



**Introduction:**

The application which is the subject of this appeal was recommended for approval by the Council's professional Officers. In their report to planning committee (Appendix E of the LPA's Statement of Case) Officers explained why the proposals were acceptable and should be approved, summarising (Paragraph 128) "*The proposal would add thirty one [sic] net additional housing units which is of an acceptable unit mix, officers attribute significant weight to this. The proposal is also acceptable in terms of policy for design, impact on neighbouring properties, impact on future occupiers, highways, safety & parking, trees and ecology which are given moderate weight*". The report rightly concluded (Paragraph 129) that "**As such the adverse impacts of granting permission are not considered to significantly and demonstrably outweigh the benefits and therefore the application is recommended for approval**".

Against the strong recommendation of Officers, a majority (but not all) of the planning committee members voted to refuse the application. Against this, some of the Members in favour commented that the application was exactly the type of development which the Council needs to approve, as it complies with policy requirements to re-develop existing plots at higher densities in order to meet its housing targets. As set out in their Statement of Case, the Council's position is now, contrary to the above Officer recommendation and despite a continued acknowledgement that the tilted balance in favour remains engaged, that "**the harm identified by the Councillors in their reasons for refusal is considered to significantly and demonstrably outweigh the benefits of the proposal and therefore it is requested that the Inspector dismisses the appeal.**"

The Appellant's submitted Statement of Case (SOC) explains in detail why the development proposals are acceptable, therefore it is not the purpose of this document to repeat the Appellant's case again. However, given the contrary position the Council now takes on the development proposals, including the many inconsistencies we have identified between the Officer's report and the Council's appeal statement, it is necessary to address this in our final comments to the Inspector.

Our final comments are provided in the table below. The relevant parts of the LPA's Statement of Case that warrant a response are quoted in the left hand column and the appellant's response is provided in the right hand column.

**Appendices:**

The following documents are also referred to in this rebuttal and are attached as appendices:

1. The consultee response provided by the Council's Senior Conservation and Design Officer (NB. This information should have been provided but was not included in the information issued by the Council with its appeal questionnaire on 9 April 2024.)
2. The consultee response provided by Spelthorne Borough Council (NB. This information should have been provided but was not included in the information issued by the Council with its appeal questionnaire on 9 April 2024.)
3. A letter from the Council on 30 April 2024 to the Planning Inspector appointed to examine the Elmbridge Borough Council New Local Plan requesting to pause the examination hearing sessions due to the fact the Council considers its own housing land supply evidence to be unreliable and needs to be started again completely from scratch.
4. Photographs illustrating the overgrown and waterlogged nature of the Engine River dirt footpath.
5. A map of the Engine River dirt footpath showing its relationship to the rear of the appeal site.
6. The 'Update Sheet' provided to Members of the Planning Committee immediately prior to the planning committee meeting in November 2023.

LPA's Statement of Case	Appellant's Response
<p>1.1 This statement is submitted by the Borough Council in response to the appeal under Section 78 against the refusal of planning permission ref. 2022/3796, 'Development of 2 detached blocks comprising 33 flats with new vehicular access, associated parking, cycle storage, refuse storage and amenity areas with hard and soft landscaping, and associated engineering and infrastructure works, following demolition of existing houses.' It should be read in conjunction with the documents submitted with the appeal questionnaire, which together form the Council's full statement of case. The appeal questionnaire contains consultation responses and representations; and the Officer's report, which includes the following information: description of the application/appeal site and its surroundings, brief outline of the relevant planning history and a brief description of the appeal proposal; and the planning assessment.</p>	<p>Clarification: In the LPA's questionnaire, under item 13.b the LPA have stated the proposed development would affect the setting of a listed building. Whilst there are listed buildings nearby, it is pertinent to clarify that, at no point has the LPA claimed the setting of the nearest listed buildings would be affected. This is self-evident from the Officer's report to committee (paragraph 68) states that "<i>The site is located outside of a conservation area and there are a number of listed buildings in the vicinity. Whilst there are a number of heritage assets nearby, it is considered that the proposals would not harm their setting. The settings would be altered but this is not considered harmful in this specific situation</i>".</p> <p>This is reinforced by the consultation response provided by the Council's Senior Conservation and Design Officer, who advised "<i>There is no impact on the setting of the nearby heritage assets</i>" and "<i>the proposal would result in no harm to heritage or in design terms</i>".</p>

	<p>Also in the questionnaire, under item 19.b the LPA have stated the proposed development would be likely to affect protected species. This is incorrect as subject to the mitigations proposed, there is no objection from either the LPA's ecology consultee (Surrey Wildlife Trust), or the Surrey Bat Group. This is summarised in the Officer's report to committee at paragraph 101 which confirms the appeal scheme would comply with the relevant Development Plan policies:</p> <p><i>"Given the consultation response from SWT following their detailed inspection of the site, it is considered that the proposal would comply with Policy CS15 of the Core Strategy 2011 and Policy DM21 of the Development Management Plan 2015."</i></p>
<p>2.2 On the site, the trees protected by TPO are located to the northern corner of the site, in the existing rear garden of No.16 Oatlands Drive. The Flood Risk is largely contained to the rear of the site with surface water flooding to the front of the existing property at No.18. Opposite the site are several Grade II listed buildings at No.1,3 &amp; 11 Oatlands Drive. The rear of the site is constrained by Green Belt, Priority Habitat and Area of Biodiversity Opportunity.</p>	<p>The submitted Flood Risk Assessment does not show that the site is subject to risk of surface water flooding, and this was not raised as an issue during the application's determination, therefore the suggestion in the text opposite is refuted. Paragraph 3.2.2. of the submitted FRA stated that:</p> <p><i>"The site is indicated as having a very low risk of surface water flooding, as shown in Figure 3.2 below for the 1.0% event. The site and Oatlands Drive is not highlighted to be at risk, nor has there been any records of past surface water flooding incidents. The SFRA mapping provided by Elmbridge Borough Council also outlines the site to be at very low risk of surface water flooding."</i></p> <p>The response of the Lead Local Flood Authority dated 28 April 2023 confirms that the application is acceptable subject to conditions.</p> <p>As an important point of clarification, the rear of the site is not constrained by Green Belt, i.e. none of the site forms part of the Green Belt. The land which is designated Green Belt is beyond the site boundary to the rear of the site.</p>
<p>4.6 Policy CS3 sets out that 'outside of the town centre, new development will be promoted through redevelopment of previously developed land, taking account of relative flood risk, in a way that integrates with and enhances local character'.</p>	<p>In addition to Policy CS3 which applies specifically to the Walton on Thames area, it is important to recognise that Policy CS2 'Housing provision, location and distribution', which is a borough wide policy, states that:</p> <p><i>"The Council will encourage appropriate housing development on previously developed land within the urban area, and through the use of existing building stock by ... Ensuring effective use of urban land for housing by delivering high-density housing developments in the most sustainable locations."</i></p>
<p>4.7 Policy CS17 (Local Character, Density and Design) states "New development will be required to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area. Innovative contemporary design that embraces sustainability and improves local character will be supported (see CS1-Spatial Strategy). New development should enhance the public realm and street scene, providing a clear distinction between public and private spaces."</p>	<p>We note the emphasis within Policy CS17 which seeks to maximise the efficient use of urban land and would also highlight that, the onus within the emerging EBC Local Plan (Submission Version provided as Appendix 5 to the Appellant's Statement of Case), increases the emphasis of this spatial approach.</p> <p>Policy SS3 - Scale and location of good growth – provides that to make provision for at least 6,785 net additional homes over the new Local Plan period between 2021 and 2037, (which as we have previously highlighted, already fails to plan to meet the full objectively assessed need of 9,705 net additional homes resulting in a significant shortfall of 2,920 homes), requires inter alia:</p>

	<p>2. A 'brownfield first' approach will be taken, using opportunities to develop previously developed land within the urban area of the borough as they offer the most sustainable locations</p> <p>3. Development opportunities will be encouraged within the urban areas which accord with other policies in the Plan and meet the following strategic aims:</p> <p>d) Optimisation of development within the urban area to increase the efficient use of land. All new residential development adjacent to town, district and local centres and train stations, should be predominately one- and two- bedroom homes.</p> <p>Supporting text to the strategic policy, at paragraph 3.29, explains that "In taking a 'brownfield first' approach, the Plan seeks to make as much use as possible of existing suitable brownfield sites."</p> <p>It is also noted that Policy SS3 of the emerging Local Plan, which is undergoing Examination currently, requires the largest majority of new residential development to be located within the Walton on Thames area, i.e. 1,255 homes, or 18.5% of the total<sup>1</sup>. Clearly, for this approach to be achievable, the recommended 'brownfield first' approach, and optimisation of development sites such as the appeal site will be necessary and this will inevitably involve building at increased densities and scales.</p> <p>It is therefore surprising that the Council's SOC fails to have regard to their own policy provisions – adopted, and emerging – that promote the maximum and efficient use of brownfield land. This is a brownfield site in a sustainable location. The delivery of housing here in a manner that optimises the site's capacity is one that should be afforded and given significant weight. It would reduce pressure for Green Belt development. Green Belt land is abundant in this Borough.</p>
<p>4.11 Policy DM1 (Presumption in favour of sustainable development) represents the overarching approach.</p>	<p>The overarching approach, which is a presumption in favour of sustainable development, enshrined within Policy DM1 of the Local Plan, has not been reflected in the planning committee's decision to refuse development contrary to Officer's advice to grant planning permission. This approach is echoed within the Council's SOC, which reads as though the presumption has not been applied. Whilst a tilted balance section is set out this is ill justified and their conclusion not articulated in a manner expected to align with Policy DM1 and the NPPF.</p>
<p>4.12 Specifically, DM2 (Design and Amenity) requires that all development be based on an understanding of local character including any specific local designations and take account of the natural, built and historic environment. Proposals should preserve or enhance the character of the area, taking account of design guidance details in the Design and Character SPD.</p>	<p>The requirement within Policy DM2 is that proposals either preserve or enhance the character of the area. Therefore, it is relevant to highlight the consultee comments of the Council's Senior Conservation and Design Officer, who concluded that preservation would be achieved, by stating that:</p> <p><i>"The overall height appears to be greater than the neighbouring development, but the increase is minimal and, in my view, would be unnoticeable. There is also an increased massing and scale to both of the proposed blocks. They are wider than the blocks at 8-14 Oatlands Drive but take advantage of the application sites plot width. The increase provides a different massing to the neighbouring scheme, but it would not, in my view be out of place within the street scene."</i></p>

<sup>1</sup> The Inspector should note that this figure represents only 18.5% of the total number of homes the emerging New Local Plan intends to plan for, as opposed to 18.5% of the number of homes which are required if the Council were to meet the full Objectively Assessed Need.

	<p><i>"In approving the development at 8-14 the Inspector changed the character of the area. Therefore, given this new context, I consider the proposals to be acceptable"</i></p>
<p>4.13 The Design and Character SPD was adopted by the Council on 18 April 2012. It aims to ensure that the design of new development in the Borough is more locally responsive, sustainable and built to a high quality. It consists of a main document providing design guidance relating to all new development in the Borough. As well as this, there are 10 companion guides including the 8 settlement character assessments (such as the Walton-on-Thames Companion Guide), an overview of the Borough's character. The SPD supports the delivery of the Elmbridge Core Strategy, specifically Policy CS17: Local Character, Density and Design and forms part of the new Elmbridge Local Plan.</p>	<p>The Design and Character SPD is guidance only, supporting the interpretation of Policy CS17, and is not adopted planning policy. Notwithstanding this the appellant's SOC includes a detailed character assessment of the area and has regard to the provisions of the SPD.</p>
<p>5.2 The proposed development was considered to be unacceptable for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development, by reason of its mass and scale would be out of keeping and detrimental to the character of the area when viewed from both Oatlands Drive and the Engine River in conflict with Policy DM2 of the Development Management Plan 2015 and the NPPF.</li> <li>2. The proposed development fails to enhance the existing landscape or integrate with the surrounding Cowey Sale and Engine River, in conflict with Policy DM6 of the Development Management Plan 2015.</li> </ol>	<p>Of course, the proposal was only considered to be unacceptable by a majority of the planning committee members. In the opinion of professional Officers, it was considered to be acceptable and was recommended for approval.</p> <p>In relation to the first reason for refusal which references Policy DM2, paragraph 70 of the officer's report to committee specifically states that the proposal complies with Policy DM2. <i>"In summary the proposal, on balance, is not considered to result in harm to the character of the area or the streetscene."</i></p> <p>In relation to the second reason for refusal which references Policy DM6, paragraph 94 of the officer's report to committee specifically states that the proposal complies with Policy DM6. <i>"It is considered that the proposal would comply with Policy DM6 of the Development Management Plan 2015"</i>.</p>
<p>5.3 The Officer's Report submitted with the appeal questionnaire sets out the planning officer's views and the Council are satisfied that this document can be relied on for its Statement of Case in relation to matters not raised in reasons for refusal. The Officer recommendation was overturned at the planning committee and the application refused by Members. Therefore this statement will address the reasons for refusal and respond to specific points within the Appellant's Appeal Statement where necessary.</p>	<p>Whilst Members of the planning committee are entitled to take a different view to Officers, in the determination of this appeal, we suggest that the views of the Council's professional Officers are afforded significantly more weight than those of Members for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The Appellant and the Council's professional Officers worked collaboratively for approximately 12 months and every single aspect of the application was, rightly, scrutinised by Officers who concluded the proposals were acceptable and subsequently made their recommendation to the planning committee to grant planning permission.</li> <li>2. The majority of the Members of the planning committee who voted to refuse permission did so against the Officer's professional advice and, as explained above in relation to Policy DM2 and Policy DM6, the reasons for refusal given are directly contrary to the detailed assessments provided within the Officer's report which the members should have paid regard to.</li> </ol>
<p><b>REASON FOR REFUSAL 1</b></p>	
<p>6.1.2 Policy CS17 of the Elmbridge Core Strategy states that new development should deliver high quality, inclusive sustainable design which maximises the efficient use of urban land integrating sensitively with the local townscape, landscape, and heritage assets. Policy DM2 highlights that development proposals must be based on an understanding of local character including any specific local designations and take account of the natural, built and historic environment. Development proposals will be expected to take account of the relevant character</p>	<p>A detailed explanation as to how the proposal accords with the requirements of Policy CS17 has been provided within the Planning Statement, and the Appellant's Statement of Case. The CGIs provided with the SOC illustrate visually how the proposals are for an attractive development which would sit harmoniously within the street scene. Paragraph 70 of the Officer's report confirms that <i>"In summary the proposal, on balance, is not considered to result in harm to the character of the area or the streetscene."</i></p>

<p>assessment companion guide in the Elmbridge Design and Character Supplementary Planning Document (SPD).</p>	
<p>6.1.3 The main test required by Policy DM2 is that “proposal should preserve or enhance the character of the area”. The members of the Planning Committee assessed the application and whilst having regard to the officer recommendation, considered that the proposal did not integrate or enhance the character of the area, using their local knowledge and having regard to previous planning decisions reached in this location. The members found that the application would be harmful to the character of the area, when viewed from both Oatlands Drive and the Engine River due to the mass and scale of the proposed development. Officers had raised concern about elements of the design in the officer report to the committee which has been submitted as part of this appeal.</p>	<p>The Council's Senior Conservation and Design Officer stated in their consultation response that “...it is my view that the addition of one additional building (along the street) is not sufficient to cause harm. In approving the development at 8-14 the Inspector changed the character of the area. Therefore, given this new context, I consider the proposals to be acceptable.”</p> <p>The crucial distinction which the text opposite fails to recognise is that Officers, when making a judgement about planning balance in their report to the planning committee Members, properly applied the policies of the Development Plan, including Policy DM1 ‘Presumption in favour of sustainable development’ and Paragraph 11(d) of the National Planning Policy Framework. In doing so, they complied with the requirements in the Town &amp; Country Planning Act 1990 (as amended), to determine the application in accordance with the provisions of the Development Plan. The Council's SOC does not set out how this assessment was undertaken by Members in the final decision - nor justified in the Councils SOC as set out later in this response.</p> <p>To expand, the Members of the planning committee who voted to refuse the application did not appropriately apply these tests and it now falls to Officers to prepare the Council's Statement of Case and argue that the judgements they previously arrived at (as detailed within their report to committee) should be disregarded in order to support a completely contrary position taken by Members.</p>
<p>6.1.4 It is noted that the appellants Statement of Case, when considering the character of the area in section 2, has focused on the flatted developments in the wider surrounding area. Officers believe this to be an erroneous assessment of the character of the area as it gives little consideration to the immediate surrounding area, where it is 8-14 Oatlands Drive that stands out as the anomaly in the streetscene. While the wider area is of course noted, it is not considered to determine the character of the immediate area.</p>	<p>The claim that the Appellant's Statement of Case, in particular section 2, seeks to present 8-14 Oatlands Drive as determinative of the character of the immediate area is false and does not stand up to scrutiny. It is strongly refuted.</p> <p>The Appellant's Statement of Case factually sets out the character of the area. This includes both detached dwellings and higher density flatted developments. The Appellant's Statement was prepared in direct response to the Council's reason for refusal 1 which claimed that the development would be “out of keeping with the character of the area”. The existing area contains flatted development, hence it is necessary to point this out.</p> <p>Overall it is clear that the Appellant's Statement of Case presents a much more balanced assessment of the area's character than the Council's Statement of Case suggests. The Council's SOC fails to undertake any character evaluation. This is a significant failing and so the Council's claim that the Appellant's character analysis is flawed should be disregarded. This is evident from Paragraph 2.12 of the Appellant's SOC which states “Overall Oatlands Drive is mixed in character and contains a range of building typologies”. The diagram at Figure 2.5 (repeated at Figure 6.1) illustrates there are single family detached dwellings (in blue), alongside the terraced dwellings (in red) amongst the flatted blocks (in yellow).</p> <p>The Council's Statement here is also non-sensical. “While the wider area is of course noted, it is not considered to determine the character of the immediate area.” Notwithstanding the fact the Appellant doesn't suggest this, the immediate area obviously contains 8-14 Oatlands Drive, which is adjacent to the site.</p> <p>Ultimately the character of the area is mixed but part of the existing character is for flatted higher density development nearby lower density single dwellings. This is ultimately a</p>

	<p>desire and aim of the Council's adopted local plan and the NPPF – to optimise delivery of housing on brownfield sites in sustainable locations.</p>
<p>6.1.5 Paragraph 58 of the officer report comments;  <i>"The existing character of this northern end of Oatlands Drive is largely made up of single residential units in reasonable plots, set back from the road with good separation distances between plots. The approval of development at 8-14 Oatlands Drive has added a new element to the character of the area but cannot be considered to define the character. The character sub area is WAL11, and partially WEY09 – Oatlands Park, York Road and Oatlands Chase Environs. The WAL11 area is described as having considerable cohesion and consistency, being predominantly mixed residential 20th century two storey houses at low to medium density with some post-war three storey flatted developments interspersed throughout. As such it is considered that the proposal needs to take account of the whole character of the area, including its neighbour at 8-14 and the single residential units."</i></p>	<p>Again, the Council's Statement of Case seeks to misrepresent the Appellant's assessment within its Statement of Case. It has never been claimed that 8-14 Oatlands Drive defines the character – only that it must be considered part of the existing character.</p> <p>Therefore, the existing character is mixed or varied and there is no one building typology which defines the character. It is notable that in quoting the SPD, officers refer to the fact this states <i>"The WAL11 area is described as having considerable cohesion and consistency, being predominantly mixed residential 20th century two storey houses at low to medium density with some post-war three storey flatted developments interspersed throughout."</i></p> <p>The presence of 8-14 Oatlands Drive, and the appeal proposal, would be interspersed between the single family dwellinghouses which make up the majority of the streetscene at the northern end of Oatlands Drive – therefore the proposal would be entirely reflective of the character of the area as described in the document.</p>
<p>6.1.6 In their assessment of the local area shown at Figure 6.1 the appellants have failed to identify all the single family detached dwellings that are located on the eastern side of Oatlands Drive, opposite the application site, meaning that single family units is the dominant building typology in the local area, reflecting sub-character area WAL11. While 8-14 Oatlands Drive has added to the mix of buildings in the area, it cannot be described as defining the character of the area. The members found, at the committee meeting, that the height and massing of the proposal, which exceeds that of the development at 8-14 Oatlands Drive, and therefore also exceeds all the single-family dwellings in the immediate area, is out of keeping with the character of the area and therefore harmful to the streetscene. This highlights that the development would fail Policy DM2 part a. though a lack of understanding of the local character and failing to take account of the built environment.</p>	<p>The diagram at Figure 6.1 of the Appellant's Statement of Case focusses on the western side of Oatlands Drive because that is the streetscene in which the appeal proposal would sit and therefore a key consideration against which it must be assessed.</p> <p>Again, the Appellant's case has been misrepresented. It has never been suggested that 8-14 Oatlands Drive defines the character of the area, only that it exists and is therefore an important aspect of the character which must be taken into account. The Council's Senior Conservation and Design Officer, whose expert advice the Officer's took in recommending approval clearly appreciated this fact when they stated in their consultation response that:</p> <p><i>"In approving the development at 8-14 the Inspector changed the character of the area. Therefore, given this new context, I consider the proposals to be acceptable."</i></p> <p>The Council's Statement of Case also overstates the difference between the height and massing of the proposal, both compared with 8-14 Oatlands Drive, and the single-family dwellings in the immediate area.</p> <p>Firstly, in relation to the proposed relationship with 8-14 Oatlands Drive, the building would be taller and of a greater massing but this is appropriate given the site's characteristics including the width and depth of the plot. This was recognised by Council's Senior Conservation and Design Officer, who stated in their consultee response:</p> <p><b><u>"Height and massing – The overall height appears to be greater than the neighbouring development, but the increase is minimal and, in my view, would be unnoticeable. There is also an increased massing and scale to both of the proposed blocks. They are wider than the blocks at 8-14 Oatlands Drive but take advantage of the application sites plot width. The increase provides a different massing to the neighbouring scheme, but it would not, in my view be out of place within the street scene."</u></b></p> <p>Regarding height, the Officer's report to committee at paragraph 63 stated that <i>"Turning to the bulk and massing of the proposal, the overall height of the central element of each of the blocks would be greater than the neighbouring development. <b>The additional height is proposed to be 0.6m and it is considered that this additional height would not be a prominent feature in the streetscene.</b> There is also an increased massing and scale to</i></p>

	<p><i>both of the proposed blocks. They are wider than the blocks at 8-14 Oatlands Drive, taking advantage of the application site's plot width. The increase provides a different massing to the neighbouring scheme, while making the blocks appear somewhat more prominent, it also provides some variety in the streetscene."</i></p> <p>Ultimately there is variation in heights within the street – it is not a uniform streetscene in this respect. The modest variation in height proposed in the appeal scheme would sit comfortably within this context, and the increased height compared to 8-14 Oatlands Drive only applies to the central bay of the main elevation.</p> <p>Secondly, in terms of the proposed relationship with the nearest single residential dwellinghouse, the proposal has been specifically designed to mediate between the context of that building on one side of the application site, and the context of 8-14 Oatlands Drive on the other. This is explained by Figures 6.2 and 6.3 in the Appellant's Statement of Case. The gap between the closest elements of the appeal proposal and 8-14 Oatlands Drive is 10.5m in width. This reflects the area's character as defined in the SPD quoted by the Council in its Statement of Case:</p> <p><i>"The existing character of this northern end of Oatlands Drive is largely made up of single residential units in reasonable plots, set back from the road with <b>good separation distances between plots</b>".</i></p> <p>The relationship with 20 Oatlands Drive is illustrated by Figure 6.3 which shows that the closest element of the appeal proposal to 20 Oatlands Drive is both further away and shorter than the existing building on the site (18 Oatlands Drive – highlighted by the blue outline.) Consequently the gap between 20 Oatlands Drive and the appeal proposal would be significantly increased by the development, thereby reflecting the <b>good separation distances between plots</b>" noted in the SPD.</p> <p>Taking a step back, it is also important when discussing the impact of the appeal scheme upon character, to recognise the policy requirement (which the Council has proposed) in both the adopted and emerging Local Plans which requires applications to optimise the development potential of brownfield land for new homes to reduce pressure on the Green Belt, and this will inevitably result in change. You cannot build at higher densities on existing plots, as required by policy, without creating larger and taller buildings than what exists presently. This is exactly the type of site which the Council's adopted and emerging Local Plans encourage the development of. The appeal proposals achieve this goal sympathetically by maintaining generous separation distances to neighbouring properties and by gradual stepping upwards in height and thoughtful use of building materials.</p>
<p>6.1.7 This application differs from 8-14 Oatlands Drive as the Members and public now have an almost complete development at 8-14 as a point of reference and comparison. While the Inspector at the time, determining the appeal for 8-14 Oatlands Drive, found that the development would not be harmful in views from Oatlands Drive and the Engine River, members and to some extent the Inspector considering the application at 4-6 Oatlands Drive have seen that this development does not sit cohesively within the Streetscene and further 'copies' of the approved scheme will not meet the test required by DM2 part b. to preserve or enhance the character of the area.</p>	<p>The Inspector should note that the finished development at 8-14 Oatlands Drive was also complete (ready for the first occupancy in December 2023) when the Officer's report to committee in November 2023 (for 16-18 Oatlands Drive) was prepared recommending approval.</p> <p>In respect of referring to the observations of the Inspector who determined the appeal at 4-6 Oatlands Drive, the Officer's report to committee regarding the appeal scheme was also prepared a considerable time after this date. The Officer's report goes into some detail to explain why the application was recommended for approval, in the context of the dismissed appeal at 4-6 Oatlands Drive.</p>



	<p>In particular, paragraph 67 states <i>“It is still considered that given the location and varied character of the dwellings in the vicinity, the proposed building could provide greater visual interest to respond to the varied character and appearance of the area. However, in approving the development at 8-14 this changed the character of the area. The development at 4-6 Oatlands Drive, conversely was found to have a harmful impact on the character of the area. <b><u>That development however was a corner plot with a vastly larger development proposed. Therefore, given the new context of the character of the area, while the development is not considered to enhance the character of the area, it is also not considered to have a significantly harmful impact.</u></b>”</i></p> <p>The current appeal proposals sit within a location of varied character – as attested to in the above quote by the Council. It is apparent that the appeal proposals will respect the immediate character of the area, but do so in a manner that is commensurate with it, being of a lesser height and scale than that proposed at 4-6 Oatlands Drive.</p> <p>As highlighted in the Officer’s report, the refused scheme at 4-6 Oatlands Drive would have been more visible than 8-14 Oatlands Drive, and 16-18 Oatlands Drive, on account of its corner plot. Consistent with this assessment, it is relevant to highlight that Spelthorne Borough Council, whose local authority boundary with Elmbridge Borough Council is located directly to the rear of Oatlands Drive did object to the proposals at 4-6 Oatlands Drive on account of their visual impact. However, the same council when consulted on the application at 16-18 Oatlands Drive, chose not to object.</p>
<p>6.1.8 As such it is not considered that information in the appellants Statement of Case would alter the considerations that the proposal would be out of keeping and detrimental to character of the area. This is contrary to policy DM2 of the Elmbridge Development Management Plan 2015, Policy CS17 of the Elmbridge Core Strategy 2011, the advice provided by Design and Character Supplementary Planning Document 2012 and the NPPF.</p>	<p>The information in the Appellant’s Statement of Case demonstrates clearly that the appeal proposal is not out of keeping and therefore detrimental to the character of the area. This is a view which was supported by the Council’s professional Officers in their own report to committee which concluded at Paragraph 70 that <i>“In summary the proposal, on balance, is not considered to result in harm to the character of the area or the streetscene.”</i></p> <p>However, even if this were considered to be the case, both the Officer’s report and the Council’s Statement of Case recognise that the tilted balance is engaged, and therefore the correct judgement that must be applied is whether any harm that would result would significantly and demonstrably outweigh the benefits of the proposal. The Appellant submits this is not the case. The Officers report clearly agrees with this view, where at paragraph 129 it states <i>“As such the adverse impacts of granting permission are not considered to significantly and demonstrably outweigh the benefits and therefore the application is recommended for approval”</i>.</p> <p>The Council’s SOC clearly fails to set out that such harms are substantial and demonstrable.</p>
<p><b>REASON FOR REFUSAL 2</b></p>	
<p>6.2.2 Taking account of the Councillors discussions at the Committee, their concerns are to be considered to be around parts a. d. and f. of DM6. Although concerns were raised around biodiversity, it was understood that the submitted information had demonstrated that the proposal would result in a biodiversity net gain.</p>	<p>Given the text opposite, and the fact the Council’s Statement of Case only goes on to discuss criteria A of Policy DM6, we infer this to mean that the Council does not seek to make a case that criteria D and F would not be complied with.</p> <p>In this regard, we would highlight that paragraphs 92 – 94 of the Officer’s report to committee confirm the proposals are acceptable with regards to trees, and paragraphs 95 – 101 confirm that the proposals are acceptable with regards to ecology. Again, we reiterate that there were no objections from the relevant statutory consultees in either regard.</p> <p>For ease, we provide the relevant paragraphs from the Officer’s report below:</p>



**The impact on trees**

92. Policy DM6 states that development proposal should be designed to include an integral scheme of landscape, tree retention protection and planting. Furthermore, DM6 seeks to result in no loss of, or damage to, trees and hedgerows that are, or are capable of, making a significant contribution to the character or amenity of the area, whilst development should adequately protect existing trees including their root systems prior to, during and after the construction process.

93. The proposed tree protection plan highlights that multiple on site trees would be removed as part of the proposal. The plans indicate that the trees protected by TPO in the northern corner of the site would be retained as well as a tree along the shared boundary with No. 20 Oatlands Drive. The hedge along this same boundary is shown as being retained on the plan yet is not offered protection during construction as it is not a tree.

94. The Council's Tree Officer has reviewed the scheme and has raised no objection to the development subject to the use of arboricultural conditions. These conditions would include a Tree Planting & Maintenance condition to ensure there is sufficient replanting at the site. The type of planting should pay regard to the recently published DM Advice note on supporting biodiversity and encouraging nature in development. It is considered that the proposal would comply with Policy DM6 of the Development Management Plan 2015."

**The impact on ecology**

95. Policy CS15 seeks to ensure that new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the incorporation of biodiversity features. Policy DM21 states that all new development will be expected to preserve, manage and where possible enhance existing habitats, protected species and biodiversity features.

96. The area adjacent to the application site (known locally as Cowey Sale) is part of a Biodiversity Opportunity Area and recorded as deciduous woodland priority habitat. The recently restored large pond adjacent to the application site offers wildlife and amenity benefits in this location. The objection from the Council's Green Spaces Team is noted, concerns raised regarding the proposed scheme, particularly taking into account the impact of the development under construction at 8-14. The proximity of the development to the pond, impact on vegetation, sunlight to the pond and wildlife, drainage rates and light spillage are raised.

97. Comments from the appeal Inspector from application 2022/3796<sup>2</sup> in paragraph 80 are also noted. The Inspector commented "Conversely, whilst it would not amount to a reason for refusal, collectively the proposal and the approved development on the adjoining site would have the potential to have a negative impact on the adjacent Biodiversity Opportunity Area (BIO). This is due to the proximity of the rear buildings to the BIO and Engine River pond and associated loss of sunlight, light pollution and loss of vegetation."

98. Natural England – while no formal response was provided to the LPAs consultation request, comments were provided in response to a resident's request. Standing advice was offered, advising officers to take account of NPPF paragraphs 175, 179 and 180.

<sup>2</sup> This is a direct quote from the officer's report, however the Inspector should note that the application reference quoted is for the application which is the subject of the current appeal, rather than the reference number which was given to the application at 4-6 Oatlands Drive, which is the appeal decision where the Inspector's comments are taken from (paragraph 80).

	<p>99. The proposal has been reviewed by Surrey Wildlife Trust and Surrey Bat Group, who initially raised some concerns regarding the scheme relating to light spillage and biodiversity net gain. A site visit was undertaken with representatives from the applicant's ecologists, SWT and a council officer. The site was thoroughly inspected and further information requested by SWT. Once this had been provided no objection to the development has been raised subject to necessary conditions. The conditions required would secure a sensitive lighting plan, eradication of invasive species, secure biodiversity net gain, landscape and ecological management plan (LEMP) and construction environmental management plan (CEMP) all prior to commencement. SWT consider these conditions to be sufficient to conserve biodiversity in line with the planning and legislative context. The Council's DM Advice Note on Nature and Biodiversity sets out further guidance on measures that can be added to development to support nature. While this application was submitted prior to the publication of the guidance note, the applicant is advised to pay regard to the guidance in any details submitted through the Landscape Ecological Management Plan.</p> <p>100. The site would include a green roof which would also host PV panels as shown on the roof plan. Other biodiversity enhancements include bat boxes, hedgehog houses, pollinator nest sites and more as listed in the Ecological Report by AAe. Such features are encouraged in line with the DM advice note on supporting biodiversity and encouraging nature in development.</p> <p>101. Given the consultation response from SWT following their detailed inspection of the site, it is considered that the proposal would comply with Policy CS15 of the Core Strategy 2011 and Policy DM21 of the Development Management Plan 2015.</p>
<p>6.2.3 In relation to part a. it is acknowledged that the reason for refusal refers only to 'not enhancing the existing landscape', rather than "Reflects, conserves or enhances". Given the scale of the proposal and extent of change to the landscape, it is considered clear that the development does not reflect nor conserve the existing landscape as it would be entirely altered.</p>	<p>Clarification: Reason for refusal 1 clearly states that "<i>The proposed development <b>fails to enhance</b> the existing landscape or integrate with the surrounding Cowey Sale and Engine River, in conflict with Policy DM6 of the Development Management Plan 2015</i>".</p> <p>It is a well-established principle that planning policies and associated documents should be read literally (i.e. the actual text is relevant, not what may be said to have been intended at a later date). In the text opposite the Council are clearly attempting to shift the Council's case by widening the scope of the reason for refusal which the Members put forward. This is strongly refuted by the Appellant. The Officers report also clearly states in paragraph 94, "<i>It is considered that the proposal would comply with Policy DM6 of the Development Management Plan 2015</i>".</p> <p>Reason for Refusal 2 is clearly worded that the proposal fails to <b>enhance</b> the existing landscape, however that is not the true policy test and so the Council have erred in their RfR. It should thus be disregarded as a valid reason for refusal for this very reason. In any event, as set out by the Appellant in their SOC the proposals will meet the policy provisions and integrate appropriately to the local landscape with new landscaping proposed at the rear part of the site, meeting the appropriate and correct policy tests of Policy DM6.</p> <p>It is disputed that the existing landscape would be "entirely altered". This is best evidenced via reference to Figure 6.9 (Landscape Plan) of the Appellant's Statement of Case which shows that to the rear of the site (see text at 6.2.4 of the Council's Statement of Case) the existing trees would not only be retained, but increased through new plantings proposed. Together this would serve to reduce any noticeable change of the appeal site when viewed from the rear.</p>

	<p>Figure 6.10 shows how dense the landscaping to the rear of the site is and this would serve to restrict views of the development from the rear (Cowey Sale open space). Furthermore the Photomontage at Appendix 2 of the Appellant's Statement of Case shows how the proposal would not be visible from Cowey Sale open space to the rear.</p>
<p>6.2.4 The Cllrs were concerned over the significant change to the landscape, the fact that the resultant views of the development from the Engine River walk and the environment as a whole would not reflect, conserve or enhance the existing landscape. The removal of such a significant amount of the existing landscape; trees, general plants, shrubbery as well as the natural features of the land would prevent the development from integrating into its surroundings.</p>	<p>The Members views are strongly refuted. The response given above explains the evidence which has been submitted which demonstrates that the proposal would not be visually harmful when viewed from the rear of the site.</p> <p>The Council's Statement of Case suggests that the application would remove a significant amount of valuable greenery. This is strongly refuted as it is absolutely not accurate. The submitted Tree Report stated that <i>"Most of the trees proposed for removal are of diminutive form, being mostly ornamental trees planted as part of the garden layout"</i> and <i>"The proposed development results in the loss of very few trees, all of which are low quality and value."</i></p> <p>The report went on to state that the other trees proposed for removal are already suffering from Ash dieback, therefore have a short lifespan, and their replacement is secured as part of the proposal. The Tree Report concludes <i>"The application proposals recognise the important contribution trees make to the character and quality of built environments, and the role they play to help mitigate and adapt to climate change. The proposals seek to retain existing trees and integrate new trees in accordance with the requirement of local and national planning policy"</i>.</p> <p>As shown in the submitted Landscape Masterplan, the proposals actually result in a net gain in trees. As stated in paragraph 94 of the Officer's report, the Council's Tree Officer has reviewed the scheme and has raised no objection to the development subject to the use of arboricultural conditions.</p> <p>The principle of a second tier of development is not disputed by the Council, and was found appropriate at the adjacent site at 8-14 Oatlands Drive. However the overall impact on the Engine River is lesser from the current appeal proposals - it is pertinent to note that the footpath on the opposite side of Engine River is barley usable through parts of the year due to it being overgrown and waterlogged (see photographs included at Appendix 4).</p> <p>In addition it is set back from the Engine River and tapers away from the appeal site so any users would have less appreciation of the development than the adjacent 8-14 Oatlands Drive development (see map at Appendix 5). Moreover as set out in the Appellant's Statement of Case, built form is readily appreciable from other areas to the rear of Oatlands Drive, on both sides of the open space. In addition, Spelthorne Borough Council did not object to the development proposed at 16-18 Oatlands Drive (Appendix 2), whereas they did object to the proposals at 4-6 Oatlands Drive.</p>
<p>6.2.5 It is also considered that the development would result in the loss of trees and hedgerows that are capable of, making a significant contribution to the character and amenity of the area, and could result in a harmful impact on the Engine River and Large Pond habitat as commented upon by the Council's Green Space Officer. The members considered that there were not exceptional circumstances to justify these losses as required by policy DM6.</p>	<p>This is a vague assertion which serves to highlight the weakness of the Council's case within its SOC. The small loss of trees proposed has been justified within the submitted Tree Report, and neither the Council's Tree Officer nor Surrey Wildlife Trust objected to the proposals. To highlight, the appeal scheme will result in an increase of 5.90% in habitat units and 54.42% in hedgerow units. These figures were checked by Surrey Wildlife Trust and agreed by them.</p> <p>Whilst the Council is now attempting to align its case for refusing development with the previous objection of the Council's Green Space Officer, a response to that objection has</p>



	<p>already been provided within the Appellant's SOC (Appendix 4). As was pointed out in the Appellant's Statement of Case (Paragraph 6.45) the Officer's report to committee made no mention of this objection other than simply recording it had been received.</p> <p>The Appellant maintains therefore that, quite rightly, the Officer's gave it extremely limited weight, and for the reasons the Appellant has previously explained in their response to the objection, so should the Inspector. New tree planting and landscaping (resulting in a net gain in both trees and biodiversity) are proposed at the rear of the site to provide an appropriate landscaped area.</p>
<p>6.2.8 In summary the proposal is considered to fail to enhance the existing landscape or integrate with the surrounding Cowey Sale and Engine River in conflict with Policy DM6 of the Development Management Plan 2015.</p>	<p>As noted above, the Council have incorrectly applied the policy tests under Policy DM6. The proposals cannot be found contrary to this policy if they do not enhance the existing landscape. They comply if they reflect or conserve it and integrate into their surroundings, adding scale, visual interest and amenity. As set out in the Appellants SOC (that includes a CGI of the rear part of the site), the appeal proposals will meet these policy tests and so comply with the provisions of Policy DM6, as the Officer's report clearly states.</p>
<p><b>TILTED BALANCE AND HOUSING LAND SUPPLY</b></p>	
<p>7.5 Taking the above into consideration and using the data from the Land Availability Assessment 2023 published on 9 February 2024, the Council's 4YHLS was considered to be in excess of 4 years. As the local plan is going through examination there is some query over this and so to ensure the council is being reasonable there is currently no claim to a 4YHLS and the figure is currently confirmed at 3.6 years.</p>	<p>At the time the application was considered by the Council's planning committee, the Council's Housing Land Supply (HLS) was considered by Officers to be 4.36 years. This is confirmed at paragraph 127 of the Officer's report to committee. At the time (November 2023), the latest NPPF (published December 2024) had not been published. Therefore the Council could not demonstrate a 5 year HLS against a 5 year requirement. The Officer's report confirmed the tilted balance was engaged.</p> <p>The Council now claims that it's supply is 3.6 years. As a result of the changes within the latest NPPF, the Council only has to demonstrate a 4 year HLS, but it is still measured against a 5 year requirement. Therefore, in the 6 month period between the publication of the Officer's report to committee in November 2023, and the date of this rebuttal in May 2024, the Council's HLS has worsened from 4.36 years to 3.6 years.</p>
<p>7.6 Paragraphs 5.11 – 5.30 of the Appellants Statement of Case (SOC) relates to the Council's Housing Land Supply (HLS) Position. The SOC concludes that Savills consider that Elmbridge's HLS is 3.1 years. The appellant does not agree that some of the sources of the Borough's projected housing supply should be considered deliverable sites and so count towards their trajectory and overall housing supply. The new Local Plan is currently under consideration and it is not considered that this appeal is where the council's methodology and evidence should be assessed, it is for the Local Plan Inspector to do.</p>	<p>Whilst the Appellant acknowledges that the Council maintains that the tilted balance remains in place, the Appellant remains in disagreement with the Council as to the extent of the supply. Whilst the Council now states that the supply is 3.6 years, the truth is that the Council does not presently know what it's supply is.</p> <p>The emerging Local Plan is currently under Examination and the Council has attempted multiple times to set out it's supply, and each time the figure has been withdrawn following the responses of other participants.</p> <p>On 30 April 2024, the Council took the extraordinary step of writing to PINS (attached) stating that it needed to pause the Local Plan Examination hearing sessions for a period of 5 weeks for the following reason:</p> <p><i>"Despite the diligent efforts of the Council's officers, at approximately 22:00 today, the Council reluctantly concluded that it needed to comprehensively recast that housing trajectory and five-year supply dataset from scratch and that simple updating would lead to unreliable evidence."</i></p> <p>It is clear from the above that the Council's HLS figure is highly uncertain and therefore the Appellant submits that even greater weight should be afforded to the benefits of the scheme, particularly the contribution that 33 units would make to the immediate availability of housing within the Council area.</p>



<p>7.7 As such the tilted balance is engaged, against a 4YHLS rather than a 5YHLS as per the original decision. The harm identified by the Councillors in their reasons for refusal is considered to significantly and demonstrably outweigh the benefits of the proposal and therefore it is requested that the Inspector dismisses the appeal.</p>	<p>The claims made to support the Members reasons for refusal within the Council's SOC are vague and generalised. This is particularly evident when reviewed against the very thorough and considered Officer's report to committee which recommended approval of the appeal scheme having taken all matters into account which states at paragraphs 128 and 129:</p> <p><i>"128. The proposal would add thirty one net additional housing units which is of an acceptable unit mix, officers attribute significant weight to this. The proposal is also acceptable in terms of policy for design, impact on neighbouring properties, impact on future occupiers, highways, safety &amp; parking, trees and ecology which are given moderate weight.</i></p> <p><i>129. As such the adverse impacts of granting permission are not considered to significantly and demonstrably outweigh the benefits and therefore the application is recommended for approval, subject to the consideration of flood risk assessment with particular regard to the sequential test and any material considerations received within the consultation period."</i><sup>3</sup></p> <p>The Council concedes that the tilted balance remains engaged however the SOC clearly fails to evidence that the harms the Council now claims would be caused by the appeal scheme are substantial and would demonstrably outweigh the benefits of the proposal. It is notable that there is not a single mention of the benefits of the appeal scheme in the Council's SOC, which the Officers report did recognise. This clearly illustrates that no revised balancing exercise has been carried out when preparing the Council's SOC.</p> <p>That is the appropriate policy and legal test, and the Appellant submits that it clearly has not been met within the Council's SOC prepared in support of the Members reasons for refusal. If harm is found, then the appellant maintains their position that it cannot substantially or demonstrably outweigh the benefits of delivering a well-considered housing development that would provide much needed housing in a sustainable urban location in a Borough that is in dire need for such housing provision.</p> <p>Therefore, the appeal should succeed.</p>
<p><b>CONCLUSION</b></p>	
<p>8.1 Residents have raised concerns to officers regarding the processes for the development at 8-14 Oatlands Drive. Many pre-commencement conditions including tree protection were not implemented and the approved plans have not been fully adhered to. This has resulted in much stress for local residents and several compliance cases at the council. As such officers request that the Inspector, if granting the application, gives serious consideration to the wording of the suggested conditions. Of particular note is condition 17 – Tree Retention. This condition has been worded to include the retention of hedges and hedgerows, taking into account the resident request and appellants commitment to retain the hedging along the south of the application site at the boundary with No.20 Oatlands Drive.</p>	<p>Clarification: The landowner and developer who is responsible for the construction of the adjacent development at 8-14 Oatlands Drive is a third party, and there is no link between that company, or its directors, with the company that has appealed against the Council's refusal of its planning application. Therefore, the comments opposite have no relevance to the merits of the appeal and should be disregarded.</p>

<sup>3</sup> Whilst the conclusion is qualified by reference to passing the Sequential Test, the Inspector should note that the Officer's report to planning committee which is quoted was published in November 2023, when the Council were awaiting expert advice from an external organisation in relation to the Appellant's Sequential Test. The Update Sheet which was published immediately prior to the planning committee meeting itself is provided as Appendix 6 and states "Officers have reviewed the sequential test together with an independent Flood Risk Consultant and concluded that the sequential test has been carried out in accordance with Local and National Planning Policy."



**RESPONSE TO THIRD PARTY COMMENTS**

It is obvious from the number of third party responses and their content that the application faced a significant amount of opposition from local people. It will therefore be apparent to the Inspector the context in which the planning committee Members who voted to refuse the application made their decision.

The Appellant has reviewed all of the third party responses to the appeal and does not wish to provide any further response to the comments. This is because all the material planning issues raised have already been assessed at length and in detail by professional Officers and their consultees during the application, ultimately leading to the recommendation to grant planning permission.



# Elmbridge Borough Council

... bridging the communities ...

To: Clare Adamson

Date:

From: Jon Kilner

Re: 2022/3796

Location: 16-18 Oatlands Drive, Weybridge

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## Site and Background

The site is located outside of a conservation area, but there are a number of listed buildings nearby, including 1 Oatlands Drive, 3 Oatlands Drive, 9 Oatlands Drive, 11 Oatlands Drive and 13 Oatlands Drive.

## Reason for Consultation/ Significance

Potential impact on the setting of the nearby listed buildings, plus design considerations.

## Comments on proposal

This application seeks to erect two residential blocks over three and four storeys plus the provision of vehicular access, parking, cycle and bin stores, landscaping, and associated works.

**Layout** – The layout proposes a side vehicular access with one block at the front of the site and a second behind, totalling 33 units (3 x 1 Bed, 28 x 2 Bed, 2 x 3 Bed). This layout mimics the development next door at 8-14 Oatlands Drive and whilst the frontage building is slightly further forward the principle of such an arrangement has been accepted. Gaps are retained between the site and its neighbours which in my view helps to preserve an element of the current character. Courtyard parking located between the blocks with further parking at lower ground floor level under the front block is provided (32 spaces in total). The layout of the parking is acceptable, and I will leave it to others to consider whether there is a sufficient number of spaces. Bin and cycles stores are provided within each block.

**Height and Massing** – The overall height appears to be greater than the neighbouring development, but the increase is minimal and, in my view, would be unnoticeable. There is also an increased massing and scale to both of the proposed blocks. They are wider than the blocks at 8-14 Oatlands Drive but take advantage of the application sites plot width. The increase provides a different massing to the neighbouring scheme, but it would not, in my view be out of place within the street scene.

**Appearance** – The design is little more than a copy of the neighbouring scheme which I have noted from the start as having a common and unremarkable aesthetic that in my view does not enhance the character of the area or reach the high standards of the Governments 'Build Beauty' notion. Nonetheless, the neighbouring development has been consented and has set a precedent for the design of developments nearby. This development could be considered to exacerbate the overall impact of both developments and therefore harm the character of the area. However, it is my view that the addition of one additional building (along the street) is not sufficient to cause harm. In approving the development at 8-14 the Inspector changed the character of the area. Therefore, given this new context, I consider the proposals to be acceptable.

**Heritage** – There is no impact on the setting of the nearby heritage assets.

Summary

In summary the works are considered acceptable in design terms

The proposal would result in:

No harm to heritage or in design terms	<input checked="" type="checkbox"/>	
Unacceptable in design terms	<input type="checkbox"/>	
Less than substantial harm to the heritage asset(s)	<input type="checkbox"/>	<del>considerable/significant/moderate/limited</del>
Substantial harm to the heritage asset(s)	<input type="checkbox"/>	

If permission is granted, no specific heritage or design conditions are suggested.

**Jon Kilner**

BA (Arch), MSc (HistCon), DGDip (UrbDes), IHBC  
Senior Conservation and Design Officer





Clare Adamson  
Civic Centre  
High Street  
Esher  
KT10 9SD

*Please reply to:*

Contact: Matthew Clapham  
Group: Regeneration and Growth  
Service: Planning (Development Management)  
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E-mail: [planningdm@spelthorne.gov.uk](mailto:planningdm@spelthorne.gov.uk)  
Our ref: MC/23/00329/MIS  
Date: 3 May 2023

Dear Madam

TOWN AND COUNTRY PLANNING ACTS 1990

**PROPOSAL:** Elbridge Borough Council consultation 2022/3796 - Development of 2 detached blocks comprising 33 flats with new vehicular access, associated parking, cycle storage, refuse storage and amenity areas with hard and soft landscaping, and associated engineering and infrastructure works, following demolition of existing houses.

**AT:** 16 - 18 Oatlands Drive Weybridge Surrey KT13 9JL

I refer to the Consultation from your Authority relating to the above proposal.

I would inform you that this matter has now been fully considered by this Council when it was resolved that:-

Elbridge Borough Council be advised that this authority raises NO OBJECTIONS to the proposals.

Yours faithfully

*E.J.Spinks*

Planning Development Manager

MISNOZ





# Elmbridge Borough Council

... bridging the communities ...

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my ref:  
your ref:

30 April 2024

## By e-mail

Dear Ms Masters,

### Elmbridge Local Plan Examination – request for an adjournment

As part of the Matter 5: Housing delivery and meeting housing needs hearing session you requested to be provided with an updated housing trajectory and 5-year housing land supply position.

As you will be aware, in consultation with other participants, the Council set about updating its dataset to reflect those agree inputs. At approximately 17:30 today, the Council discovered persistent anomalies when updating that dataset and alerted the programme officer that there would be a delay in providing the populated table.

Despite the diligent efforts of the Council Officers, at approximately 22:00 today, the Council reluctantly concluded that it needed to comprehensively recast that housing trajectory and five-year supply dataset from scratch and that simple updating would lead to unreliable evidence.

Accordingly, and to allow you and all participants a fair opportunity to review and comment on an important part of the evidence, the Council formally requests that you pause the Examination to allow that work to be done.

The Council anticipates that it would need 5-weeks to do that work, which will include seeking additional resources. That evidence would therefore be available before the programmed days in June if you were minded to repurpose those dates for this purpose.

The Council appreciates that this will cause unwelcome delay and disruption to the examination, for which the Council sincerely apologises and would not make this request unless it were absolutely necessary. The Council is anxious to adopt an up-to-date plan and wishes for the examination to continue as swiftly as possible.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Ktag', followed by a long horizontal flourish that ends in a small dot.

Kim Tagliarini  
Strategic Director, Place and Community

## Appendix 4

Photographs taken 20 May 2024 illustrating the overgrown and waterlogged Engine River dirt footpath.







# Appendix 5

The following map shows the route of the Engine River dirt footpath which tapers away from the rear of the appeal site. There is also a second spur which terminates in a 'dead end'.





**Planning Committee – 14<sup>th</sup> November 2023 – Updates**

<b>AGENDA ITEM</b>	<b>APPLICATION REF &amp; SITE ADDRESS</b>	<b>LATE LETTERS &amp; OFFICER RESPONSE</b>
3 (a)	2022/3796  16-18 Oatlands Drive, Weybridge	<p><b>Updates to the officer report:</b></p> <ul style="list-style-type: none"> <li>• Paragraph 75. It is stated that the plans named state that the side facing windows would be obscurely glazed. This was the case on the previous issue of plans but not the most recent issue. If the application were granted, condition 4 would require the windows to be obscurely glazed.</li> <li>• Paragraph 82 states that all rooms would have a source of light and ventilation. After the amended plans, 4 second bedrooms would not have an openable window.</li> </ul> <p><b>Consultation responses:</b></p> <p><b>Surrey Highways</b> – no objection to the scheme, readvised the same conditions that have already been applied.</p> <p><b>Joint Waste Solutions</b> – No objection to the amended plans.</p> <p><b>Additional Representations:</b></p> <p>Since the publication of the committee 16 further letters of objection have been received from 13 addresses.</p> <p>The 16 objections are summarised as;</p> <ul style="list-style-type: none"> <li>• Insufficient parking</li> <li>• Danger at entrance/exit of Ashley Close&amp; driveways. Ashley close is now a car park</li> <li>• Poor design – yellow blocks with no relief features</li> <li>• Detail of length of side facing windows are not provided, why non opening, bedroom would have no ventilation – reason for refusal, request for details to be submitted prior to determination</li> </ul>

		<ul style="list-style-type: none"> <li>• Comparison with neighbouring sites</li> <li>• Parking surveys did not follow EBC standard or Lambeth Stress Test model which is best practise</li> <li>• Residents have carried out 11 daytime surveys with daytime stress between 47-95%, average 77%</li> <li>• No reference to parking on both sides of the road by Lanmor consulting</li> <li>• Consult by SCC for single yellow line which would reduce the available parking</li> <li>• EBC DM7 Appendix 1 require assessment of cumulative impact, overflow from both developments likely to be 26 cars, plus future Homebase site – overspill will exceed 100% - developer has not quantified this issue</li> <li>• Disagree with sequential test results, site is too small, other sites dismissed incorrectly</li> <li>• Overdevelopment of the plot</li> <li>• Lack of meaningful landscaping and amenity space</li> <li>• Buildings are less than 22m apart</li> <li>• Front building is forward of the building line</li> <li>• Rear building too close to the flooding line and too visible</li> <li>• Officer recommendation is contradictory to those of 8-14 &amp; 4-6 Oatlands Drive.- impact on engine river area, impact on character of the area, lift overruns, lack of affordable housing contribution</li> <li>• Appeal decisions considerations</li> <li>• Poor living conditions – no amenity space</li> <li>• Irregular that the committee report was finalised prior to the consultation period closing</li> <li>• Officer report is contradictory</li> </ul> <p>Officer Comment:</p> <ul style="list-style-type: none"> <li>• Resident parking surveys – unclear if they are qualified to do the surveys, however at 77%, this does not amount to parking stress. An area has to have the parking level at 100% or greater to amount to parking stress.</li> <li>• No certainty of car overspill or the impact from development at 8-14 in terms of car parking as</li> </ul>
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		<p>not yet occupied. Even if members consider that the area does suffer from parking stress, the requirement under Policy DM7 would be 1 space per unit, which the development now provides.</p> <ul style="list-style-type: none"><li>• The Surrey parking review for Walton &amp; Oatlands includes the provision of single yellow lines throughout one side of Ashley Close to prevent waiting between 8am &amp; 6pm. The consultation for this is open until 22nd December and if permitted, the restriction would be implemented in 2024. Parking surveys cannot consider what may happen in the future and cannot be based on parking levels when the restrictions are not yet in place as a parking survey measures the cars parked at the time. Future projections of parking levels cannot be accurately made.</li><li>• Officers have reviewed the sequential test together with an independent Flood Risk Consultant and concluded that the sequential test has been carried out in accordance with Local and National Planning Policy.</li><li>• Since the appeal statement for 4-6 Oatlands Drive the Council's approach to LRM has changed. Due to a number of appeal decisions, Officers do not consider that they can continue to pursue LRM at this present time. Appeal Inspectors comments re the legal agreement at 4-6 were specifically related to the fact that the developer tried to insert an extra clause into the legal agreement to protect themselves, which Officers did not consider to be appropriate.</li><li>• All public comments are being taken into account and are being shared with members through this update sheet</li><li>• The officer report sets out the competing views from neighbouring developments' appeal decisions and around this development and reaches an 'on balance' conclusion. The officer's role is to present the facts to inform the members, enabling them to make a decision.</li><li>• All other matters have already been addressed in the officer report.</li></ul>
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3 (b)	2023/1451 107 Ditton Hill, Long Ditton, Surbiton	No updates
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