



Appeal Decision

Hearing (Virtual) held on 21 January 2026

Site visit made on 22 January 2026

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2026

Appeal Ref: APP/K3605/W/25/3370275

3 Green Lane, Cobham, Surrey KT11 2NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Ridge Oatlands LLP against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/3328.
 - The development proposed is demolition of the existing dwellinghouse and outbuildings and construction of three detached two-storey buildings (with roof space) forming 15 self-contained flats; air source heat pumps, solar panels; private amenity space; reinstatement of the existing crossover and creation of a new crossover to form vehicular access leading to parking to the rear; alteration and creation of new accesses; hard and soft landscaping including boundary treatment and external lighting; land level alterations; cycle and refuse/recycle provision.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwellinghouse and outbuildings and construction of three detached two-storey buildings (with roof space) forming 15 self-contained flats; air source heat pumps, solar panels; private amenity space; reinstatement of the existing crossover and creation of a new crossover to form vehicular access leading to parking to the rear; alteration and creation of new accesses; hard and soft landscaping including boundary treatment and external lighting; land level alterations; cycle and refuse/recycle provision at 3 Green Lane, Cobham, Surrey KT11 2NN in accordance with the terms of the application, Ref 2024/3328, and subject to the conditions in the attached schedule.

Preliminary Matters

2. A planning obligation has been submitted which seeks to mitigate the effects on the Thames Basin Heaths Special Protection Area (TBHSPA) and provide monitoring for Biodiversity Net Gain (BNG). I will return to these matters later in the decision.
3. The description of development is taken from the decision notice and planning obligation as this accurately and clearly describes the development proposed, and for consistency.

Main Issues

4. The main issues are
 - The effect of the proposed development on the character and appearance of the area

- The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook and any overbearing effect to 1 and 5 Green Lane and noise to 8 and 9 Earleswood.

Reasons

Character and Appearance

5. Green Lane is generally characterised by large, detached dwellings set in their own grounds. Many are more traditional family homes with features including fully pitched roofs and limited accommodation at roof level, but some are large 'grand mansion style' properties which include crown roofs and increased second floor accommodation served by multiple dormers. There is clear separation between the detached buildings. Properties are generally set back from the road behind landscaped front gardens although there are plots on this side of the road where front gardens are of lesser depth, including no 1 and 5 Green Lane either side of the appeal site. Nevertheless, in combination with grassed verges particularly on the southern side of the road, overall, there is a green character.
6. 3 Green Lane is a house which is set back from and at an angle to the road with a driveway and parking area towards the rear of the site. It is on a wider plot than others in the road and does not reflect the building line of the surroundings. Nonetheless, its separation from the road and landscaped boundary contributes to the green and spacious characteristics highlighted above.
7. 1 Green Lane adjoins the site and is occupied as flats. It includes a crown roof and is surrounded by landscaped communal gardens and parking areas accessed from both Fairmile Lane and Green Lane. There is significant separation between this building, the properties on the other side of Green Lane and no 3. Planning permission has also been granted at 32 Green Lane for flats. This building occupies the majority of the width of the plot, but adjoins woodland on one side, with an access road providing separation from no 30. Fairmile Lane leads to Green Lane and is a busier through-route. Along this road there are flats at no 110, which are close to the large house at no 108. As well as Audley Fairmile, which is a large and deep plot where there are multiple buildings providing retirement accommodation.
8. Overall, the built form in the vicinity of the appeal site has a detached character with a pleasant sense of spaciousness and greenery, and there are flats in the nearby area as well as examples of large buildings including with crown roofs.
9. The proposed development would introduce three buildings to the site. They would provide 15 flats at around 50 dwellings per hectare (dph). The buildings would be two storeys plus accommodation within crown roofs served by dormers. The plans show that Block A would be approximately 4.6-4.8m from the site boundary and Block C would be between around 5-6.5m away. A driveway would run between Blocks A and B providing access to hardstanding for carparking to the rear of the buildings. Footpaths also lead around the buildings as well as bin and bike stores. Landscaping is proposed with paths and hedges to the frontages, and a 4.5m high evergreen hedge along the boundary with 5 Green Lane.
10. Together policies CS10 and CS17 of the Elmbridge Core Strategy (2011) (CS) and Policy DM2 of the Elmbridge Development Management Plan (2015) (DMP) require high quality design, taking into account local character, density with an

overall housing density target of 40dph, scale, mass, separation distances and the prevailing pattern of built development, including with particular regard to Cobham, amongst other things. This is broadly in line with the National Planning Policy Framework's (2024) (Framework) requirement to achieve well designed places. There is also a supplementary planning document, Elmbridge Design Code (2024) (The design code) which provides guidance as to how these design policies should be interpreted and sets expectations for design quality. These include setting a floor area ratio (FAR) of 0-0.4 for low density areas, with a plot ratio of 0.2-0.3 for suburban areas. It was adopted in April 2024, however the Council's website states that applications submitted before 6 January 2025, which includes this application, would not be subject to the design code. I heard this was in order to ensure that the validation checklist had been updated. Nevertheless, the design code is a recent document, which is currently being used by the council for decision making, and I heard the parties' views as to the compliance or conflict with it. It is a relevant consideration in this decision. I also heard that the Design and Character Supplementary Planning Document is no longer used for decision making purposes. Given there is more up to date guidance, I afford it little weight in this decision.

11. The proposed development is for three large buildings. They would occupy the majority of the Green Lane frontage, which differs from the layout of the adjoining properties. Whilst the amount of hardstanding on the site would not notably increase, the size of the buildings would. In combination with the building line being close to the road and the areas for access and car parking to the rear, this limits the areas for soft landscaping, including to the front of the buildings. This would undermine the open and green characteristics of this area.
12. However, these detached buildings would reflect the appearance and scale of 'mansion style' buildings along Green Lane and the separation between the blocks is similar to that found elsewhere on the road. The ridge would be lower in height than 1 Green Lane and the buildings would also be broadly aligned with the elevations of 1 and 5 Green Lane which front the road and this would make a positive contribution to the character of the area. These features would be in keeping with these characteristics of Green Lane and although they would not overcome the harm, it would reduce its extent.
13. Generally, the proposed development would comply with the metrics set out in the design code, although there is dispute in relation to the FAR. In particular, whether the site is a purely residential area, east of Cobham and should be considered low density, or a residential area near local centres such as Cobham which would be medium density. The proposal would achieve a medium density FAR. However, in the absence of a FAR for neighbouring plots, it is not clear whether this measurement would be in keeping with the context of this particular site.
14. Drawing all the above together, the bulk and siting of the three proposed buildings in this location would undermine the green and spacious characteristics of the area. As such, even taking into account the design code, the development would not respect the local character including with regard to scale and mass and therefore it would not reflect local design policies. However, the proposed appearance, detached character, height, and building line would be in keeping with these characteristics of Green Lane and in accordance with the prevailing pattern of development in these respects. Consequently, although there would be harm to character and appearance, the extent would be moderate.

15. The proposed dwellings would exceed the Nationally Described Space Standards, and a development of lesser bulk and massing may still be able to provide 15 units at this site. However, such a scheme is not before me for consideration and this decision is based on the merits or otherwise of the appeal proposal.
16. Therefore, the proposed development would be harmful to the character and appearance of the area. As such, it would be contrary to policies CS10, CS17 of the CS and Policy DM2 of the DMP, the aims of which are set out above. Policy CS14 of the CS mainly relates to green infrastructure, consequently the policies above are more relevant to this main issue.

Living Conditions

Outlook and overbearing

17. 1 Green Lane is occupied as flats with multiple windows facing across their gardens and carpark towards the fence and planting at the boundary of the appeal site. The evidence indicates that at first floor these generally serve bedrooms, and at ground floor there are bedrooms, bathrooms and a projecting element with windows to living/kitchen dining rooms. The side elevation of Block A would be aligned with all but the windows closest to Green Lane. There would be around a 17m separation between the closest windows at ground floor and the side elevation of Block A, with around 18m separation from the other windows. The plans are annotated to show that Block A would be around 17m deep at the closest point with a rear projecting element with balconies and ground floor porch projecting beyond this, to a total depth of around 21.7m. A single window is proposed to the side elevation of Block A, it would be to a study and would be obscure glazed and only openable at high level which could be secured by condition. The landscaping plan indicates that along this boundary there would be three retained trees and existing vegetation enhanced with native scrub.
18. The properties at 1 Green Lane would retain their aspect across their own communal areas with further space and planting providing separation from the side elevation of Block A. The proposed elevation facing in this direction would not include clear glazed windows and, although it would be large, its height would not exceed 1 Green Lane and in combination with the separation distance, boundary treatment and planting the proposed development would not be unacceptably overbearing or result in inadequate outlook for these occupiers.
19. 5 Green Lane is a large single family home. There is a first floor window to the side elevation which is the only window to a bedroom. The parties agree that the development would be located around 14.3m from this window. The building would be clearly seen from this position. The plans show that Block C would be around 17m deep at its closest point, and similar to Block A would have a rear projection and balconies and a ground floor porch beyond this, with no windows to the side elevation. A 4.5m high evergreen hedge is also proposed along the boundary. I note the conclusions of an appeal decision on a site at 40 Fairmile Lane where the Inspector found that boundary planting would not provide screening to a specified height in perpetuity (Appeal ref: APP/K3605/W/25/3371813). In any case the proposed planting would be unlikely to fully screen views of the building.
20. Nevertheless, the most affected window is at first floor and views would be possible above the proposed Block C. Furthermore, the remainder of the main rooms in 5 Green Lane would retain their existing outlook. As such, overall, the

occupiers of no. 5 would retain reasonable outlook and I do not find that there would be an unacceptably overbearing effect to this property.

21. The design code provides advisory guidance that a 22m back to back distance between facing windows of habitable rooms should be achieved to retain sufficient privacy and outlook. The side elevations would not introduce clear windows facing towards the neighbouring properties and therefore this situation is not directly applicable. Nevertheless, the adjacent windows of the neighbouring properties would be less than 22m from the proposed flank elevations. However, due to the specific circumstances in this case set out above, the existing occupiers would retain suitable outlook. Consequently, the proposed development would not be unacceptably harmful to the living conditions of the occupiers of 1 and 5 Green Lane. Given these findings relating to the closest and most affected properties, it follows that there would not be harm to other properties in these regards.
22. 8 Earleswood has windows to main rooms to its rear elevation with a garden area beyond. There would be windows and balconies to the proposed rear elevations, although the rear elevation of Block B would be around 28m away from 8 Earleswood and would be located at an angle to its rear elevation. Taken together the orientation and distance would mean that there would not be direct overlooking and this would retain an appropriate level of privacy for these occupiers. Properties across Green Lane would be separated by the road and some distance away and consequently would not be harmfully overlooked. In addition, the detailed daylight and sunlight evidence demonstrates that there would not be an unacceptable loss of light to any of the surrounding properties.

Noise

23. During the course of the appeal the appellant submitted A technical note by ES acoustics. It demonstrates that, taking into account the maximum of 6 vehicle movements predicted within an hour, noise associated with the use of the car park would not exceed the background noise levels, nor would the levels outside the windows of the nearest properties be at an unacceptable level. At the hearing the appellant confirmed that the assessment of noise has taken into account parking lot noise sources from a residential parking area. On the basis of this information the Council identify that subject to noise mitigation measures the general siting and activity generated would not be of detriment to the neighbouring occupiers.
24. The assessment in the technical note was on the basis of a 2.5m high wall at the application site boundary. There was dispute at the hearing as to whether this was the existing situation. Nevertheless, a requirement to provide suitable boundary treatment to ensure that this mitigation could be achieved could be secured by condition. Taking all the above into account, there would not be unacceptable noise and disturbance to neighbouring occupiers.
25. The detailed noise evidence demonstrates that the proposed air source heat pumps would not result in unacceptable noise levels. A condition could be attached to ensure that if any similar plant were proposed in future, these would be subject to appropriate noise mitigation measures. Nor is there substantive evidence that leads me to conclude that there would be a harmful effect on air quality.

Summary

26. The proposed development would not be harmful to neighbouring occupiers with particular regard to outlook and any overbearing effect to 1 and 5 Green Lane and noise to 8 and 9 Earleswood. Consequently, it would not be contrary to Policies DM2 and DM5 of the DMP. Together these seek to protect the amenity of adjoining occupiers, including in relation to outlook, and mitigate the effect of noise on future residents which is broadly in accordance with the Framework's requirements to provide a high standard of amenity for existing users. However, the lack of harm in these respects would be a neutral factor in the planning balance. Policy CS17 of the CS mainly relates to local character, density and design, as such, the policies set out above are more relevant to this main issue.

Other Matters

Thames Basin Heaths Special Protection Area.

27. The TBHSPA is designated because of the presence of breeding populations of bird species: Dartford Warblers, Woodlarks, and Nightjars. Due to the potential for predation and disturbance from recreational use, without any mitigation in place, in combination with other plans and projects, there would be a likely significant effect on the interest features of the site from the proposed development.
28. The Conservation of Habitats and Species Regulations 2017 require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects. I am therefore required to undertake an AA.
29. The Thames Basin Heaths Special Protection Area Interim Mitigation Strategy for Elmbridge (2007) together with the Development Contributions Supplementary Planning Document (2020) and Policy CS13 of the CS set out that the impact of such development on the natural habitats in the TBHSPA can be avoided by the provision of alternative areas of open space through provision of Suitable Accessible Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) measures. Contributions towards SANG would be secured by CIL, and contributions towards SAMM would be secured via planning obligations. Natural England has been consulted on this specific application and indicated that they are satisfied that these measures would be effective in preventing adverse impacts on the integrity of the sites. I have taken these comments into account. As such, the mitigation measures proposed in these documents would be effective in this case.
30. The planning obligation secures a SAMM contribution and the LPA have confirmed the amount and method of security is in accordance with their requirements. Consequently, I am satisfied that there would be adequate mitigation for the effect on the SPA and so I can be certain that there would be no adverse effect on the integrity of the SPA.
31. The development would therefore be in accordance with Policy CS13 of the CS which requires that measures are put in place to avoid or mitigate any potential adverse effects on the TBHSPA, amongst other things.

Planning Obligation

32. The development includes on site improvements that would lead to the creation of Habitat Units and Hedgerow Units. These would be combined with the delivery of off site units to achieve the statutory requirements for 10% BNG. The S106 includes a requirement to complete the habitat creation and enhancement with management and monitoring secured for 30 years. Monitoring costs for BNG are also included, and these fairly and reasonably relate to the scale and kind of the development.
33. Taking into account both BNG and TBHSPA mitigation, the obligation would be necessary, directly related to and fairly and reasonably related in scale and kind to the development and is necessary to make the development acceptable in planning terms. As such I have taken it into account in my decision.
34. The development would also make a contribution towards the Council's Community Infrastructure Levy. It would help to deliver the infrastructure needed to support development, including the appeal scheme, in this area. Therefore, it would mainly mitigate the impacts of the proposed development, consequently any benefits in this regard would be minimal.

Highways

35. The proposed development would provide 24 car parking spaces for the 15 units, which would be in line with the requirements of the Elmbridge Parking SPD (2020) and would be unlikely to result in overspill parking. There would be a predicted up to 6 movements to and from the site at peak times and this would not have a harmful effect on traffic flows in the area. There would be some disturbance during building works, however a construction transport management plan could control matters such as parking, loading and unloading and therefore it would provide suitable mitigation for these temporary effects. As such there would be a neutral effect in these regards.

Energy

36. There is no detailed evidence about embodied carbon, nevertheless the appeal scheme includes energy-saving measures such as the use of specific fabric and materials, air source heat pumps, solar panels and electric vehicle charging points and, where relevant, these could be secured by condition. The detailed evidence demonstrates that the appeal scheme results in around a 70% saving in carbon emissions beyond the building regulations target.

Housing

37. The Council and the appellant agree that, for the purposes of this appeal the Council have a 0.9 year supply of deliverable housing land. Furthermore, the most recent emerging local plan was found unsound. As such, this shortfall does not have a foreseeable resolution. In addition, the latest housing delivery test results indicate that the delivery of housing was substantially below the housing requirement over the previous three years. Overall, this equates to a substantial shortfall which is likely to persist. The proposed development would result in an increase in 14 homes, along with the social and economic benefits associated with this. These would not be affordable homes, nevertheless given the extent of the

shortfall, these are important benefits which weigh strongly in favour of the appeal scheme.

38. The officers report sets out an overwhelming need for smaller dwellings in the borough. The proposed development would provide a mix of 2 and 3 bedroom units and therefore would make a positive contribution towards the identified need for this size of unit, and the substantive evidence in this appeal demonstrates that there would be appropriate living conditions for the future occupiers.
39. The development is on a windfall site in Cobham, and I give great weight to the benefits of using suitable sites within existing settlements for homes. Part of the site includes permanent structures and associated hardstanding, although part of the land is a residential garden in a built up area, and some of the development would be on brownfield land. I give substantial weight to the value of using suitable brownfield land within settlements for homes and the Framework directs that such proposals should be approved unless substantial harm would be caused.
40. My attention has been drawn to a recent appeal decision at 40 Fairmile Lane. In that case the Inspector gave moderate weight to the benefits of the development including the provision of 13 homes. However, that decision also found significant harm to character and appearance including trees and to neighbouring living conditions. This is notably different to the situation before me where moderate harm to a single matter has been identified. As such those circumstances are clearly different to those before me now.
41. Overall, in this case, the provision of the proposed 15 units of housing on the appeal site attracts significant weight in favour of the appeal scheme.

Planning Balance

42. The Council cannot demonstrate a 5 year supply of deliverable housing sites. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the Framework would be engaged. It requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole having particular regard to key policies.
43. The proposed development would provide a net increase of 14 homes in an existing settlement where there is a substantial and ongoing shortfall in supply. This would make a positive contribution to the provision of housing and would be an effective use of land in this respect. Taken together with the matters set out above, the benefits of the development would be significant.
44. On the other hand, the development would result in harm to the character and appearance of the area. Consequently, it would not secure a well designed place, nor make effective use of land in this regard. Nevertheless, for the reasons set out above, the extent of the harm would only be moderate.
45. Therefore, in this case, even though there would be a moderate adverse effect on the character and appearance of the area, that does not significantly and demonstrably outweigh the significant benefits including the increase of 14 homes in these circumstances.

Conditions

46. The suggested conditions were discussed at the event and I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I made it clear that I would make such amendments as necessary, in order to comply with these documents and to ensure that conditions would not unnecessarily delay the delivery of development.
47. I am attaching the standard implementation condition and in the interests of certainty a condition to define the plans with which the scheme should accord. Details of materials are required for character and appearance reasons. A tree protection plan, the implementation of tree protection measures, and an arboricultural meeting as well as landscaping details including a site evaluation, boundary treatments, soft landscaping, tree planting, hard landscaping, details of management and maintenance and a timetable for implementation are required in the interests of character and appearance and biodiversity also, for landscaping, in the interests of neighbouring living conditions. There was duplication between the suggested arboricultural, landscaping, biodiversity and other conditions. The relevant matters have been combined into a single landscaping condition and certain details have been removed from the condition which are covered elsewhere or where details are included as part of the approved drawings for brevity. The arboricultural conditions are pre commencement as these measures are required for the full duration of the proposed works.
48. A number of conditions were suggested relating to biodiversity, including a landscape and ecological management plan (LEMP), ecological enhancement plan (EEP) and habitat management and monitoring plan (HMMP). The HMMP would provide a management plan to secure ecological enhancements in relation to the statutory requirement for biodiversity net gain. The landscaping condition also has a requirement for maintenance and management. As such, as these matters are covered elsewhere, the EEP and LEMP conditions have not been included. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the BNG condition, therefore it is not listed in the schedule of conditions. An invasive species management plan has also been included in the interest of biodiversity and this, as well as the HMMP, are required to be pre commencement conditions because these measures would need to be agreed before above ground work takes place.
49. Obscure glazing to side windows, a restriction that the flat roof should not be used as an amenity area, noise assessments for any plant and machinery, measures to control noise transmission between flats and details of the refuse collection arrangements are required in order to protect the living conditions and health of existing and future occupiers. Details of external lighting are needed in the interests of living conditions, biodiversity and character and appearance. I have combined the suggested conditions on this matter for conciseness.
50. The stopping up of the existing access, the provision of new access with appropriate visibility splays and a Construction Transport Management Plan (CTMP) are necessary to ensure an acceptable impact on the transport network and highway safety. The CTMP is pre commencement as these details are required for the full duration of the proposed works. Details of the location of car parking bays and their ongoing retention as well as turning areas are also needed

for the same reason. Details of cycle parking are needed to promote sustainable transport. There is a requirement to provide electric vehicle charging points under building regulations. At the hearing the parties did not demonstrate that the requirements suggested to be secured by condition would be different to these and therefore this condition is not necessary and has not been included.

51. The Lead Local Flood Authority have identified that the proposed drainage system would be acceptable, and a surface water drainage scheme and a verification report are needed to secure this and ensure that the development does not increase flood risk on or off site. The submission of the scheme is a pre commencement condition because the measures would need to be approved before above ground work takes place. The development is also required to be in accordance with the sustainability measures put forward to support energy efficiency.

Conclusion

52. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: MA197 020 P2, MA197 015 P2, MA197 016 P2, MA197 029 P2, MA197 001 P1, MA197 010 P18, MA197 040 P5, MA197 041 P5, MA197 042 P4, MA197 043 P4, MA197 050 P3, MA197 051 P2, MA197 080 P3, MA197 081 P3, MA197 082 P4, MA197 091 P3, MA197 100 P1, MA197 060 P5, MA197 070 P3, 2025, MA197 095 P3, 1068-LA-P-01 C P2, MA197 090 P4, MA197 092 P4.
- 3) No development shall commence unless and until a Habitat Management and Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity as a result of the development has been submitted to and approved in writing by the Local Planning Authority.

This shall be in general accordance with the BNG Assessment produced by AAe received 23 December 2024.

The Habitat Management and Monitoring Biodiversity Management Plan shall include:

- i) A management and monitoring plan for onsite biodiversity net gain for a period of 30 years from the completion of development including 30 year objectives, management responsibilities, maintenance schedules; and
- ii) A methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan.

- 4) No development including groundworks and demolition shall commence unless and until a dimensioned tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The development will be implemented in strict accordance with the approved details.

All tree protection measures shall be installed in the positions identified on the approved tree protection plan(s) and be suitably fit for purpose (BS5837 2012 Figure 2 and / or Figure 3 including any ground protection described within section BS5837 2012 6.2.3.3), and all tree protection measures must be maintained in accordance with the approved tree protection plan for the course of the development until all development works are finished and building materials have been removed.

- 5) No development, including groundworks and demolition shall commence and no equipment, machinery or materials brought onto the site for the purposes of the development, until a pre-commencement meeting has been held on site attended by a suitably qualified and experienced arboriculturist, representative from the Local Planning Authority and site manager/foreman.

The meeting is to ensure operatives are aware of the conditioned working procedures and it should be confirmed by the project arboriculturist that the

barriers and ground protection have been correctly set out on site, prior to the commencement of any other operations in precise positions stated in the approved tree protection plan (BS5837 2012 Figure 2 and / or Figure 3 including any ground protection described within section BS5837 2012 6.2.3.3). To arrange a pre-commencement meeting please email tplan@elmbridge.gov.uk with the application reference and contact details.

- 6) No development including groundworks and demolition shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - i) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels. Where infiltration is proposed confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
 - ii) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off including multifunctional sustainable drainage systems.
 - iii) Construction drawings for all drainage elements including cross sections and detailed drainage layout plan.
 - iv) An exceedance flow routing plan demonstrating no increase in surface water flood risk on or off site. The plan must include proposed levels and flow directions.
 - v) Details of drainage management responsibilities and maintenance regimes for all drainage elements.
 - vi) Details of how surface water will be managed during construction including measures to protect on site and downstream systems prior to the final drainage system being operational.

The development shall be implemented in strict accordance with the approved details prior to the first occupation of the development hereby permitted.

- 7) No development shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Transport Management Plan shall include details of:
 - i) parking for vehicles of site personnel, operatives and visitors
 - ii) loading and unloading of plant and materials including arrangements for any HGVs associated with the development at the site to be laid up, waiting
 - iii) storage of plant and materials
 - iv) programme of works (including measures for traffic management)
 - v) provision of boundary hoarding behind any visibility zones

- vi) HGV deliveries, movements and hours of operation
- vii) vehicle routing
- viii) measures to prevent the deposit of materials on the highway
- ix) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

The development shall be implemented in strict accordance with the approved details.

- 8) No development including groundworks and demolition shall commence unless and until an invasive species management plan prepared by a suitably qualified individual has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details prior to the first occupation of the development hereby permitted.
- 9) Prior to the commencement of above ground works, a detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include:
 - i) full details of all proposed soft landscaping and tree planting including species, sizes, locations, pit design, site preparation, supports, irrigation, guards/any other protective measures to be used. The tree planting will include a minimum of (including existing proposal); 1x 30cm+ girth Sequoia.
 - ii) A full and comprehensive site evaluation and constraints assessment which takes into account characteristics structure and texture of the soil, the soil profile especially the depth of topsoil and subsoil, the soil pH, drainage capacity of the soil, soil compaction. If soil contamination is suspected, contaminated soil should be stripped and replaced.
 - iii) Positions, height, species, design, materials and type of boundary treatments/retaining walls proposed and those to be retained, ensuring (including any walls that are rebuilt) that any boundary treatment on the northern, western and eastern boundaries adjoining 98 Fairmile Lane and 7, 8 and 9 Earleswood is at the same height as those included in the acoustic assessment by ES acoustics dated 22/05/2025.
 - iv) hard surfacing materials (to be permeable).
 - v) maintenance and management plan including protective measures to be used, planting times, irrigation and maintenance schedules for trees.
 - vi) A timetable for the implementation of all landscaping work including boundary treatment and new planting.

All tree planting will be carried out in accordance with BS 8545:2014 and all landscaping work including boundary treatment and new planting shall be carried out prior to the first occupation of the development hereby permitted and in accordance with the approved timetable.

The approved maintenance and management plan must be strictly accorded with throughout the lifetime of the development.

Any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed, uprooted, destroyed or become seriously damaged, diseased or die shall be replaced

in the next planting season with others of similar size and species in the same place.

- 10) Prior to the commencement of above ground works, full details of the parking bays, including the location of disabled parking bays, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation of the development hereby permitted, space shall be laid out within the site in accordance with the approved plans for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained for their designated purposes.

- 11) Prior to commencement of above ground works, full details (including manufacture specification and samples) of the exterior building materials, including Solar Panels and Air Source Heat Pumps, to be used on all of the external faces and roof of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 12) Prior to the commencement of above ground works, a lighting scheme including a lighting management plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall identify how the installation of any new/additional artificial lighting is orientated and shielded or otherwise designed and positioned, such that the light from them does not cause light nuisance to habitable rooms within the development, other residential properties in the near vicinity and protects European Protected Species.

The lighting scheme shall refer to national guidance and identify the type of lighting to be installed, height of any columns, any shielding and lux mapping showing light spillage levels received at ground level around the development. The installation of lighting shall be in accordance with the approved details and thereafter be retained and maintained as such.

- 13) Prior to the first occupation of the development hereby permitted, details of facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first occupation of the development hereby permitted and thereafter be retained and maintained in accordance with the approved details.

- 14) Prior to the first occupation of the development hereby permitted, details of how the refuse and recycling will be collected shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 15) Prior to the first occupation of the development hereby permitted, the side facing openings at first floor level on the side elevation of 'Block A' facing west towards no.1 Green Lane – Sienna Court shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. This shall also apply to the ground and first floor side

openings to 'Block A' – eastern elevation, the first floor side openings of 'Block B' – eastern and western elevation and the ground and first floor side openings of 'Block' C – western elevation. The windows shall be permanently retained in that condition thereafter.

- 16) Prior to the first occupation of the development hereby permitted, a surface water drainage scheme verification report must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), confirming any defects have been rectified. It must also include the details of any management company and an 'As-Built' drainage layout and state the national grid reference of key drainage elements.
- 17) Prior to the first occupation of the development hereby permitted, a detailed scheme shall be submitted to, and approved in writing by, the Local Planning Authority setting out how the construction of the separating floor/ceilings/walls within each flat shall exceed an airborne sound insulation value of 55 dB DnT,w+Ctr (i.e. 10 dB above the standard required by the Building Regulations Document E).

The scheme shall be fully implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter retained. A suitably qualified person shall carry out post-completion testing to ensure that the above sound insulation value has been achieved. The results of the assessment shall be submitted to and approved in writing by the Local Planning Authority before the use commences.

- 18) Prior to the first occupation of the development hereby permitted, the existing vehicular access and driveway towards the side of no.5 Green Lane must be closed off and reinstated with associated built form and landscaping and any kerbs, verge, footway, fully reinstated.
- 19) Prior to the first occupation of the development hereby permitted details of the vehicle access to Green Lane and visibility splays shall be submitted to and approved in writing by the Local Planning Authority, The proposed access shall be constructed and provided with visibility zones in accordance with the approved plans prior to the first occupation of the development hereby permitted, and thereafter the visibility zones shall be retained and kept permanently clear of any obstruction over 1.05m high.
- 20) Before any fixed plant, machinery, air-moving extraction or filtration, air source heat pumps or air-conditioning units or like-kind are installed within the premises, a noise assessment shall be carried out in accordance with the criteria set out in BS4142: 2014 +A1: 2019. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 +A1: 2019 - Methods for rating and assessing industrial and commercial sound. The detailed noise assessment report which shall also identify required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

The installation of the plant or machinery must be implemented in accordance with the approved noise assessment and mitigation measures and thereafter maintained in accordance with those details.

- 21) The flat roof area on the crown roofs of the buildings hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area.
- 22) The proposed development hereby permitted shall be carried out in strict accordance with the submitted Energy and Sustainability Statement by Envision. Including that the combination of the sustainability measures would deliver an 70.30% saving in Carbon Emissions beyond the Part L Target.

Richborough

APPEARANCES

FOR THE APPELLANT:

Daniel May

Matt Richards

Christian Zwart

FOR THE LOCAL PLANNING AUTHORITY:

Peter Brooks

Jamil Patel

INTERESTED PARTIES:

Erin Carroll

Richborough