. Their portrayal that the proposed construction fits well with the street scene is untrue, the dph is 94.3 as compared to a pre-2020 average dph of the other

flatted developments much further along Oatlands Drive of 31.6, an increase of some 298%! The impact on the adjacent Green Belt appears to be grossly misrepresented.

- 6.4. The character of Ridge Partners/Consero is undoubtedly a concern whereby they appear to have flouted planning permissions in their build e.g. lift over-runs, smoke stack over-runs, had no serious community involvement, adversely impacted road safety in Ashley Close by not adhering to their Construction Management Plan, not delivered on their planting programme etc. etc.

I thank you for taking the time to reflect on the above submission and respectfully request that you dismiss the appeal for the 16-18 Oatlands Drive development.