

Ward:	Town Ward;
Site:	Friars Garth, The Parade, Epsom, Surrey, KT18 5DH
Application for:	Erection of three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom, and 2 x 3 bedroom) together with alterations to vehicular access, landscaping, and associated works, following demolition of existing dwelling
Contact Officer:	Euan Cheyne

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: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QS0PJ2GYKIU00>

2 Summary

- 2.1 The application is classified as a minor planning application, which has been called in to Planning Committee by Councillor McCormick on 19/07/2021, on density grounds and conflict with Policy DM11 (Housing Density).
- 2.2 The application seeks planning permission for the erection of a three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom) together with alterations to vehicular access, landscaping and associated works, following demolition of existing dwelling.
- 2.3 The proposal would substantially increase the density and exceed the 40 dpha (103.4 dpha) set out in Policy DM11 (Housing Density), however there is a need to optimise sites and the proposed density is considered to relate to the higher densities leading back to the Town Centre. It is considered that the design, scale and massing of the proposal would make a positive contribution to the character and appearance of the surrounding area.
- 2.4 The proposal, by reason of its siting (sufficiently set in from the respective shared boundaries) in relation to the neighbouring built form, is not considered to have any significant impact upon neighbouring residential amenities.

- 2.5 The proposal would provide 9 on-site car parking spaces, an increase of 1.5 spaces above the minimum standards set out in Table 1 of the Council's Parking Standards for Residential Development SPD (2015). The County Highway Authority (CHA) have advised that future residents would not be able to apply for a local parking permit as the development site is not included in the existing Traffic Regulations Order (TRO).
- 2.6 The loss of the existing trees and soft landscaping (rear lawn) is given minor negative weight. The proposal would comprise of some replacement tree planting and other soft landscaping to help mitigate against the loss.
- 2.7 There is a presumption in favour of granting sustainable development unless the application of policies provides a clear reason for refusing permission (Paragraph 11(d)(i) of the NPPF). The adverse impacts of the development are not held to significantly and demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 2.8 The application is recommended for APPROVAL subject to planning conditions being imposed.

3 Site Description

- 3.1 The site comprises a two storey detached dwelling located on the south side of the Parade. The site is located within the Town Centre Boundary.
- 3.2 The surrounding area is mixed in character and appearance, comprising of residential, offices and a hotel. The heart of the town centre, which is located in close proximity to the site, is commercial in character and appearance.
- 3.3 The site does not contain a Listed Building and is not located within a Conservation Area. The site is located within an Area of High Archaeological Potential and is partly located within a Critical Drainage Area.

4 Proposal

- 4.1 The application proposes the erection of a three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom) together with alterations to vehicular access, landscaping and associated works, following demolition of existing dwelling.
- 4.2 The submitted drawings have been amended (minor changes to design and layout, and amended footprint incorporating a 1 metre set in distance from the side shared boundary) as part of the application process.

5 Comments From Third Parties

5.1 The application was advertised by means of letters of notification to 15 neighbouring properties. To date (09.12.2021) 36 letters of objection (not including duplicate response from the same objector or address) have been received regarding:

- adverse visual impact; destruction of beautiful old historic building
- impact on character; out of keeping with the area, negative impact on the character of The Parade
- overdevelopment; scale of the proposed blocks of flats are too big for the site
- generation of noise and disruption; increased comings and goings, existing use is a moderate sized family home
- impact on ecology/wildlife etc.; loss of existing orchard and bat roosts
- impact on drainage, flooding etc.
- unnecessary destruction of most of the existing trees and shrubs
- rear garden area lost to hard surfacing/tarmac
- loss of light
- loss of outlook
- loss of privacy; rear balconies will look down onto No's. 7, 8 and 9 The Cressinghams
- overbearing
- traffic/parking implications; increased demand for on-street car parking, more congestion and subsequent detrimental impact on air quality due to increased number of units, no parking for visitors, deliveries, and disabled users, suggestion that underground car parking should be provided
- development should have an exclusion from the RPZ scheme which operates on The Parade
- lack of construction management plan
- contrary to local plan policies e.g. DM11
- restrictive covenant

- improvement on previous scheme in terms of scale and design

Epsom Civic Society: No objections, provided that several conditions are attached. We consider that the classical design is suitable for this location and that the new building will enhance the nature of this delightful location.

6 Consultations

- 6.1 **Surrey County Council Highway Authority (CHA):** No objections, subject to planning conditions. The proposed visibility splays will be an improvement on the existing situation at this access and the applicant has shown evidence that the splays traverse public highway or land in their control. A 1.2 metre wide footway has been agreed to be dedicated as public highway front the whole width of the site. This will provide a continuation of the existing footway along the south of The Parade.

The proposed vehicular and cycling parking provisions are in accordance with the Epsom and Ewell Parking Standards. Future residents at this development will not be able to apply for a local parking permit as the development site is not included in the existing TRO (Traffic Regulations Order).

The CHA considers that the proposal is unlikely to have a material impact on highway safety issues.

Surrey County Council Lead Local Flood Authority (LLFA): The final strategy has not been determined at this stage of the application due to lack of information including ground conditions, specifically infiltration rates and ground water levels. As such, the applicant has proposed alternative drainage strategies: Option 1 – Infiltration based SuDS techniques and Option 2 – Discharge into the public water sewer. We are satisfied that the proposed options for the drainage scheme meet the requirements set out in the aforementioned documents and are content with the development proposed, subject to planning conditions.

Surrey County Council Archaeological Officer: No objections, subject to a planning condition.

Epsom and Ewell Borough Council Contaminated Land Officer: No objections, subject to planning conditions.

Epsom and Ewell Borough Council Design and Conservation Officer: No objections, subject to planning conditions (e.g. section drawings and samples of all external materials including roofing, windows and rainwater goods).

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Epsom and Ewell Borough Council Ecology Officer: The submitted ecology report and surveys found that the building is used as a bat roost. The recommendations in the survey report need to be conditions, one condition is to require a plan to set out the detailed proposals developed from the recommendations and a preoccupation condition requiring a report of the successful implementation of the plan.

Epsom and Ewell Borough Council Transport and Waste Services Manager: No objections.

Epsom and Ewell Borough Council Arboricultural Officer: No response received.

7 Relevant Planning History

7.1 None.

8 Planning Policy

The National Planning Policy Framework (2021)

LDF Core Strategy (2007)

Policy CS1 Creating Sustainable Communities

Policy CS5 The Built Environment

Policy CS6 Sustainability in New Development

Policy CS7 Housing Provision

Policy CS8 Housing Delivery

Policy CS9 Affordable Housing

Policy CS16 Managing Transport and Travel

LDF 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 DM12 Housing Standards

Policy DM13 Building Heights

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- Policy DM17 Contaminated Land
- Policy DM19 Development and Flood Risk
- Policy DM21 Meeting Local Housing Needs
- Policy DM22 Housing Mix
- Policy DM35 Transport and New Development
- Policy DM36 Sustainable Transport for New Development
- Policy DM37 Parking Standards

Technical Housing Standards – Nationally Described Space Standards (2015)

Parking Standards for Residential Development SPD (2015)

Surrey County Council Vehicular and Cycle Parking Guidance (2018)

Revised Sustainable Design SPD (2016)

9 Planning Considerations

9.1 The main issues for consideration in relation to the determination of this application are:

- Principle of Development
- Quality of Accommodation
- Housing Mix
- Impact upon Character and Appearance of the Area
- Impact upon Neighbouring Residential Amenities
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Trees and Landscaping
- Biodiversity and Ecology
- Flood Risk and Surface Water Drainage
- Sustainability
- Land Contamination
- Affordable Housing

- Community Infrastructure Levy (CIL)
- Other Matters
- Conclusion/Planning Balance

Principle of Development

- 9.2 Paragraph 60 of the NPPF (2021) 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 specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.3 Paragraph 69 of the NPPF (2021) states [inter alia] that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 9.4 Policy CS7 (Housing Provision) of the Council's LDF Core Strategy (2007) states that the Council will seek to ensure sufficient housing is provided to meet the Borough's housing requirement. The Council's annual housing target has increased significantly since the adoption of the LDF Core Strategy (2007) and Epsom and Ewell Borough Council currently has an annual housing target of 695 (including 20% buffer) new residential dwellings per year.
- 9.5 Meeting any increase in the annual housing target will be challenging, by reason that the Borough is mostly comprised of existing built up areas, strategic open spaces or Green Belt, therefore the supply of available development sites is now extremely limited. As such, it is important that available sites are optimised for housing delivery.
- 9.6 Paragraph 3.1 of the Council's Making the Efficient Use of Land – Optimising Housing Delivery Report (2018) states [inter alia] that in order to achieve sustainable housing growth on sites that are available, deliverable and developable, housing should be fully optimised to ensure that the Borough responds positively to the requirement to provide as a minimum for its objectively assessed needs for housing and other development.
- 9.7 The application proposes a net gain of 8 residential units, therefore helping to contribute to these annual housing targets. In addition, the Council are currently unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.

- 9.8 The surrounding area is predominantly residential in character and appearance, therefore current planning policy would not preclude the redevelopment of the site within an already developed urban residential area. As such, the principle of creating additional residential units is acceptable, subject to the below other material planning considerations.

Quality of Accommodation

- 9.9 Policy DM12 (Housing Standards) of the Council's LDF Development Management Policies Document (2015) states that all new developments, including conversions, are required to comply with external and internal space standards.
- 9.10 The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.
- 9.11 Paragraph 3.36 of the LDF Development Management Policies Document (2015) states that to provide adequate private amenity space for development of flats, a minimum of 5sqm of private amenity space for 1-2 person units should be provided and an extra 1sqm should be provided for each additional occupant e.g. a 4 person unit would be required to provide a minimum of 7sqm of private amenity space.
- 9.12 The application proposes 1 x 1 bedroom, 6 x 2 bedroom flats and 2 x 3 bedroom flats.

Unit	Number of Bedrooms (b) / Number of Bed Spaces (p)	Minimum Gross Internal Area (GIA)	Proposed GIA	Private Amenity Space (Approx)
1 (GF)	2b/3p	61sqm	72.7sqm	13.5sqm
2 (GF)	2b/3p	61sqm	65.2sqm	16.4sqm
3 (GF)	2b/3p	61sqm	74.5sqm	39sqm
4 (FF)	3b/4p	74sqm	79.2sqm	5sqm
5 (FF)	3b/4p	74sqm	78.5sqm	5sqm
6 (FF)	2b/3p	61sqm	74.5sqm	6.7sqm
7 (SF)	2b/3p	61sqm	61.5sqm	5.1sqm
8 (SF)	1b/2p	50sqm	58.9sqm	5.1sqm
9 (SF)	2b/3p	61sqm	61sqm	7.1sqm

- 9.13 The proposed flats would all either meet or exceed the minimum internal space standards set out in the Nationally Described Space Standards (2015), therefore in terms of GIA would provide adequate living arrangements. It is acknowledged that the outlook and light provision to the master bedroom and bedroom 2 of Unit 2 would be restricted should a boundary fence/wall be erected, however it is considered by reason of the set in distance of approximately 1 metre that there would still be adequate provision.
- 9.14 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015) states [inter alia] that development proposals should (ix) have regard to the amenities of future occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.15 Policy DM12 (Housing Standards) of the Council's LDF Development Management Policies Document (2015) states that amenity space for all new dwellings should be:
- (i) private, usable, functional, safe and bio-diverse;
 - (ii) easily accessible from living areas;
 - (iii) orientated to take account of the need for sunlight and shading;
 - (iv) of a sufficient size to meet the needs of the likely number of occupiers; and
 - (v) provide for the needs of families with young children where the accommodation is likely to be occupied as such.
- 9.16 The proposed flats would all be provided with either a small garden area or a balcony in addition to two small communal amenity areas (approximate total of 45.5sqm) to the front and rear of the site curtilage. It is noted that a number of balconies would fall slightly short of the minimum standards set out in Paragraph 3.36 of the LDF Development Management Policies Document (2015), however the communal amenity space and town centre location is considered to offset the shortfall in private amenity space.
- 9.17 As such, it is considered that the proposal would comply with Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015) and the Technical Housing Standards – Nationally Described Space Standards (2015).

Housing Mix

- 9.18 Policy DM22 (Housing Mix) of the Council's LDF Development Management Policies Document (2015) states that the Council require all residential development proposals for four or more units be comprised of a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 9.19 Chapter 3 (Housing Need Assessment) of the Council's Strategic Housing Market Assessment Update (2019) recommends that the breakdown of dwellings by size should be 10% for 1 bedroom units, 50% for 2 bedroom units, 30% for 3 bedroom units and 10% for 4 bedroom units.
- 9.20 The proposed housing mix would be 1 (11%) x 1 bedroom flat, 6 (67%) x 2 bedroom flats and 2 (22%) x 3 bedroom flats. It is acknowledged that the housing mix would marginally conflict with Policy DM22 (Housing Mix) of the LDF Development Management Policies Document (2015), however it must be considered against the requirement to make effective use of land and the site. As such, the failure to fully comply with Policy DM22 (Housing Mix) is given little weight when assessing the proposal as a whole.

Impact upon Character and Appearance of the Area

- 9.21 The National Planning Policy Framework (NPPF) (2021) attaches great importance to the design of the built environment.
- 9.22 Paragraph 130 of the NPPF (2021) sets out that planning decisions should ensure that developments [inter alia] 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.
- 9.23 Paragraph 134 of the NPPF (2021) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 9.24 Paragraph 3.7.5 of the Council's LDF Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states 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.

- 9.25 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.26 Policy DM11 (Housing Density) of the Council's LDF Development Management Policies Document (2015) states that in principle, the Council will support proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area. The density of new housing development will in most cases not exceed 40 dwellings per hectare, however exceptions will be considered if it can be demonstrated that the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks; and the surrounding townscape has sufficient capacity to accommodate developments of higher density.
- 9.27 In May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was on the basis of the aforementioned policies restricting opportunities for growth in the Borough. It should be noted that these policies still remain part of the development plan, however they are afforded little weight in the presumption of sustainable development.
- 9.28 The site comprises a two storey mid C20 detached dwelling of no historic special significance. Its scale and domestic character reflect the properties to the east of the site which are all residential dwellings of a similar or smaller scale e.g. C19 cottages.

- 9.29 The proposed replacement three storey apartment building would be designed in a traditional form (pastiche Georgian approach) that is considered to reflect and relate to the adjacent Listed Building; The Old Pines. The layout would effectively comprise of two blocks linked together by the vertical circulation (lift and staircase).
- 9.30 It would have a maximum height of approximately 9.25 metres, fully complying with Policy DM13 (Building Heights). The eaves height would be substantially similar to the eaves of The Old Pines. The facades would feature two full storeys with a parapet wall and mansard roof above. The proposed dormers are considered to be modest in scale and would not overwhelm the roofslope. The proposed front block would a width of approximately 12.9 metres and the proposed rear block would have a width of approximately 10.9 metres.
- 9.31 It is evident from Dwg No. P300 Rev H – Proposed Site Plan that the footprint would be substantially larger than the existing footprint with the built form extending further towards the rear of the site curtilage. There are a number of large developments within close proximity to the application site, therefore it is not considered to be out of keeping with the general pattern of development and surrounding urban grain, particularly to the west of the site towards the Town Centre.
- 9.32 The proposal would increase the density of residential development on the site from approximately 11.5 dwellings per hectare (dpha) to approximately 103.4 dpha. This would substantially exceed the 40 dpha set out in Policy DM11 (Housing Density), however this is given less weight in the planning assessment as there is a need to optimise sites and it is inconsistent with the objectives of the NPPF (2021). The proposed density is considered to relate to the higher densities leading back to the Town Centre.
- 9.33 There is not considered to be any significant impact upon the setting of the adjacent Grade II Listed Building.
- 9.34 The choice of materials will be particularly important in terms of designing a high quality development and to ensure that the design is appropriate within the surrounding local context. The proposed materials and finishes would comprise of red/orange multi colour brickwork, pointed with a paler mortar for the external walls, natural slate tiles for the roof, lead cheeks to the dormers and painted timber windows and doors. These are considered contextually appropriate, however it is considered that further details should be secured via a planning condition (as requested by the Council's Design Officer) to ensure a high quality appearance of completion of the development.

- 9.35 As such, it is considered that the design, scale and massing of the proposal would make a positive contribution to the character and appearance of the surrounding area and would comply with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Impact upon Neighbouring Residential Amenities

- 9.36 Policy DM10 (Design Requirements for New Developments (including House Extensions)) Council's LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance.
- 9.37 The proposed apartment building would be located approximately 4.2 metres from the side shared boundary with The Cressinghams, and in excess of 20 metres from the front elevation windows of No's 1-3 The Cressinghams.
- 9.38 The proposed apartment building would be located approximately 1 metre from the side shared boundary with the parcel of land between the application site and The Old Pines.
- 9.39 The proposed apartment building would be located between approximately 7.8 metres and 8.7 metres from the rear shared boundary, nearest to No. 10 The Cressinghams.
- 9.40 The proposed apartment building, by reason of its siting in relation to the neighbouring built form, is not considered to give rise to any significant impact in terms of overbearing, loss of daylight/sunlight, overshadowing or loss of outlook. There may be some overshadowing to No. 7 The Cressinghams in the morning due to the site orientation, however any impact would be minimal and not significant enough to warrant grounds for refusal.
- 9.41 It is considered that there may be some increased intervisibility between the proposed east and south flank elevation first and second floor windows and the existing front elevation windows of No's. 1-9 The Cressinghams, however it is considered that the distance is sufficient as to not give rise to any significant overlooking or loss of privacy. Furthermore, the proposed windows and balconies would be at an oblique angle to No's. 7-9 The Cressinghams, however to further mitigate any overlooking or loss of privacy impacts it is considered that the side west edge of the balconies shall incorporate a suitable privacy screen. This aspect will be secured via a planning condition. There is not considered to be any undue overlooking or issues regarding privacy to the private rear gardens of the properties located in The Cressinghams.

- 9.42 There would be some overlooking into the rear of The Old Pines, however as the rear is hardstanding with dedicated car parking spaces, there is not considered to be any impact upon neighbouring residential amenities.
- 9.43 There would be more comings and goings in comparison to the existing set up, however any increase in noise and disturbance would be compatible within a residential setting and would not be significant enough to warrant grounds for refusal.
- 9.44 As such, it is considered that the proposal would not have any detrimental impact upon the residential amenities of neighbouring properties in terms of loss of natural light, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Highways, Parking and Cycle Parking

- 9.45 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.46 Policy CS16 (Managing Transport and Travel) of the Council's LDF Core Strategy (2007) states [inter alia] that development proposals should provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 9.47 Policy DM37 (Parking Standards) of the Council's LDF Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 9.48 Table 1 of the Council's Parking Standards for Residential Development SPD (2015) requires a minimum 0.75 space per 1 and 2 bedroom flats and 1 space per 3+ bedroom flats for development within Epsom Town Centre. As such, in accordance with Table 1 the proposal should provide a minimum of 7.5 car parking spaces.
- 9.49 Dwg No. P300 Rev H – Proposed Site Plan demonstrates that the proposal would be provided with 9 car parking spaces, therefore complying with the above standards. There is concern that the proposal would increase on-street car parking demand/stress, however the CHA have advised that future residents would not be able to apply for a local parking permit as the development site is not included in the existing Traffic Regulations Order (TRO).

- 9.50 Surrey County Council Vehicular and Cycle Parking Guidance (2018) requires 1 cycle space for 1 and 2 bedroom units and 2 cycle spaces for 3 or more bedroom units. As such, the proposal should provide a minimum of 12 cycle parking spaces.
- 9.51 Dwg No. P300 Rev H – Proposed Site Plan demonstrates a covered bike storage located on the west side of the site accessed through the central lobby to improve security.
- 9.52 Surrey County Council Highway Authority raised no objections to the proposal, subject to planning conditions.
- 9.53 As such, it is considered that the proposal would not give rise to any severe highway impacts and would comply with the NPPF, Policy (CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

Refuse and Recycling Facilities

- 9.54 Annex 2 of the Council's Revised Sustainable Design SPD (2016) sets out the refuse and recycling requirements for flatted development. It states [inter alia] that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers to be stored and manoeuvred and be within 6 metres of the public highway. It further states that if more than four 240 litre bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 9.55 The proposed refuse and recycling facilities stores would be located near to the respective entrances (on The Parade and adjacent to the shared boundary with The Cressinghams) and would be able to accommodate the following:
- 6 x 1100L refuse/recycling bins
 - 4 x 240L glass recycling bins
 - 2 x 180L food waste recycling bins
- 9.56 The applicant has confirmed that all bins can be placed in the bin collection area (on The Parade frontage) at the same time. The placement of bins at the bin collection area will be the responsibility of the residents of the building either directly or through the management company.
- 9.57 The Council's Transport and Waste Services Manager has confirmed that the proposal is acceptable.
- 9.58 As such, it is considered that the proposal would comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007) and Annex 2 of the Council's Revised Sustainable Design SPD (2016)

Trees and Landscaping

- 9.59 Policy DM5 (Trees and Landscape) of the Council's LDF 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]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees;
 - 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 trees and other planting.
- 9.60 It is imperative that where possible every effort is made to incorporate as much soft landscaping as possible to avoid an over dominance of hard landscaping.
- 9.61 The applicant has submitted an Arboricultural Impact Assessment & Method Statement [prepared by ACD Environmental].
- 9.62 The following trees are to be removed to facilitate the development:
- T2 – Leyland Cypress (Category C)
 - T3 – Italian Cypress (Category C)
 - T4 – Honey Locust (Category C)
 - T6 – Yew (Category C)
 - T8 – Sour Cherry (Category C)
 - T10 – Persian Ironwood (Category C)
 - T11 – Indian Bean Tree (Category C)
 - T13 – Variegated Chinese Privet (Category C)
- 9.63 The following trees are to be pruned to facilitate the development:
- T5 – Locust Tree (approximately 1 metre reduction to the western aspect of crown)
 - T7 – Blue Atlas Cedar (approximately 1.5 metres to the eastern aspect of crown)

- 9.64 The proposal would comprise of some replacement tree planting and other soft landscaping. There would be three cherry trees (two within the front amenity space and one within a private garden) along the frontage with The Parade and a further two unspecified trees within the rear amenity space. There would also be native hedging and other shrubbery throughout the site.
- 9.65 It is acknowledged that there would be a loss of soft landscaping, particularly to the rear of the site, however it is considered that the replacement tree planting and shrubbery would help mitigate against the loss. The existing trees within the site are not subject to any Tree Preservation Orders.
- 9.66 The loss of the existing trees and soft landscaping (rear lawn) is given minor negative weight.
- 9.67 It is considered that further details of hard and soft landscaping should be secured via a planning condition. As such, it is considered that the proposal would comply with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

Biodiversity and Ecology

- 9.68 Policy CS3 (Biodiversity) of the Council's LDF Core Strategy (2007) states [inter alia] that wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 9.69 Policy DM4 (Biodiversity and New Development) of the Council's LDF Development Management Policies Document (2015) states that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if [inter alia] the development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site.
- 9.70 Policy DM4 (Biodiversity and New Development) of the Council's LDF Development Management Policies Document (2015) further sets out that development affecting any site or building that supports species protected by Law, including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 9.71 The applicant has submitted a Ecological Assessment Report [prepared by The Ecology Co-op Environmental Consultants]. The report states that the building was assessed to have 'moderate' potential to support bat roosts. It states that enhancements including green roofs, living walls and invertebrate boxes are recommended to increase the biodiversity at the site, to provide benefits to invertebrates and foraging bats and birds. It is considered that these ecological enhancements should be secured via a planning condition.
- 9.72 As such, it is considered, subject to further information secured via a planning condition, that the proposal would comply with Policy CS3 (Biodiversity) of the LDF Core Strategy (2007) and Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

Flood Risk and Surface Water Drainage

- 9.73 Paragraph 167 of the NPPF (2021) states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.
- 9.74 Paragraph 168 of the NPPF (2021) sets out that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.
- 9.75 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states [inter alia] that the Council will ensure that new development avoids increasing the risk of, or from, flooding.
- 9.76 Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015) states [inter alia] that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development.
- 9.77 The site is located within Flood Risk Zone 1 (Low Probability of Flooding) and the front and west of the site curtilage is located within a Critical Drainage Area. The site is 0.0835 hectares in size.
- 9.78 The applicant has submitted 201322/FRA/MK/RS/01 Rev B Flood Risk Assessment [prepared by Lanmor Consulting].

- 9.79 The Lead Local Flood Authority (Surrey County Council) have reviewed the submitted Flood Risk Assessment and have raised no objections, subject to planning conditions. As such, it is considered that the proposal would comply with the NPPF (2021), Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

Sustainability

- 9.80 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.81 It is considered that environmental sustainability should be integral to all development.
- 9.82 It is considered that the proposal would be able to secure a sustainable development outcome and would comply with the NPPF (2021), Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015) and Policy CS6 of the LDF Core Strategy (2007).

Land Contamination

- 9.83 Paragraph 185 of the NPPF (2021) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 9.84 Policy DM17 (Contaminated Land) of the Council's LDF Development Management Policies Document (2015) states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 9.85 The Council's Contaminated Land Officer has reviewed the proposal and stated that a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants with the potential to impact sensitive receptors on and off site is needed. This aspect will be secured via a planning condition. As such, it is considered that the proposal would comply with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015)

Affordable Housing

- 9.86 The proposal is for 9 residential units with a floorspace of less than 1,000sqm (835sqm), therefore it is not appropriate to seek affordable housing contribution from this small scale development (NPPG).

Community Infrastructure Levy (CIL)

- 9.87 The proposal would be CIL liable.

Other Matters

- 9.88 The concern about a restrictive covenant raised in the third party representations is not a material consideration. This is a private matter between the owner of the site and those wishing to enforce the covenant(s).

Conclusion/Planning Balance

- 9.89 Paragraph 11(d) of the NPPF (2021) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.90 The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.
- 9.91 The provision of 9 residential units (a net gain of 8 units) each with private amenity space would provide a significant public benefit, which weighs in favour of the scheme. Paragraph 60 of the NPPF (2021) 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 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.
- 9.92 In addition, other benefits must be identified, these being economic from the construction project and CIL.
- 9.93 Taking all the matters into account, including all other material planning considerations, it is found that the benefits would significantly and demonstrably outweigh the minor negative impacts when assessed against the policies of the NPPF as a whole. The proposal would represent sustainable development.

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CONDITION(S):

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

Reason: To comply with Section 91(1) 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:

E100 Rev B Location Plan and Block Plan (Received 03/12/2021)
P300 Rev H Proposed Site Plan (Received 03/12/2021)
P301 Rev C Proposed Ground Floor Plan (Received 03/12/2021)
P302 Rev C Proposed First Floor Plan (Received 03/12/2021)
P303 Rev C Proposed Second Floor Plan (Received 03/12/2021)
P304 Rev A Proposed Roof Plan (Received 03/12/2021)
P310 Rev B Proposed North Elevation (Received 03/12/2021)
P311 Rev B Proposed East Elevation (Received 03/12/2021)
P312 Rev C Proposed West Elevation (Received 03/12/2021)
P313 Rev A Proposed South Elevation (Received 03/12/2021)
P350 Rev B Proposed Street Elevation (Received 03/12/2021)
2021/5827/005 Rev P2 Delivery Vehicle Swept Path Analysis (Received 08/12/2021)
201322/FRA/MK/RS/01 Rev B Flood Risk Assessment (Received 21/10/2021)
Ecological Assessment Report [prepared by The Ecology Co-op Environmental Consultants (Received 27/04/2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to above ground works, details and samples of all external materials (including roofing, windows and rainwater goods) 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 on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

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- (4) Prior to beneficial occupation, details of the design and external appearance of the boundary treatment shall be 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 visual amenities of the area and to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (5) Before any beneficial use of the proposed first and second floor balconies serving Units 6 and 9 hereby permitted, details of an appropriate privacy screen along the side west edge of the balcony (nearest to the shared boundary with No. 7 The Crossings) shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be installed prior to beneficial use and shall be thereafter retained as such.

Reason: In order to ensure the privacy and visual amenities of the adjoining residential occupiers is retained in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (6) Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the proposed dwelling 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 visual amenities of the area / in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (7) Prior to above ground works, details of a scheme of hard and soft landscaping (to include appropriate replacement trees) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (8) 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 Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) 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. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.9l/s for the 1 in 1 year rainfall event and 2.9 l/s for the 1 in 100 year (+CC) rainfall event.
 - c) 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.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
 - d) 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 from increased flood risk.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - f) 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 (Sustainability in New Developments) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

- (9) 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 surface water

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), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS and to accord with Policy CS6 (Sustainability in New Developments) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

- (10) No part of the development shall be first occupied unless and until the proposed modified access to The Parade has been constructed and provided with visibility zones in accordance with the approved plans (Dwg No. P300 Rev H) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metre high.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (11) 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 (Dwg No. P300 Rev H) for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (12) No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding behind any visibility zones;
- (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
- (g) measures to prevent the deposit of materials on the highway

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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.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (13) Prior to the first occupation of the development a Sustainable Travel Information Pack shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's Travel Plans Good Practice Guide for Developers. The approved Sustainable Travel Information Pack shall be issued to the first-time and any future occupier thereafter of each dwelling, prior to first occupation.

The pack should include:

- Details of local public transport services and location of rail stations and local bus stops
- Details of lift sharing schemes
- Maps showing local walking and cycling routes and maps showing accessibility to public transport, schools and local community facilities
- Information to promote the take-up of sustainable travel

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (14) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7kw Mode 3 with Type 2 connector -230v AC 32 Amp single phase dedicated supply) in 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" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

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- (15) The approved areas of hardstanding will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policy CS6 (Sustainability in New Developments) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (16) 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 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 scope and detail of these are subject to the approval in writing by the Local Planning Authority. 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 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (17) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 16 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 works, neighbours and other offsite receptors, in accordance with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (18) In the event that contamination is found at any time when carrying out the approved development that was not previously identified must be report in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must 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 works, neighbours and other offsite receptors, in accordance with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (19) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of archaeological significance and to accord with Paragraph 205 of the NPPF (2021).

- (20) Prior to above groundworks a scheme to enhance the biodiversity interest of the site and a plan of its implementation in accordance with the proposals outlined in the Ecological Assessment Report [prepared by The Ecology Co-op Environmental Consultants] shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

Reason: To safeguard and enhance biodiversity in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

INFORMATIVE(S):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".
- (5) 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.
- (6) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited 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

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surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

- (7) Section 59 of the Highways Act 1980 permits the Highway Authority to charge developers for damage cause 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.