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|-------------------------|--|
| <b>Ward:</b>            | <b>Ruxley Ward</b>   |
| <b>Site:</b>            | <b>140 &amp; 142 Ruxley Lane West Ewell KT19 9JS</b>   |
| <b>Application for:</b> | <b>Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping</b> |
| <b>Contact Officer:</b> | <b>John Robinson</b>   |

## 1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q5YHVOGYH8H00>

## 2 Summary

- 2.1 The application is referred to Planning Committee as the proposal is classified as a "major planning application", in accordance with Epsom and Ewell Borough Council's Scheme of Delegation
- 2.2 The application proposes the demolition of the existing (two) dwellings and the erection of 20 flats within two blocks with associated car parking and landscaping
- 2.3 The proposed scheme is not able to viably provide a policy compliant provision of eight affordable units. However the scheme will provide two on site affordable units in accordance with para 64 of the NPPF.
- 2.4 22 car parking spaces would be provided on-site. In addition, there would be 20 cycling spaces. The Local Planning Authority's car parking standard require 20 car parking spaces for the development. The development would therefore exceed the Council's parking standards

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- 2.5 The architectural character of the development is considered to respond to the site's surroundings, but with a more contemporary and sustainable context.
- 2.6 When employing the presumption in favour of sustainable development, the adverse impacts of this development are not held to significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework.

### **3 Site description**

- 3.1 The application site (with an area of 0.196ha), is located on the northern side of Ruxley Lane, currently comprises two detached residential properties at Nos 140 and 142, a two storey detached dwelling and a bungalow respectively.
- 3.2 To the south west, the site is bounded by No 144, a semi-detached house, to the rear (north west) by a garage court serving properties in Larkspur Way .To the north east of the site is a three-storey mixed used scheme "Willow Court," with a supermarket on the ground floor and flats above, and opposite (to the south-east of the site) is Epsom and Ewell High School.
- 3.3 The site is surrounded by a mix of uses, but primarily residential. The residential properties located along Ruxley Lane, to the south-west of the site, are typically detached and semi-detached, with varying design styles.

### **4 Proposal**

- 4.1 It is proposed to demolish the two existing dwellings and erect two blocks accommodating 20 flats, with associated car parking and landscaping.
- 4.2 The front block (A) would comprise two offset blocks, which would be bifurcated in the middle with a glazed strip and inset. The taller building, adjacent to Willow Court, would step down towards the smaller building, but would be linked at roof level visually with similar materials and a 'step over' element at roof level. The roof element would be clad in vertical ribbed metal sheets with brickwork elevations to the floors below.
- 4.3 Block A would be four storeys in height, with an overall (parapet) height of 12.1m. This building would provide fourteen flats (12 x two bed flats and 2 x one bed flats)
- 4.4 The block to the rear (B) would have a stepped footprint. It would have brick elevations, timber detailing and inset windows, to match the main building at the front.
- 4.5 Block B would be two storeys in height, with an overall height of 5.94m. This building would provide six flats (3 x two bed flats and 3 x one bed flats).

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- 4.6 Car parking would be provided at the front (8 spaces), and the rear (14 spaces) linked by an access road to the side of the front block. A communal garden would be located in the centre of the site, between the two blocks. A rooftop garden is also proposed on the front block, providing a further amenity space for residents.
- 4.7 Refuse and cycle stores would be provided within the site. Block A and B would each be served by a separate bin store, the first would be located within block A, the second would be located along the southern boundary of the site. The cycle store would be located to the rear of Block A, within the communal garden area.

## 5 Revisions

- 5.1 Improvements have been secured during the course of the application following negotiations between officers and the applicant regarding the provision of private amenity space. The scheme has been amended as follows:
  - Balconies/terraces have been provided to 14 units, with the remaining 6 flats having access to communal amenity space.
  - The rendered elevations of Block A have been replaced by brick elevations.
  - The access off Ruxley Lane has been amended to address Highway requirements
  - The bin store has been incorporated within Block A.

## 6 Comments from third parties

Original Application

- 6.1 The original application was advertised by means of a site and press notice, and letters of notification to 41 neighbouring properties. By the closing date (16.04.2020) 11 letters of objection had been received and are summarised as follows:
  - Out of keeping
  - Overlooking
  - Loss of privacy
  - Highway safety
  - Overshadowing

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- Loss of trees

### Revised Application

6.2 Following the submission of an amended scheme, on 28.07.2020, a second consultation period began on 28.07.2020 and expired on 18.08.2020. To date 12.10.2020, 13 letters of objection were received, and are summarised as follows:

- Noise
- Loss of privacy
- Inadequate parking
- Out of character
- Overlooking
- Loss of privacy
- Loss of daylight

## 7 Consultations

- 7.1 EEBC Design and Conservation Officer: I have no objection to the approval of this scheme on height, massing and design grounds, but would like to see the landscape and external finish of the scheme improved, either by negotiation or condition.
- 7.2 EEBC Tree Officer: (24.09.2020) The extremely narrow width between the frontage trees and hard standing mean that the roots/ stems of the trees will displace kerbing hard surfacing when they grow. This would be poor arboricultural planning, not in compliance with BS5837 and will place the trees under future threat.(Officer Comment: The site layout has been amended to address the Tree Officers Concerns)
- 7.3 SCC Highways Officer: No objections. Conditions to be imposed on any permission granted
- 7.4 EEBC Contaminated Land Officer: The site is situated immediately next to a former sawmill site, which was found to be contaminated (since remediated). I recommend a ground contamination investigation and assessment.

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- 7.5 SCC Sustainable Drainage and Consenting Team: Our advice would be that, should planning permission be granted, suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.
- 7.6 EEBC Ecologist: No objections
- 7.7 EEBC Waste and Services Manager: No objection

**8 Relevant planning history**

- 8.1 None relevant

**9 Planning Policy**

**National Policy Planning Framework (NPPF) 2019**

Chapter 2      Achieving sustainable development  
Paragraphs 8 – 12 and 14

Chapter 5      Delivering a sufficient supply of homes  
Paragraphs 59- 61, 68

Chapter 11      Making effective use of land  
Paragraphs 118, 122, 123

Chapter 9      Promoting sustainable transport  
Paragraphs 105-106, 108-111

Chapter 12      Achieving well-designed places  
Paragraphs 127, 130 and 131

Chapter 15      Conserving and enhancing the natural environment  
Paragraphs 170,174, 175, 177, 178, 180, 182 and 183

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Core Strategy 2007

|             |  |
|-------------|--|
| Policy CS1  | Creating Sustainable Communities             |
| Policy CS3  | Biodiversity                                 |
| Policy CS5  | The Built Environment                        |
| Policy CS6  | Sustainability in New Developments           |
| Policy CS9  | Affordable housing and meeting Housing Needs |
| Policy CS16 | Managing transport and travel                |

Development Management Policies Document 2015

|             |   |
|-------------|---|
| Policy DM4  | Biodiversity and New Development              |
| Policy DM5  | Trees and Landscape                           |
| Policy DM9  | Townscape Character and Local Distinctiveness |
| Policy DM10 | Design Requirements for New Developments      |
| Policy DM11 | Housing Density                               |
| Policy DM13 | Building Heights                              |
| Policy DM12 | Housing Standards                             |
| Policy DM17 | Contaminated Land                             |
| Policy DM19 | Development and Flood Risk                    |
| Policy DM22 | Housing Mix                                   |
| Policy DM37 | Parking Standards                             |

Supplementary Planning Document 2015

Parking Standards for Residential Development

## 10 Planning considerations

The main considerations material to the determination of this application are:

- Presumption in favour of sustainable development
- Principle of Residential Development
- Affordable Housing

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- Housing Mix
- Visual Impact
- Quality of Accommodation
- Private and Communal Amenity Space
- Impact on Neighbours' Residential Amenity
- Highways and Parking
- Sustainability
- Landscaping
- Biodiversity
- Community Infrastructure Levy

Presumption in favour of Sustainable Development

- 10.1 The site is located within the built up area, and does not affect any assets of particular importance such as SSSI, AONB, European or national ecological designations, green belt or any other given additional weight by The National Planning Policy Framework 2019 (the Framework). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.
- 10.2 The Framework was re-published in February 2019. It is a key consideration in relation to this application and is a material consideration. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. That is a very positive aim.
- 10.3 Paragraphs 7 and 8 of the Framework states there are three dimensions to sustainable development: economic, social and environmental.
- 10.4 The Social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
- 10.5 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the Environmental object is making efficient and effective use of land and improve the environment.

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- 10.6 Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Framework Paragraph 12).
- 10.7 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Framework Paragraph 11d and Footnote 7).
- 10.8 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework 2018 and its reissue in 2019. Due weight should be given to them according to their degree of consistency with the policies of the Framework (Paragraph 213). The Framework is therefore an important material consideration that may over-ride Development Plan policies which were adopted prior to the publication of the Framework and are not consistent with it.
- 10.9 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 10.10 Policy CS7 of the Core Strategy is considered out of date under the terms of the Framework. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 10.11 The Epsom & Ewell Core Strategy pre-dates the Framework and in accordance with para 213 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of old housing targets within CS7, no weight should be given to it.
- 10.12 The Government standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five-year housing land supply, this has been increased to 695 under the housing delivery test as published on 13 February 2020. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years Housing Land Supply.

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10.13 Paragraph 11d of the Framework is engaged via footnote 7 in circumstances where local planning authorities cannot demonstrate a 5-year supply. The practical application and consequence of this is that unless the site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrable outweigh the benefits when assessed against the Framework as a whole.

Principle of Residential Development

10.14 Paragraph 59 of the Framework states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay

10.15 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.

10.16 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change...

10.17 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

10.18 Policy DM11 (Housing Density) states that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle.

10.19 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was based on these policies not reflecting the expectations of the Framework, and therefore restricting opportunities for growth in the Borough.

10.20 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

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Affordable Housing

10.21 Paragraph 62 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

10.22 Paragraph 64 of the Framework states that

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”

10.23 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

10.24 In this regard, to be fully compliant, the proposal would be required to provide 8 affordable units.

10.25 Paragraph 3.12.11 goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.

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- 10.26 An Economic Viability Appraisal Report, dated February 2020, was submitted with the application, which was independently reviewed by Viability Consultants BPC, on behalf of the Local Planning Authority.
- 10.27 Their initial review concluded that the development would be able to provide a Policy Compliant scheme with 40% Affordable Housing (8 units) including a surplus of £129,828. This advice was offered on the basis of a number of assumptions
- 10.28 The assumption of the initial report was rebutted by the applicant's viability consultant ,S106 Management, and on receipt of the rebuttal evidence, the Council's consultants BPC, revised their assessment, and refined their findings that the scheme was able to provide a policy compliant offer of 8 units , with a small surplus of around £39,000
- 10.29 This assessment was again disputed by the applicants, and following an assessment of the build cost of the scheme in August 2020, by quantity surveyors Anderson Bourne, (appointed by the Councils consultant) the Councils viability consultant BPC has finally concluded that the scheme is marginally unviable, and would be unable to provide affordable housing or a commuted sum.
- 10.30 Following discussions with the applicant, 2 affordable rented one-bedroom flats would be provided on-site. This would meet the requirement of paragraph 64 of the NPPF to provided 10% of units to be affordable.
- 10.31 Notwithstanding the above provision, Officers recommend the implementation of a review mechanism, which would allow the Council to benefit from any improvements in the scheme's viability over the development period.
- 10.32 The viability review mechanism to be included in the S.106 agreement would require the submission of a revised Viability Statement
- 10.33 The net provision of 18 units of accommodation, although without a policy compliant level of affordable housing is a significant benefit, which weighs in favour of the proposal in the planning balance.

Housing Mix

- 10.34 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

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10.35 Policy DM22 Housing Mix states that the Council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. A scheme of 20 units would be expected to provide 5 x 3 bedroom units.

10.36 The scheme proposes 75% two-bedroom units (15 flats), 25% one-bedroom units (5 flats) and no three-bed units. However, 8 of the two-bed flats, would be for 4 person occupancy, which officers have accepted as being for family accommodation. (A two bed 4 person flat would be able to accommodate a double bed or two single beds in each bedroom)

10.37 The mix whilst not policy compliant must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. On this basis, it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need. The housing mix is therefore assigned minor negative weight in the planning balance.

Visual Impact

10.38 Chapter 12 of the Framework refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (*inter alia*) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.

10.39 Paragraph 130 of the Framework sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

10.40 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.

10.41 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.

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- 10.42 The surrounding area has no consistency of architectural style, scale or massing.
- 10.43 The overall site is a generous sized plot that is bounded by a mixed-use scheme and residential development on the flanks, and backs on to a garage court to the rear. The proposed scheme would comprise two separate blocks of flats, with the four storey building fronting Ruxley Lane, and the lower, two-storey block, located tight to the rear boundary adjacent to garage court.
- 10.44 The frontage building would generally maintain the current building line , but would project some 7m beyond the front elevation of the adjacent dwelling at No 144 Ruxley Lane.
- 10.45 The new building (Block A) would have a greater presence than the existing dwellings by virtue of greater bulk and massing but would not dominate the wider area or give rise to cause harmful appearance in longer views.
- 10.46 The scheme would reflect the size and massing of the adjacent "Willow Court", but would step down in height to the rear to reflect the two storey dwellings in Larkspur Way, as well as acting as a transition between Willow Court and the two storey dwellings to the south west.
- 10.47 In order to address the variations in height, the frontage building (Block A) has been designed to fit between the two ridge heights, but equally in a series of steps and set-backs which would create visual relief and a transition between the highest and the lowest ridge levels
- 10.48 The design approach would be contemporary, with metal cladding/brick elevations to Block A, and brick/timber cladding elevations to Block B.
- 10.49 The materials and detailing selected by the applicant are an acceptable approach, which will bring about a high quality of finish to the development. However to realise the architectural aspiration these will require crisp detailing and high quality finishes to be successful. The indicative examples of cladding, windows, doors and their recesses, as shown are credible, but to ensure the high quality of finish required will need to be secured by planning conditions.
- 10.50 Overall, the design of the buildings, subject to acceptable high quality finishes, would contribute positively to the character and appearance of the site. Planning conditions will be necessary to secure this appropriate detailing and materials. On this basis, the development is considered to have a net improvement in the appearance of the site and is therefore weighted positively in the planning balance.

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- 10.51 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 10.52 Given the proposed height and form of the building, it is key to consider the impact upon surrounding residents from the physical building in terms of outlook, daylight/sun lighting and privacy.
- 10.53 Block A would be sited approximately 6m from the flank boundary of No 144, 3m from the flank elevation of Willow Court, 48m to the flank boundary of No 126 Larkspur Way, and in excess of 50m (obliquely) to the rear elevations of No 124 and 122 Larkspur Way
- 10.54 Block B (to the rear), would be set back between 1m and 3.8m from the (rear) boundary shared with the garage court, and 2m from the shared boundary with No 144 Ruxley Lane. The front elevation of Block B would (obliquely) face the rear elevation of No 144 Ruxley Lane at a distance of around 30m
- 10.55 Despite the additional height and presence, the distances between elevations are considered acceptable and would not result in a harmful loss of privacy.
- 10.56 The roof terrace (communal amenity space) on block A may lead to overlooking to the rear garden of No 144, and details of a privacy screen along the flank edge of this terrace would be secured by an appropriate condition. A condition requiring the flank windows serving the main bedroom to Flat No 6 and 10 (in Block A) to be obscurely glazed is also recommended to be imposed.
- 10.57 The rear gardens of the properties in Larkspur Way and No 144 Ruxley Lane would experience and feel a greater presence given the height of Block and to a lesser degree, the two-story Block B, set close to the rear boundary. This is considered to result in some loss of outlook, however given the acceptable distance of Block A, and the low height of Block B, the impact is held to be insufficient to warrant refusal in this case, but should be considered a minor negative within the final planning balance.

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Quality of Accommodation

10.58 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m<sup>2</sup> and a double bedroom should be no smaller than 11.5 m<sup>2</sup>. All new units should be designed in accordance with the National Space Standards.

10.59 The application is proposing 20 units , comprising 15 two-bed flats and 5 one-bedroom flats

10.60 The proposed 2 bed (4 person) flats would have a Gross Internal Area of between 70m<sup>2</sup> and 74m<sup>2</sup>, the 2 bed (3 person) flats an area between 61m<sup>2</sup> and 63m<sup>2</sup>, the 1 bed (2 person) flats an area of 50m<sup>2</sup>

10.61 All 20 units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:

- 2 bed (4 person): 70m<sup>2</sup>
- 2 bed (3 person): 61m<sup>2</sup>
- 1 bed (2person) :50m<sup>2</sup>

10.62 It is therefore considered that the proposed units will have an acceptable level of internal amenity.

Amenity Space

10.63 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) states that to provide adequate private amenity space for development of flats, a minimum of 5 m<sup>2</sup> of private amenity space for 1-2 person dwellings should be provided and an extra 1 m<sup>2</sup> should be provided for each additional occupant. A 3 person flat should have a 6m<sup>2</sup> balcony, and a 4 person flat should have a 7m<sup>2</sup> balcony

10.64 Balconies/terraces have been provided to 14 units, with the remaining 6 flats having access to communal amenity space (Roof terrace 37m<sup>2</sup> and communal garden 230m<sup>2</sup>).

10.65 Nine of the balconies would not meet the area requirements (Figures in ( ) denote the required standard):

10.66 Flat 4: 5.8m<sup>2</sup> (6) Flat 5: 6.2m<sup>2</sup> (7) Flat 6: 5m<sup>2</sup> (7) Flat 7: 4.7m<sup>2</sup> (6) Flat 8: 4.7m<sup>2</sup> (6)

Flat 9: 6.2m<sup>2</sup> (7) Flat 10: 5m<sup>2</sup> (7) Flat 11: 5m<sup>2</sup> (6) Flat 12: 5m<sup>2</sup> (6)

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10.67 The areas of communal space (roof terrace 37m<sup>2</sup> and communal garden 230m<sup>2</sup>) would be accessible by all the occupants of the scheme, and would comply with the required space standards.

10.68 On balance, the quality of amenity space provided by these balconies is not considered to justify refusal in their own right by reason of their minor shortfall and the availability of communal facilities and is acceptable, given the site, building and design constraints, and the need to optimise the site.

10.69 The shortfall in meeting the size requirement is therefore weighted as a very minor negative in the planning balance.

Highways

10.70 Chapter 9 of the Framework relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.71 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.72 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

10.73 The application is supported by a Transport Statement.

Existing Traffic Generation

10.74 The Statement sets out that the existing 2 dwellings on site has the potential to generate vehicle movements, and to understand the level of traffic associated with the current use, a review of the TRICS database has been undertaken.

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10.75 The interrogation of the database indicated that the two houses could generate 1 to 2 trips in the peak periods and 8-9 over the course of the day. There could be as many as 17 person trips to and from the site, of which 8-9 might be vehicular trips.

Proposed Traffic Generation

10.76 The Transport Statement sets out that the development has the potential to generate approximately 63 vehicle trips to and from the site over the course of the day. A comparison of the existing and proposed trips is provided which demonstrates that the change in persons visiting the site could increase by 75 over the course of the day, with 27 of these trips being by car. During the morning peak periods it is estimated that up to 3 additional vehicles may depart the site with one addition arrival. A similar increase would also be experienced in the evening peak but with a reverse in direction of the flows.

10.77 The Statement concludes that the level of additional traffic generated by the development would be minimal and would have no material impact on the surrounding highway network.

10.78 The SCC Highways Officer has raised no objections to the proposal , subject to appropriate conditions being imposed should planning permission be granted.

Access

10.79 The car parking spaces would be located at the front, and to the rear of Block A, and would be accessed via a driveway vehicular in broadly the same location as the existing crossover serving No 142 Ruxley Lane

10.80 The SCC Highways Officer has raised no objection to the access arrangement as indicated on drawing 201249/TR/01.

Parking

10.81 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units. The scheme would be required to provide 20 spaces.

10.82 Within the site, 22 car parking spaces would be provided. Two of the spaces would be designated for use by visitors. With reference to the SPD standards, the car parking provision would be compliant

10.83 Provision for the storage of 20 cycles is included within the proposal, a condition is recommended to secure the provision of this prior to occupation

10.84 A condition requiring the submission of a Car Parking Management Plan setting out provisions for the management and use of the proposed parking is recommended, should permission be granted

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10.85 It is concluded that the proposal would strike an acceptable balance between parking on site and sustainable modes of transport and would be acceptable in respect of its parking provision and impact on the highway and therefore complies with policies DM10 and DM37 of the Development Management Policies Document 2015

Waste Collection

10.86 Block A and B would each be served by a separate bin store, the first would be located within block A, the second would be located along the southern boundary of the site. For rubbish collections the refuse vehicles could enter the site from Ruxley Lane and drive up to the first collection point, they could also reverse up the access to the south to collect refuse from the second store. The refuse vehicle would then be able to exit the site in a forward gear

10.87 The Council's Transport and Waste Services Manager has raised no objections to the refuse/recycling arrangements.

Sustainability of the Site

10.88 The site is sustainably located within acceptable walking distance of 4 bus services along Ruxley Lane, and is situated in proximity to local retail, education and leisure opportunities. Consequently, it is considered that residents would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.

10.89 Measures to encourage sustainable transport are recommended by the Highway Authority and are secured by planning conditions.

Landscaping and Trees

10.90 Chapter 15 of the Framework concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

10.91 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):

- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

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10.92 An Arboricultural Report & Method Statement has been submitted in support of the application and a detailed assessment of the existing trees within the site and on adjacent land has been undertaken to inform the design of the development. The Assessment classifies all trees and recommends which trees are to be retained and those, which are to be removed.

10.93 It is proposed to remove and replace 6 trees at the site, all of which are not considered to be significant within the context of the local or wider landscape (Category C) The replacement tree planting is detailed on submitted landscape drawings (DPA-8046-04B) and includes some 11 new trees, including 2 large / specimen size trees on the site frontage.

10.94 It is recommended that a landscaping condition to secure details of proposed landscaping and planting, is imposed.

10.95 The proposal is therefore considered to comply with Policy DM5

Ecology/Biodiversity

10.96 Chapter 15 of the Framework relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.

10.97 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.

10.98 The application is supported by a Preliminary Ecological Appraisal and Bat Survey that set out that no evidence of bat activity/roosting or any protected species was found.

10.99 Various habitat enhancements were recommended, including a native planting scheme, grassland planting, bird and insect boxes. The proposed roof terrace , with planting would also secure a biodiversity enhancement.

10.100 Overall, these findings are agreed and a condition will be imposed to secure the recommendations for construction practice and mitigation set out in the main survey.

10.101 Subject to the appropriate conditions, it is considered that the proposed scheme would comply with Policy DM4

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Sustainability

10.102 Paragraph 149 of the Framework states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

10.103 9.120 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states that the Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development e.g. by using an appropriate layout, building design and orientation; minimise the energy requirements of construction; and encourage the use of renewable energy by the incorporation of production facilities within the design of the scheme.

10.104 The applicant has submitted an Energy Statement in support of the application which sets out that the proposed development will utilise modern, sustainable materials, ensuring that the new homes are as efficient as possible with regards to the use of natural resources and where possible, sustainable construction techniques will also be utilised to reduce energy and water consumption.

10.105 The proposed scheme has sought to integrate sustainability into the design of the proposal and it is considered to comply with Policy CS6. Details of sustainability measures designed to reduce the use of energy, water and waste is secured by a planning condition.

Community Infrastructure Levy

10.106 The proposed scheme would be CIL liable

**11 Planning Balance and Conclusion**

11.1 The tilted balance in paragraph 11 of the Framework 2019 is engaged because the Council cannot demonstrate a five-year supply of deliverable housing sites and has failed to deliver sufficient housing in recent years. Furthermore, some of the policies (DM11 and DM13) that are important for the determination of this application are not consistent with the expectations outlined in the Framework.

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- 11.2 The provision of 20 units (a net gain of 18 residential units) would provide a significant public benefit, which weighs in favour of the scheme. The proposal is held to be a sustainable development which will contribute positively, Paragraph 59 of the Framework 2019 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.
- 11.3 The provision of affordable housing in developments is afforded significant weight in the planning balance. The provision of two affordable units when balanced against the lack of a policy compliant affordable housing provision, is given a minor positive weight in the planning balance.
- 11.4 The conflict with Policy DM22 Housing Mix is given minor negative weight as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.
- 11.5 The conflict with Policy DM12 with regard to amenity space provision is given very minor negative weight given the site, building and design constraints, and the generous provision of communal amenity space.
- 11.6 In addition, other benefits must also be identified, these being economic from the construction project and CIL and others secured by planning conditions such as biodiversity enhancement and sustainability improvements.
- 11.7 Taking all of these matters into account, including all other material considerations, it is found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole and that the proposal represents sustainable development.

## 12 Recommendation

### Part A

- 12.1 Subject to a legal agreement being completed and signed by the 29 January 2021 to secure the following heads of terms:
  - The on-site provision of 2 one-bedroom affordable rental units
  - The submission of a revised Viability Statement.

The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below.

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Part B

- 12.2 In the event that the section 106 Agreement referred to in Part A is not completed by 29 January 2021 the Head of Planning be authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the on-site provision of 2 affordable flat units.

Condition(s):

- (1) **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.**

- (2) **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**PL19g - PROPOSED BLOCK PLAN**

**PL20g PROPOSED SITE PLAN**

**PL102a AMENITY AREAS - FIRST FLOOR**

**PL101 AMENITY AREAS – GROUND FLOOR**

**PL104 AMENITY AREAS - ROOF TERRACE**

**PL103a AMENITY AREAS - SECOND FLOOR**

**PL19g PROPOSED BLOCK PLAN**

**PL31h PROPOSED ELEVATIONS**

**PL30g PROPOSED ELEVATIONS**

**PL212a PROPOSED ELEVATIONS**

**PL21h PROPOSED GROUND FLOOR**

**PL22h PROPOSED FIRST FLOOR PLAN**

**PL23g PROPOSED SECOND FLOOR PLAN**

**PL24g PROPOSED THIRD FLOOR PLAN**

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**PL40c PROPOSED SECTIONS**

**201249/TS/07 PROPOSED ACCESS ARRANGEMENTS**

**Reason:** For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) Prior to the commencement of development, details and samples of the external materials to be used for the development 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.

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (4) No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained.

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (5) Prior to commencement of works section drawings through balconies, parapets, reveals, soffits, lintel and cills at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall be carried out in accordance with the approved specifications.

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (6) Notwithstanding the approved drawings and prior to the commencement of the development, a drawing to a scale of 1:20 showing the proposed privacy screen along the flank edge of the roof terrace, shall be submitted to, and approved in writing by the Local Planning Authority. It is expected that the privacy screen compromise either a wing wall, frosted glazing, perforated metal, or

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**combination of the three, at a height of at least 1.8m and frosted to a minimum of level 3 of the Pilkington Scale. The screen shall be implemented prior to the first use of the terrace, and shall be built in accordance with the approved details and thereafter maintained in situ.**

**Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document 2015.**

- (7) **The windows in the flank elevation of Flat No 13 and 14, and the flank windows serving the main bedroom to Flat No 6 and 10 (in Block A) of the development hereby permitted, shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall thereafter be permanently retained as such.**

**Reason: To safeguard the privacy of the occupants of adjoining properties in accordance with Policy DM10 of the Development Management Policies 2015.**

- (8) **No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.**

**Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.**

- (9) **No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.**

**Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core**

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**Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.**

- (10) **No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number DPA-8046-02 and DPA-8046-03 in the Arboricultural Method Statement dated October 2020 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.**

**Reason:** To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (11) **No development shall commence until a Construction Transport Management Plan, to include details of:**
- (a) parking for vehicles of site personnel, operatives and visitors (no contractor parking off-site)
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) provision of boundary hoarding behind any visibility zones
  - (e) HGV deliveries and hours of operation
  - (f) measures to prevent the deposit of materials on the highway
  - (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - (h) no HGV movements to or from the site shall take place between the hours of 8.15 and 9.00 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane during these times
  - (i) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development
  - (j) Communication plan to disseminate construction information to surrounding residents

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**Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007**

- (12) **No part of the development shall be first occupied unless and until the proposed vehicular access to Ruxley Lane has been constructed and provided with visibility zones in general accordance with the approved plans (201249/TS/07) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.**

**Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007**

- (13) **The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Ruxley Lane, the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.**

**Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007**

- (14) **The development hereby approved shall not be first occupied unless and until the existing access from the site to Ruxley Lane has been permanently closed and any kerbs, verge, footway, fully reinstated.**

**Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007**

- (15) **The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles 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 and maintained for their designated purposes.**

**Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007**

- (16) **The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector -230v AC 32 Amp single phase dedicated supply) in**

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**accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.**

**Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 and in compliance with Policy CS16 of the Core Strategy 2007**

- (17) **The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles with the development site have been provided in accordance with the approved plans, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.**

**Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 and in compliance with Policy CS16 of the Core Strategy 2007**

- (18) **The development shall not be occupied until a Car Parking Management Plan setting out provisions for the management and use of the proposed parking has been submitted to and agreed in writing by the Local Planning Authority. These details shall be submitted for approval by the Local Planning Authority and only the approved details shall be implemented and retained as approved unless otherwise agreed.**

**Reason: To ensure the efficient and functional use of the car parking area, to safeguard the amenity of future occupiers of the approved development and to ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy DM10, DM37 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007**

- (19) **The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:**

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2.3 l/s.**

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- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

**Reason:** To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with Policy CS6 of the Core Strategy 2007

- (20) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

**Reason:** To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Policy CS6 of the Core Strategy 2007

- (21) Prior to the commencement of the development hereby permitted, details of bird and insect boxes and swift bricks shall be submitted to and approved in writing by the local planning authority. The enclosures shall be erected in accordance with the approved details and shall be retained, free of obstruction, in perpetuity thereafter.

**Reason:** To safeguard and enhance biodiversity in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies Document (2015).

- (22) Ground contamination and ground gas assessment

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**Following any necessary demolition and prior to the commencement of any further development, the following shall be undertaken in accordance with current best practice guidance:**

- (i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and**
- (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.**

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

**(23) Remediation**

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 22 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

**(24) Unexpected contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must

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be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
- (2) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.  
All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

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- (3) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (4) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
- (5) The developer is reminded that it is an offence to allow materials to be carried from the site and deposit on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (6) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
- (7) The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- (8) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any

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**discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholsale; Business customers; Groundwater discharges section.**