



**ELMBRIDGE BOROUGH COUNCIL**  
**EXAMINATION OF THE ELMBRIDGE LOCAL PLAN**

**MATTER 9: SITE ALLOCATIONS**

**PRE-HEARING STATEMENT ON BEHALF OF**  
**ELMBRIDGE BOROUGH COUNCIL**

**May 2024**

## Matter 9: Site Allocations

*Issue 14: Are the proposed site allocations selected using an appropriate methodology based on a proportionate evidence base? Are they justified and effective? Will the allocations address the land use requirements across the Plan period?*

Questions:

**D7**

**8.26 Is the allocated use justified (note the landowners representation that it is not available for residential use)**

### Council response

8.26.1 Site allocation D7 has been amended to retail use only. This has been revised in the track change document at appendix 1 of this matter and the loss of 25 units has been reflected in the housing trajectory. This reflects the representation of the landowner and recent appeal decision as detailed below.

8.26.2 Site allocation D7- 47 Portsmouth Road was originally identified in the Urban Capacity Study 2018 (HOU012) with the commentary that if the existing use could be relocated, the site has the potential for housing development. Previously in commercial use as a car showroom and dealership, the business was relocated to Richmond in 2020 and was left vacant. The site does not fall within a Town Centre or Local Centre or within Strategic Employment Land. Apart from a public house to the west, this was a standalone car garage with residential units adjoining the site to the north, east and south. As the existing use had been relocated, it was considered justified to allocate for residential use.

8.26.3 Aldi Stores Ltd purchased the site and began pre-application discussions in 2021. A mixed-use development for the site was explored during the pre-application enquiry. However, it was concluded by the landowner and officers that this would most likely be harmful to the character of the street scene, the Conservation Area and the adjoining listed building as a mixed-use building would necessitate a much taller and bulkier building. The landowners submitted a planning application for a supermarket (2021/3857) and have

confirmed that the site is only available for retail use in their representation response #1107932.

8.26.4 After the application was refused in August 2022, an appeal was lodged on 20 February 2023. The appeal was dismissed on its adverse effect on the character and appearance of the surrounding area and its adverse impact on the setting of the listed building and its overbearing impact on neighbouring properties. The Inspector's report confirmed that the site has been in long-standing commercial use, and that paragraph 81 of the NPPF (2021) states that significant weight should be placed on the need to support economic growth and productivity.

**8.27 Is the allocation of this site in conflict with policy ECO1?**

Council response

8.27.1 The Council acknowledges that there was an error in the proposed allocation for this site, as at the time a mixed -use scheme was being explored through the pre-application process and this was not reflected in the allocation wording.

8.27.2 However, as the Council has set out in its response to question 8.26, site allocation D7 has been amended to retail use only. This has been revised in the track change document at appendix 1 of this matter and the loss of 25 units has been reflected in the housing trajectory.

**H1**

**8.28 Has residential development here recently been refused at appeal? If so what are the implications of this on the deliverability of the site during years 1-5 of the Plan period?**

Council response

8.28.1 In 2019, planning permission was refused (2019/1320) for a detached part three/part two-storey building incorporating basement comprising 7 flats with associated groundworks and landscaping following demolition of the existing building (171.5 sqm). One of the reasons for refusal was due to the proposal resulting in the permanent unjustified loss of community use which would not be replaced by equivalent or better provision elsewhere which is considered unacceptable and would be contrary to existing policies and the NPPF. This application was not appealed.

8.28.2 Subsequent to this application, there has been a Lawful Development Certificate application that was refused and then dismissed at appeal for the change of use from day nursery to office (2022/0301).

8.28.3 Site allocation H1- 63 Queens Road has been allocated for 5 residential units and mixed use. The mixed use relates to the provision of a community use to ensure that the development does not result in a loss of this use.

8.28.4 The delivery period has now been changed to 6 to 10 years as no new planning application has been submitted since the refusal for 7 flats in 2019 and LDC in 2022. This has been amended in the track change document at appendix 1 of this matter and reflected in the housing trajectory.

### **H3**

#### **8.29 What is the evidence to support the delivery of this site within years 1-5 of the Plan period?**

##### Council response

8.29.1 Site allocation H3- Hersham Shopping Centre was originally given a 1-to-5-year delivery period because at the time of drafting the Plan for Regulation 19, a Planning Performance Agreement (2021/4305) had confirmed that the planning application would be submitted on 15 August 2022.

8.29.2 Since publication of the draft Plan, submission of the application has been delayed and therefore the delivery period for this site allocation has been amended to 6-10 years. A hybrid planning application (2024/0498) was submitted in April 2024 and is currently under consideration. The delivery time has been amended in the track change document at appendix 1 of this matter and will be reflected in the Council's housing trajectory.

#### **8.30 On what basis does the reference to 200 units represent a realistic number of units to be delivered during years 1-5 of the Plan period?**

##### Council response

8.30.1 As set out above, the time frame for the delivery of this site has been amended to 6-10 years which the Council considers now provides a more realistic timeframe for this development coming forward on the basis of a submitted planning application.

8.30.2 In addition the number of units has been amended to 100 units, following further work with the applicant. This has been amended in the track change document at appendix 1 of this matter and will be reflected in the Council's housing trajectory.

**8.31 Given the existing use of the site and policy ECO3, would a mixed use allocation be more appropriate?**

Council response

8.31.1 Yes it would. It was an error in the site allocation chapter and should have included mixed use as well as residential units. Mixed use has been included in the track change document at appendix 1 of this matter.

**H10**

**8.32 It is evident from the representations that this building has been recently refitted - on what basis has it been concluded that there is a reasonable prospect that this site would be developable?**

Council response

8.32.1 As part of the LAA 2023 land ownership checks undertaken in 2023, landowners have now confirmed that this site is no longer available. It is deleted from the site allocations in the track change document at appendix 1 of this matter.

**H11**

**8.33 Is there a sewage pumping station located on this site, if so does this impact on the net developable area and is this reflected in the allocation as drafted?**

**Does this site include a heritage asset and does the capacity for the site take this into account?**

Council response

8.33.1 The site was identified in the Urban Capacity Study (HOU012) in 2018 and commentary noted the Grade II listed building within the site: The Barley Mow Public House. It stated that a reasonable prospect of development to the west

of the site with mitigation and mixed use to minimise adverse effects upon listed building and context of the site. It was given a mid-point estimated capacity of 48 units to take account of the site constraints.

8.33.2 There is sewage pumping station located on the site. This alongside other site constraints, the Council now considers, will impact the net developable area and therefore the site should be deleted from site allocations. This has been deleted in the track change document at appendix 1 of this matter.

## **ESH10**

**8.34 Is the allocation of the site for 6 houses justified on the basis of the evidence presented? In what way does this capacity take into account the existing site constraints?**

### Council response

8.34.1 The site allocation ESH10- 40 New Road Esher is justified for 6 units. At the time of drafting the Plan for Regulation 19, planning permission (2021/1238) was being sought for 3 pairs of semi-detached three-storey houses, 1 detached three-storey house and associated landscaping and parking following demolition of existing house. The constraints had been identified and it was concluded that surface water flood risk could be mitigated. Additionally, there had been other flatted developments in this residential road (2019/2119) and therefore it was considered that there was a reasonable prospect that this site could be developed for net 6 units.

8.34.2 Planning application 2021/1238 was withdrawn just before the Regulation 19 Draft Plan was published. Since then, a planning application 2022/2086 for the development for 9 (gross) houses at 40 New Road, Esher was submitted in 2022. The application was refused at planning sub-committee.

8.34.3 An appeal was lodged on 27 March 2024 and a further planning application (2024/0243) for a terrace of 3 two-storey houses with rooms in the roofspace and 3 detached two-storey houses with detached garage for Plot 2 and attached garages for Plots 4, 5 and 6, associated landscaping and parking following demolition of existing house has been submitted which demonstrates an intention to develop the site.

8.34.4 Based on this evidence, the 6 net units for site allocation ESH10 is considered justified. The site allocation takes into account the site constraints which relate to surface water and adjoining trees protected by Tree Preservation Orders.

## ESH16

### 8.35 Is the site currently occupied?

#### Council response

8.35.1 Yes. Commercial leaseholders occupy the site, which includes a waste depot.

### 8.36 How much employment floorspace would be lost as a result of this allocation and what is the justification for the loss given the Plans approach to employment floorspace overall?

#### Council response

8.36.1 The River Mole Business Park currently has 4,860 sqm of commercial space, which includes the Council's waste depot and other buildings in Council ownership. This site forms part of the Council's Lower Green Regeneration Project for which options are currently being considered by the Council.

8.36.2 At present, the options proposed for the site as part of the wider regeneration area will provide 2,680 sqm of commercial space (a potential loss of 2,180 sqm). The Council is working with another Council to relocate the current waste depot to a shared facility outside the Borough. The regeneration project will allow the Council to deliver the following objectives through the site:

- Modern fit-for-purpose commercial units
- Much-needed new homes
- Improve connectivity to the wider area to create social and economic benefits for the Lower Green Community
- Improve active travel routes to increase physical activity and social connections.
- Improve access to green and blue infrastructure to increase biodiversity and residents' well-being.
- Deliver a community hub with access to critical services that will improve the health and well-being of residents.

8.36.2 The Council consider that the allocation is justified due to the wider benefits of the regeneration area, of which this site forms part, and that there would be no conflict with policy ECO1.

### 8.37 The LAA suggests that the existing employment floorspace could be relocated to an existing strategic employment land (SEL) area – is this a site requirement and if so should it be reflected in the policy? Does the viability evidence support this approach? How would this relocation to

**existing SEL impact on the overall employment land requirements to 2039?**

Council response

8.37.1 Work has progressed with the regeneration project for this area, and it is now considered that a SEL site will not be needed to accommodate the employment use. Instead, the Council is working with another Borough Council to relocate the current waste depot to a shared joint waste depot outside the Borough. It is considered that this will be a more effective use of the commercial land with the justification set out at paragraph 8.36.1. The regeneration depends on the depot being re-provided, and the Council is working closely with its partners to deliver the project.

**WEY26**

**8.38 Representations have raised concerns that this site is located within flood zone 3. Does the 9500sqm allocation take the relevant flood risk issues into account and in what way has this influenced the amount of new floorspace which could be delivered on the site?**

Council response

8.38.1 The Environment Agency has raised concerns in their regulation 19 representation that site allocation WEY26 (The Heights, Weybridge) is located within flood zone 3. They state that flood risk can significantly reduce the amount of developable land available. Therefore, the site may not be able to deliver as much floorspace as it is required to.

8.38.2 Site allocation WEY26 proposes additional employment floorspace for a location within the 20ha site (which is designated Strategic Employment Land). This was originally identified in the Urban Capacity Study with the knowledge that land within the Heights does fall within flood zone 2 and 3. It was considered at this time that future commercial development should be located in the areas of flood zone 1 and flood mitigation would be required if any part would fall within flood zone 2 and 3.

8.38.3 Since the allocation, a planning application (2023/3281) has been granted permission for development of a 4-storey building (17,713sqm GIA) comprising offices and laboratories, including ancillary storage (Use Class E), with parking and associated landscaping at 7A The Heights Weybridge.



8.32.4 The majority of the application site is located within Flood Zone 1, the area at lowest risk of fluvial (river) flooding. The southwestern corner of the site falls within Flood Zone 2, and part of the existing access by the roundabout falls within flood zone 3. A submitted Flood Risk Assessment (FRA) has been reviewed by the Council's flooding consultants RPS who found that the requirements of existing Policy CS26 and the Flood Risk SPD have been satisfied.

8.32.5 The Environment Agency (EA) and the Local Lead Flooding Authority (Surrey County Council) were consulted upon. The EA provided pre-application advice to the applicant.

### **WEY13**

**8.39 In light of the representation which objects to the loss of the car park as it is used by a local sports club, is this allocation justified?**

#### Council response

8.39.1 WEY13- York Road Car Park Weybridge is no longer available and has been deleted from site allocations. This has been deleted in the track change document at appendix 1 of this matter.

**8.40 Is there an issue in terms of rights of way to access the property at the rear of the site and how would this be addressed?**

#### Council response

8.40.1 The site is no longer available and has been deleted from site allocations.

### **WEY33**

**8.41 Is the site capacity as indicated on the LAA justified and should this be reflected in the policy?**

#### Council response

8.41.1 As set out at paragraph 9.4 of the Local Plan, the purpose of the site allocations is to identify the principle of development and use. Originally, the Urban Capacity Study (HOU012) identified 112 units from an applied high-density multiplier. With a proposed density of 128dph, the 100 units allocated for the site was considered justified.

8.41.2 As the landowner have confirmed in their regulation 19 response that they have undertaken further work to test capacity and have provided evidence that the site can achieve 120 units; this can be changed. This has been amended in the track change document at appendix 1 of this matter and reflected in the housing trajectory.

### **D3**

#### **8.42 Has this site been the subject of a planning appeal and are there any implications for the delivery of the site in years 1-5 of the Plan period?**

##### Council response

8.42.1 Yes, the site has been subject of a planning appeal. In 2018, an application (2018/0746) for 35 independent living units was refused and dismissed at appeal for its impact on the character of the area and effect on the living conditions of surrounding residents. Since then, the following planning applications have been submitted for Grace Lodge, 4 Manor Road South.

- 2023/3360-To confirm existing use as C3- Refuse Lawful Development Certificate.
- 2023/2580-Four pairs of semi-detached two-storey houses with associated parking, refuse and cycle storage and landscaping following demolition of existing buildings- under consideration.
- 2023/0342- Change of use from C2 (Residential Institution to C3 (Residential) following partial demolition of existing building and additional detached two-storey house with associated parking and landscaping changes of use from C2 to residential -refused and appeal lodged
- 2022/1057-Two pairs of semi-detached two-storey houses (4 units in total) with rooms in the roof space and dormer windows with associated parking and landscaping following demolition of existing buildings- refused- appeal dismissed.

##### 6 Manor Road South

- 2022/1747- Detached two-storey building with rooms in the roof space to provide six flats with associated bin and cycle stores, parking, vehicular access from Greenways and landscaping following demolition of existing house- Refused.

8.42.2 This site D3- 4-6 Manor Road South and 4 Greenways, Hinchley Wood was originally considered deliverable in a 5-year time period due to developer interest and the submission of planning applications as detailed above. Recent planning applications submitted are for fewer than 5 net dwellings and

so the site has been deleted from the site allocations. This has been amended in the track change document at appendix 1 of this matter and reflected in the housing trajectory.

**8.43 Is the capacity justified?**

Council response

8.43.1 The original capacity (33 units) was considered justified particularly as a large, flatted development with 61 C2 self-contained units was built opposite the site (2000/2143). The site was originally identified in the Urban Capacity Study 2018 for housing development.

8.43.2 In 2018, an application (2018/0746) for 35 independent living units was refused and dismissed at appeal for its impact on the character of the area and effect on the living conditions of surrounding residents. Since then, planning applications have been submitted for less than 5 net residential units. Therefore, the site has been deleted from the site allocations as it is not considered it will not achieve over 5 net units. This has been amended in the track change document at appendix 1 of this matter and reflected in the housing trajectory.

**D13**

**8.44 Has this site been the subject of a planning appeal and are there any implications for the delivery of the site in years 1-5 of the Plan period?**

Council response

8.44.1 Site allocation D13 Thames Ditton Centre for the Community has not been subject to a recent appeal and is in the 6-10 time period.

**D23**

**8.45 There is an objection from Sport England to loss of this site and the potential for conflict locating residential development in close proximity to the existing Sports Ground – would this allocation result in a conflict with paragraph 99 of the Framework?**

Council response

8.45.1 Site allocation D23 relates to Old Pauline Sports Ground Car Park and does not include the sports ground in the site/ developable area. Therefore, it does not result in a conflict with paragraph 99 of the Framework.

8.45.2 Sport England have stated in their representation that they are not familiar with many of the site allocations but would object to any further site allocations where other sports facilities or playing field land is likely to be affected or prejudiced.

8.45.3 As the site has existing residential properties on each boundary, future residential development within the car park area is therefore not considered to result in conflict.

#### **WOT11**

**8.46 Would this proposal result in the loss of the existing community use on the site? If so does this present a justified approach in light of policy INF2?**

##### Council response

8.46.1 Landowners (EBC) have now confirmed that WOT11- The Playhouse, Hurst Grove, Walton is no longer available and so is deleted from the site allocations chapter. This has been amended in the track change document at appendix 1 of this matter and reflected in the housing trajectory.

#### **WEY16**

**8.47 Is there a current planning permission for this site and does it include residential use?**

##### Council response

8.47.1 At the time of the Regulation 19 draft Local Plan, site allocation WEY16- Weybridge Library did not have a submitted planning application for community or residential use. However, this site formed part of a wider One Public Estate redevelopment that was being discussed between the Council, County Council and NHS.

8.47.2 A consultation from Surrey County Council was submitted in 2023 (2023/2312) for change of existing library, museum, public hall (Use Class F1) and Brooklands Radio (Class E) to new community hub to include library with

single storey infill extension (Use Class F1), youth support (Use Class F2), flexible community/commercial including public hall (Use Class F1/E) plus external alterations to existing elevations, installation of photovoltaic panels and roof top plant and associated parking and landscaping.

8.47.3 The recently submitted consultation does not include residential units and Surrey County Council have confirmed that this will not be allocated for residential use in 2023. This allocation has been revised in the track change document at appendix 1 of this matter to community use.

### **WOT25, ESH1, WEY19**

**8.48 To what extent has the location of veteran trees been taken into account in bringing these sites forward and the indicative residential capacity set out within the Plan?**

#### Council response

8.48.1 Following landownership checks in 2023, site allocations ESH1- 30 Esher Place and WEY19- Shell Petrol Filling Station, 95 Brooklands Road are no longer available and have been deleted. This has been amended in the track change document at appendix 1 of this matter and reflected in the housing trajectory.

8.48.2 Site allocation WOT25- Regnolruf Court, Church Street, Walton-on-Thames was originally allocated with the principle of providing an additional storey on the existing building. A 2014 pre-application enquiry supported in principle additional residential units but offered advice to consider the impact on neighbouring heritage asset. A planning application for this proposal was not submitted. However, it is still considered a suitable site for 7 additional units and tree officers have confirmed that large sections of the site are feasibly developable without causing a deterioration of veteran trees.

### **ESH24**

**8.49 This represents the largest site allocation for residential use within the Plan. As currently drafted, the proposal would conflict with policy ECO1 which seeks to protect existing employment uses. How does this allocation represent a justified approach? To what extent has the capacity work undertaken been influenced by the location of Sandown House?**

Council response

8.49.1 As the existing Civic Centre could be incorporated within the site redevelopment, ESH24 should include mixed use as well as residential units in chapter 9. This is an error that has been amended at appendix 1. As the redevelopment could include employment use, the site allocation will not conflict with policy ECO1.

8.49.2 The site has been allocated within an 11 to 15 time period with massing feasibility work confirming the 400 units. The site constraints have been taken into consideration and the development would be located away from Sandown House and stepped back in height to minimise impact on surrounding areas. Development would be located behind the high street to minimise impact on the existing residential and a distance from the heritage assets.

8.49.3 The conclusion of the Heritage Impact Assessment 2022 (ENV005) states that there are no obvious opportunities to affect a heritage benefit arising from the redevelopment of the site. The use of design and heritage-related policies within the Local Plan will be applied to avoid any negative impact.

**WOT21 and WOT26**

**8.50 Are these sites developable in light of the representations received?**

Council response

8.50.1 As part of the Land Availability Assessment 2023 and as a response to Regulation 19 feedback, land ownership checks were undertaken in the 2023. Landowner Surrey County Council (SCC) confirmed that site allocations WOT21- Fire/ Ambulance Station, Hersham Road and WOT26- Fernleigh Day Centre, Fernleigh Close were both operational and no longer available for development. This has been amended in the track change document at appendix 1 of this matter and reflected in the housing trajectory.

**MOL19, ESH20, ESH1, H11, D16, D17**

**8.51 Is the capacity indicated within the LAA based on the conversion of the existing buildings?**

Council response

- 85.1.1 Site allocations ESH1- 30 Esher Place and ESH20 -81 High Street, Esher are no longer available and have been deleted. D16- Ashley Road Car Park, Thames Ditton is being deleted due to flooding issues. Site Allocation H11- Trinity Hall and 63-67 Molesey Road, Hersham has also been deleted from site allocations due to a number of onsite constraints. This has been amended in the track change document at appendix 1 of this matter and reflected in the housing trajectory.
- 8.51.2 Site allocation D17- Nuffield Health Club, Simpson Way, Long Ditton was identified in the 2018 Urban Capacity Study (UCS) (HOU012). Commentary in the UCS states that D17 provides a reasonable prospect of a scheme for conversion, re-use and infill subject to availability in longer-term and heritage mitigation. A mid-point capacity of 16 units has been estimated in the UCS. Therefore, this site allocation capacity is based on the conversion of the existing building.
- 8.51.3 The UCS estimated the dwelling capacity at a mid-point for 24 units for site allocation MOL19- 5 Matham Road East Molesey. It had discounted the site stating that the replacement of the dwelling may impact viability however it does not provide commentary on the potential for conversion. The Council included the site in following LAAs with a 11 to 15 delivery period which allows time needed to consider a sensitive conversion of the existing building on the site. A sensitive conversion is also confirmed in the mitigation measures section of the Heritage Impact Assessment 2022 (ENV005).