Application No: 2017/1670  
Application Type: FULL

Case Officer: Tom Scriven  
Ward: Oxshott and Stoke D'Abernon Ward

Location: 24 Birds Hill Road Oxshott Leatherhead Surrey KT22 0NJ
Proposal: 3 detached two-storey houses with rooms in the roofspace, dormer windows, basement incorporating integral garages and gates and piers to a maximum of 2.3m high following demolition of existing house

 Applicant: Glenwood Homes
 Agent: Mr Neil Davis  
Davis Planning Ltd
19 Woodlands Avenue
Wokingham
RG41 3HL

Decision Level: If Permit – Planning Committee
If Refuse – Sub Committee

Recommendation: Permit subject to receipt of Unilateral Undertaking in relation to the required affordable housing contribution

Representations: Forty-five letters of objection were received from forty-four separate addresses in relation to this application the contents of which can be summarised as follows:

- Overdevelopment of the site
- Density
- Cramped form of development
- Inadequate separation distances
- Development on garden land
- Doesn’t respect minimum plot size for estate
- Contrary to BHOEC policy
- Contrary to estate covenants
- Contrary to Council policy
- Out of character with the area
- Adverse impact on the street scene
- Prominent location at entrance to estate
- Similarity in design of houses
- Amount of hardstanding
- Impact on traffic
- Impact on highway safety
- Parking provision
- Pollution and traffic from construction vehicles
- Number of applications on the site
- Previous refusals
- Increase in footprint and elevational alterations compared to previous permissions result in a significant additional impact
- Previous approval for three houses should not have been granted and should be overturned
- Large number of objections to development of more than two houses on the site
- Screening on south west boundary
- Lack of suitable landscaping
- Impact upon neighbouring amenity
- Loss of privacy
- Need for obscure glazing
- Loss of light
- Precedent for future development within the estate
- Precedent for allowing future development of the site
- Impact on local infrastructure
Description

1. The application relates to a two storey detached dwelling on the west side of Birds Hill Road. This is a corner plot at the junction with Birds Hill Rise. The site is located within sub area COS10 The Crown Estate & Bevendean as set out in the Council’s Design and Character SPD. This area is characterised by large detached dwellings set in substantial plots well screened from the road.

Constraints

2. The relevant planning constraint is:
   • Special Low Density Residential Area

Policy

3. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

   Core Strategy 2011
   CS2 – Housing provision, location and distribution
   CS10 – Cobham, Oxshott, Stoke D’Abernon and Downside
   CS15 – Biodiversity
   CS17 – Local Character, Density and Design
   CS19 – Housing type and size
   CS21 – Affordable Housing
   CS25 – Travel and Accessibility

   Development Management Plan 2015
   DM1 – Presumption in favour of sustainable development
   DM2 – Design and amenity
   DM6 – Landscape and trees
   DM7 – Access and parking
   DM10 – Housing
   DM21 – Nature conservation and biodiversity

   Design & Character SPD 2012

   Developer Contributions SPD 2012

4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/1428</td>
<td>Confirmation of Compliance with Conditions: 3 (Materials), 5 (Landscaping Scheme), 7 (Additional Tree Information and Pre-Commencement Inspection) and 9 (Method of Construction Statement) of planning permission 2016/3246</td>
<td>Under consideration</td>
</tr>
<tr>
<td>2017/1373</td>
<td>Non-Material Amendments to planning permission 2016/3246 to remove basements from all three proposed houses</td>
<td>Granted</td>
</tr>
<tr>
<td>2017/1208</td>
<td>4 detached two-storey houses with rooms in the roofspace, 1) The proposal would, by reason of the number of</td>
<td>Refused</td>
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<td>Reference</td>
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<td>Decision</td>
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<td>2017/1108</td>
<td>4 detached two-storey houses with rooms in the roofspace, dormer windows, basement incorporating integral garages and gates and piers to a maximum of 2.3m high following demolition of existing house</td>
<td>Refused</td>
</tr>
<tr>
<td>2017/0281</td>
<td>3 detached two-storey houses with rooms in the roofspace, dormer windows, basements, integrated garages to Plots 1 &amp; 2, attached garage to Plot 3, new access from Birds Hill Rise and 2.3m high gates and piers following demolition of existing house</td>
<td>Refused</td>
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Proposal

5. This is a planning application for 3 detached two-storey houses with rooms in the roofspace, dormer windows, basement incorporating integral garages and gates and piers to a maximum of 2.3m high following demolition of existing house.

6. This is an amended scheme following the grant of planning permission for 3 detached two-storey houses on the site under planning applications 2016/3246 and 2016/3247 and the subsequent refusal of applications 2016/4237 (2 pairs of semi-detached houses and 1 detached house), 2017/0281 (3 detached houses – amended scheme), 2017/1108 and 2017/1208 (both for 4 detached house). The proposal is relatively similar to those allowed by planning permissions 2016/3246 and 2016/3247. The main changes are to Plots 1 & 2. Plot 1 would now have gable ends to the front elevation and include a single storey side element. As
a result the overall width of the building has been increased. In terms of Plot 2 the overall design remains similar to the previous approval, however the integral garage has been resited to the north east side of the building. The building on Plot 3 is as previously approved. The only other changes relate to very minor changes to the plots widths and alterations to the layout of the hardstanding to the front of the buildings.

Consultations

7. Surrey Bat Group – Noted the bat survey update prepared by Ethos which found that bats were continuing to use the building which is to be demolished. As such they recommend that a condition be attached to any permission to ensure that the mitigation proposals included in the earlier survey are followed and a European Protected Species Licence is obtained prior to demolition.

8. Surrey Wildlife Trust – No comments received.

9. Environmental Services – Advise that all units should have sufficient space within the kitchen to segregate recyclable and non-recyclable waste. Suggest that space is required for at least 2 wheeled bins plus a smaller food bin for each household. Advise that the bins would need to be 1440L for refuse and recycling and 120L for food waste. They also suggest that additional space may be needed for larger households or those who subscribe to the opt-in garden waste service. Bins would need to be presented no more than 10m from the road for collection.

10. Tree officer – Noted the juxtaposition between the dwelling on Plot 1 and the boundary Lawson hedge which would cause excessive shading to the side of the property. However he also observed that this elevation only has one window and the hedge could be managed to limit interference or removed and replaced. As such they raise no objection to the proposal subject to the imposition of conditions relating to a pre-commencement meeting and the use of tree protection during the development.

Positive and Proactive Engagement

11. Paragraphs 186-187 of the NPPF require officers to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.

12. No formal pre-application advice was sought prior to the submission of this planning application.

Planning Considerations

13. The main planning considerations in the determination of this application are:

- Principle of development
- The design of the proposal and its impact on the streetscene and the character of the area
- The impact on the amenity of neighbouring properties
- The provision of a suitable residential environment
- The impact on trees
- The impact on highways and parking
- Impact on biodiversity
- Developer contributions

Principle of development

14. The proposed new dwellings would be located primarily on existing residential garden. The NPPF seeks a presumption in favour of sustainable development with emphasis on the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas.
Whilst garden land does not fall within the definition of previously developed land the NPPF does not necessarily preclude development on such land; it is subject to considerations of the character and appearance of the development within the context of the area. As set out policy CS2 of the Council’s Core Strategy (2011) the principle of the development therefore need not be unacceptable, provided that the development complies with the relevant policies.

The design of the proposal and its impact on the character of the area and the streetscene

15. The proposal is for three detached dwellings following the demolition of the existing dwelling on the site. The principle of the subdivision of the site was found to be acceptable under previous applications 2016/3246 and 2016/3247 for three detached dwellings and 2015/0239 which was for two detached dwellings. The general character of the area and in particular the Crown Estate is one of large detached dwellings set in generous plots. It is acknowledged that the proposed plots would be smaller than previously approved and those generally found in the estate as a whole. However this application is for the same quantum of development and almost identical plot sizes as were found acceptable in the consideration of applications 2016/3246 and 2016/3247. In considering these applications it was noted that at this entrance to the estate along Birds Hill Rise there are examples of smaller plot sizes and dwellings. Whilst this does not form part of the defined character of the estate as a whole it was considered that given the more varied plot size along Birds Hill Rise that this plot size would not result in significant harm to the character of the estate that would warrant refusal. Given the similarity of the proposal to these approved schemes it is considered that the proposed plot sizes are considered adequate and would not result in a significant adverse impact upon the street scene or the character of the area.

16. The buildings are sited in a similar position within the site to the previously approved schemes. However Plots 1 & 2 have been increased in width at two storey level by approximately 0.5m. As a result there would now be a separation distance of approximately 6.3m between them at first floor level as opposed to the previously approved 6.7m. To the south west of the site Plot 1 retains a separation distance of some 4.4m to the edge of the site which is some 0.3m less than previously approved. On the north east boundary of the site with Birds Hill Road Plot 3 has a slightly reduced separation distance to the boundary with Birds Hill Road at some 11.5m, approximately 0.2m less than previous approved. Whilst the properties are located in closer proximity than previously approved and closer than is generally found in the estate as a whole, the separation distance is considered large enough to retain a relatively spacious appearance. It is also noticed that there is some variety in separation distance to side boundaries in the estate and whilst the proposal is at the lower end of this scale it is not considered that this would appear so out of character as to be harmful to the street scene or character of the area. The separation distance of Plot 3 to the boundary with Birds Hill Road would accord with the general building line along this road. As such it is considered that the siting of the proposed dwellings within the site would not appear overly cramped and would not result in a significant adverse impact upon the street scene or character of the area.

17. Whilst the buildings on Plots 1 & 2 are wider that previously approved the overall scale and design of the buildings is considered to be acceptable in an area characterised by large detached dwellings, often with rooms in the roof. As with previous applications the concerns regarding the similarity of the proposed dwellings in scale and design is noted. However in this case the introduction of gable ends to the front elevation of Plot 1 assists in increasing the variation in design. Along with a varied materials pallet it is considered that there is sufficient variation between the dwellings to ensure that they do not have a significant adverse impact upon the street scene or wider character of the area.

18. The previous refusals are noted particularly in terms of 2016/4237 where the scale of the buildings was considered excessive. In this refusal the buildings had a continuous ridge line across the entire two storey element with no set back at first floor level. Whilst the proposed dwellings are wider than those considered in the above application they retain the stepped ridge line and set back of a subordinate side element which was part of the original approval. This assists in reducing the bulk and mass of the buildings and consequently their impact upon the street scene. As such it is not considered that the previous reason for refusal would prohibit the buildings as currently proposed.
19. As with previous applications the proposal would include an extensive area of hardstanding to the front of the buildings. The area is characterised by properties with relatively large front drives. In refusing the previous applications 2016/4237 and 2017/1108 the extent of the hardstanding did form part of the reason for refusal. However this was on the basis of the likely intensity of the use of these areas due to the number of dwellings on the site which would appear out of character for the area. In this instance the level of hardstanding and intensity of the use is similar to that previously approved. Such a level of parking is not considered to appear out of character with the area and therefore in this instance would be acceptable.

20. The side elevation of Plot 3 would face towards Birds Hill Road with a setback of some 11.5m from the boundary of the site. This elevation includes a bay window feature along with parapet wall detailing and window openings which break up the appearance of this elevation when viewed in the street scene. As such it is considered that this would not result in a significant adverse impact upon the Birds Hill Road street scene.

21. The proposal would include the creation of two new access points along Birds Hill Rise. These access points would include metal railing gates with a height of approximately 2.3m sited between brick piers. The gates to Plot 3 would be set back from the road by approximately 5m whilst the gates to Plots 1 and 2 would be set back some 11m due to the use of a shared access. Gates of this type and design are characteristic of the area. As such it is considered that the proposed access and gates would not have a significant adverse impact upon the street scene or character of the area.

The impact on the amenity of neighbouring properties

22. The neighbours potentially impacted by the proposal are Nos.5 and 7 Birds Hill Rise and No.4 Birds Hill Rise along with No.22 Birds Hill Road. The relationship with these neighbours is similar to that which was considered to be acceptable in granting permission for the previous applications 2016/3246 and 2016/3247. The only real discernible difference is that Plot 1 is sited approximately 0.2m closer to the boundary with No.5 Birds Hill Rise. Given the limited nature of the alterations in terms of the impact upon neighbours it is considered that the proposal would not result in any significant adverse impact when compared with the previous permissions. However for clarity the consideration of the impact upon the various neighbours is discussed further below.

23. In relation to No.5 Birds Hill Rise it is noted that the rear elevation containing the primary habitable room windows is orientated away from the site. There is significant screening on the boundary between the site and this property and the access for No.7 is between the site and No.5. In addition there were no concerns regarding the impact upon this neighbour in the consideration of the previous application. As such it is considered that the proposal would not result in a significant loss of light or overbearing impact upon this neighbour. Plot 1 does include side facing windows at first floor level facing towards No.5. Whilst there is significant screening on the boundary, in the event permission were to be granted a condition could be attached requiring these windows to be obscure glazed and fixed shut to ensure that there is no overlooking towards the private amenity space of No.5.

24. The neighbour at No.7 is sited a significant distance from the proposed dwellings and given these separation distances it is not considered the proposal would significantly impact upon the amenity of this neighbour. In relation to No.4 the proposed dwellings are sited on the opposite site of Birds Hill Rise and are approximately 20m from the front boundary of the site. Given the separation distance between the proposed dwellings and No.4 it is not considered that the proposal would result in a significant loss of light, overbearing impact or loss of privacy.

25. With regards to No.22 the proposal would not breach the 45 degree angle to the nearest habitable room window of this neighbour. The dwellings are sited approximately 21.5m from the boundary with this neighbour. It is considered that at such a distance the proposed dwellings would not result in a significant loss of light or overbearing impact upon this
neighbour. The proposal would result in the introduction of a large number of windows in the rear elevation which would face towards the garden and side elevation of this property. The Council’s Design and Character SPD recommends a minimum back to back separation distance of 22m in order to ensure that a proposal does not result in an unacceptable level of inter-visibility between dwellings. In this case the relationship is back to side and it is acknowledged that a higher degree of privacy is to be expected in this area that might be found in an urban area. However, given the rear garden length of 21m is almost the entire separation distance that would be expected from a back to back relationship it is considered that the proposal would not result in a significant loss of privacy or overlooking upon this neighbour.

The provision of a suitable residential environment

26. The proposal would provide spacious accommodation throughout with suitable outlook, natural lighting and ventilation to habitable rooms. The garden space would appear to be adequate and commensurate to dwellings of this size in order to provide suitable private amenity space for future occupiers. Bin storage is indicated to the side of the buildings.

27. The proposed dwellings include first floor windows in the side elevation which would face towards one another and could also provide unacceptable levels of inter-visibility between dwellings. It is recommended that a condition be imposed on any permission requiring these windows to be obscure glazed with the principle light fixed shut.

The impact on trees

28. There are a large number of trees on the site and on adjacent sites. The Tree Officer raised no objection to the proposal subject to the imposition of conditions relating to a pre-commencement meeting and the use of tree protection during the development.

29. As noted above, significant trees and hedges are shown to be retained along the boundary of the site. However, in order to ensure that adequate landscaping is implemented in the scheme, therefore it is recommended that a condition should be imposed requiring the submission of a detailed landscaping scheme with appropriate screening to all boundaries prior to the commencement of works on site.

The impact on highways and parking

30. The proposal would include the creation of two new access points along Birds Hill Rise. These access points would include metal railing gates with a height of approximately 2.3m sited between brick piers. The gates to Plot 3 would be set back from the road by approximately 3.6m whilst the gates to Plots 1 and 2 would be set back some 9m due to the use of a shared access. Gates of this type and design are characteristic of the area. As such it is considered that the proposed access and gates would not have a significant adverse impact upon the street scene or character of the area.

Impact on biodiversity

31. The previous application included an update to the bat survey provided with the previously approved scheme. Surrey Bat Group have assessed this update and note that bats are still using the building to be demolished. They have suggested a condition requiring the submission of a license issued by Natural England or a statement from the relevant licensing body stating that a license is not necessary. This would need to be obtained prior to demolition. The obtaining of a license is controlled by separate legislation and therefore it is not necessary to impose a condition to this affect.

Developer contributions

32. Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have
regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the Council.

33. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes.

34. The New Homes Bonus Scheme Grant Determination for 2016/17 is £2.96 million.

35. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the New Homes Bonus would be payable for the net increase in dwellings from this development.

36. Policy CS21: Affordable Housing of the Council’s Core Strategy (2011) requires that development resulting in the net gain of 1-4 residential units should provide a financial contribution equivalent to the cost of 20% of the gross number of dwellings on site as Affordable Housing.

37. Following a Court of Appeal decision which found in favour of the Government, paragraphs 012-023 of the National Planning Policy Guidance on planning obligations have been reintroduced. These paragraphs and the Ministerial Statement are now a material consideration, alongside local planning policy, against which the Council must consider all planning applications. However, given that the local plan remains the primary consideration against which decisions must be made, the Council is continuing to apply policy CS21 Affordable Housing as set out in the Core Strategy. Following receipt of legal advice, the Council has produced a statement to set out local evidence in support of continuing to apply policy CS21 to this application in light of the revised PPG. This is available to view on the Planning Services webpages.

38. A recent appeal decision (APP/K3605/W/16/3146699) in Elmbridge found in favour of the Council’s approach. The Inspector considered the approach in Policy CS21 to be consistent with Paragraphs 47 and 50 of the NPPF, which require local planning authorities to meet the full, objectively assessed needs for market and affordable housing and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

39. The Inspector added that the application should be determined in accordance with the development plan unless there are material considerations which indicate otherwise, noting the WMS as a material consideration of considerable importance and weight. The Inspector notes that the intention of the WMS is to ensure that financial contributions do not become a disproportionate burden for small scale developers and thus frustrate housing supply, and that there is a conflict between the national threshold relating to the provision of affordable housing in the WMS and the PPG and the local thresholds set out in Policy CS21 of the CS, which he found to be consistent with the Framework. He states:

40. The effect of the national policy in the WMS is that it would normally be inappropriate to require any affordable housing below the thresholds stated. Nevertheless, whilst there is a presumption that a policy such as a WMS should be followed, especially as it postdates the CS, it is also important to acknowledge that a policy that is relevant to the matter in hand should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary. I therefore share the view of the Council that it is for the decision taker to weigh any conflict between relevant policies in light of material considerations, including local circumstances.
41. The Inspector also addressed the Council’s Statement on the Written Ministerial Statement (referenced above) and the significant difficulty in the delivery of affordable housing in the least affordable authority in England outside of London, noting that small sites make a significant contribution towards the delivery of affordable housing in the Borough. He also noted that there was no substantive evidence to demonstrate that the requirements of Policy CS21 are placing an unreasonable or disproportionate burden on developers. As a consequence, whilst the WMS carries considerable weight, the Inspector did not consider it to outweigh the development plan given the acute and substantial need for affordable housing in the Borough and the importance of delivery through small sites towards this. He concluded:

Consequently, on the basis of the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the 3 tests in Regulation 122(2) of the Community Infrastructure Regulations 2010. Accordingly, the proposal should be determined in line with the development plan.

42. There have been further appeal decisions which have supported the Council’s position on this matter with the following appeal reference numbers; APP/K3605/W/16/3154395, 3156943 and 3156265.

43. A Unilateral Undertaking has not yet been submitted in relation to the required affordable housing contribution. An update will be provided on this at the Planning Sub Committee meeting. Subject to the receipt of this agreement the proposal would be acceptable in terms of policy CS21.

44. The development would also be liable for a CIL contribution.

**Matters raised in Representations**

45. The material planning issues have been fully assessed in the planning considerations above.

46. The density of the development and the impact upon the character of the area has been fully considered above. Given the location within a special low density area the minimum density requirements have not been applied as set out in policy CS17 of the Core Strategy 2011.

47. Obscure glazing conditions have been imposed on the side elevations of the development. Given the retained separation distance to the rear boundary it is not considered necessary to impose such a condition on rear facing windows. The previous permissions on the site only imposed obscure glazing conditions on the side facing windows.

48. Concern was raised that given the number of applications on the site it is not clear what the applicant’s ultimate intention is. Residents were concerned that granting of this application could represent and precedent for allowing further development of the site. Planning history is a material consideration in the determination of an application. However every application is assessed on its own merits, therefore any future applications the applicant may or may not submit do not form part of this consideration. Further applications would be assessed on their own merits.

49. Concerns were raised that the proposal is contrary to Council policy. The proposal has been assessed on the basis of Council policy and any other material planning considerations. In particular the character of the area and polices relevant to this have been fully considered in this assessment.

50. Neighbours raised concerns regarding the pollution and traffic created by construction works are noted. Whilst such issues are partially unavoidable in the carrying out of any development a condition requiring the submission of a method of construction statement is recommended in order to ensure that the disturbance from the carrying out of works is minimised.

51. Reference has been made to the previous decisions on the site. These have been taken into account in the assessment of this application.
52. Concern was raised that the proposal failed to comply with estate guidelines in terms of separation distances and plot sizes. The estates own guidelines on development do not form part of planning policy and as such do not constitute a material consideration in the determination of the application. However the character of the area including the separation distance to the boundary and plot sizes has been considered in the determination of this application.

53. Similar to the above it was suggested that the proposal would be contrary to estate covenants. These are not a material planning consideration and would be a civil matter between the parties concerned.

54. A number of neighbours raised concern with regards to precedent and the potential for creeping development in the estate. Every application is considered on its own merits in relation to its particular location and the constraints of the site and therefore does not represent a precedent.

55. A number of objections raised issue with the multiple applications that have been submitted on this site. Whilst this may be the case the submission of various different schemes is at the discretion of the developer and the Council can only decline to determine applications in specific circumstances. In this case it was considered appropriate to determine the application.

56. Residents suggested that future applications on the site should be restricted. The Council cannot prevent the submission of applications and must consider these unless there is good reason to decline to determine them.

57. It was suggested that given the level of local objection the previous applications on the site should be reconsidered. The previous applications have been determined and these cannot now be reconsidered.

58. Concern was raised regarding the retention of appropriate screening to the south west boundary. In the event that permission were to be granted it would be appropriate to impose a landscaping condition requiring the submission of a landscaping scheme including details of any replacement screening which may be necessary.

59. The lack of a suitable landscaping scheme was raised by neighbours. It is considered that there is suitable space within the site to provide landscaping. As such the submission of a landscaping scheme can be addressed through a suitably worded condition.

60. There was concern raised regarding the impact upon local infrastructure. The proposal is for a relatively small residential development which is unlikely to significantly impact upon local infrastructure.

61. A number of residents have suggested that the site would be most suitable for two dwellings. Whilst these comments are noted the proposal must be assessed on the basis of the information submitted.

**Conclusion**

62. On the basis of the above, and in light of any other material consideration, the proposal is considered to be in accordance with the development plan. Consequently, the recommendation is to grant permission subject to the receipt of a Unilateral Undertaking in relation to the required affordable housing contribution.

**Recommendation: Grant Permission**
Conditions/Reasons

1 TIME LIMIT (FULL APPLICATION)
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 LIST OF APPROVED PLANS
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 00P050 Rev A, 00P062 Rev A, 00P101 Rev A, 00P102 Rev A, 00P103 Rev A and 9307/02 Rev C received on 23 May 2017.

Reason: To ensure that the development is carried out in a satisfactory manner.

3 MATERIALS SAMPLES
NO DEVELOPMENT SHALL TAKE PLACE UNTIL SAMPLES OF THE MATERIALS TO BE USED ON THE EXTERNAL FACES AND ROOF OF THE BUILDING HAVE BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE BOROUGH COUNCIL. DEVELOPMENT SHALL BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED DETAILS.

Reason: To ensure that a satisfactory external appearance is achieved of the development in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

4 OBSCURE GLAZING
The first floor windows on the east and west side elevations of Plot 1 and Plot 2 and the west elevation of Plot 3 of the development hereby permitted shall be glazed with obscure glass and fitted with non-opening principal lights, and subsequently maintained in this form. Such glass shall be sufficiently obscure to prevent loss of privacy. The affixing of an obscure film will not be sufficient.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.

5 LANDSCAPING - SCHEME
NO DEVELOPMENT SHALL TAKE PLACE UNTIL FULL DETAILS OF BOTH HARD AND SOFT LANDSCAPING WORKS HAVE BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE BOROUGH COUNCIL AND THESE WORKS SHALL BE CARRIED OUT AS APPROVED. THIS SCHEME SHALL INCLUDE INDICATIONS OF ALL HARD SURFACES, WALLS, FENCES, ACCESS FEATURES, THE EXISTING TREES AND HEDGES TO BE RETAINED, TOGETHER WITH THE NEW PLANTING TO BE CARRIED OUT, AND DETAILS OF THE MEASURES TO BE TAKEN TO PROTECT EXISTING FEATURES DURING THE CONSTRUCTION OF THE DEVELOPMENT.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

6 LANDSCAPING - IMPLEMENTATION
ALL HARD AND SOFT LANDSCAPING WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED DETAILS. ARBORICULTURAL WORK TO EXISTING TREES SHALL BE CARRIED OUT PRIOR TO THE COMMENCEMENT OF ANY OTHER DEVELOPMENT, OTHERWISE ALL REMAINING LANDSCAPING WORK AND NEW PLANTING SHALL BE CARRIED OUT PRIOR TO THE OCCUPATION OF ANY PART OF THE DEVELOPMENT OR IN ACCORDANCE TO THE TIMETABLE AGREED WITH THE BOROUGH COUNCIL. ANY TREES OR PLANTS, WHICH WITHIN A PERIOD OF FIVE
YEARS OF THE COMMENCEMENT OF ANY WORKS IN PURSUANCE OF THE DEVELOPMENT DIE, ARE REMOVED, OR BECOME SERIOUSLY DAMAGED OR DISEASED, SHALL BE REPLACED AS SOON AS PRACTICABLE WITH OTHERS OF SIMILAR SIZE AND SPECIES, FOLLOWING CONSULTATION WITH THE BOROUGH COUNCIL, UNLESS THE BOROUGH COUNCIL GIVES WRITTEN CONSENT TO ANY VARIATION.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

7 ADDITIONAL TREE INFORMATION AND PRE-COMMENCEMENT INSPECTION
No development shall take place until further arboricultural details have been submitted to and approved in writing by the Borough Council and these works shall be carried out as approved. This scheme shall include details of:

a) the existing trees and hedges to be retained in the form of a Tree Survey and Arboricultural Impact Assessment, in line with BS5837:2012, and shall include details of all current and proposed hard surfaces, walls, fences, access features, and ground levels.

b) the measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials / machinery, including a tree protection plan and an arboricultural method statement in line with BS5837:2012 (See Arboricultural Method Statement Informative.)

c) the scheme shall pay particular attention to an updated tree protection plan specifying the more robust BS5837 tree protection barrier/fencing based around a scaffold framework.

d) prior to the commencement of works on site and after the installation of the tree protection in accordance with (b) above the applicant shall arrange a pre-commencement meeting between the Borough Council and the applicant’s project arboriculturist to allow inspection and verification of the protection measures.

Reason: This permission is granted on the basis that trees would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the demolition and construction works could have implications for the future health and amenity of retained trees within the site.

8 TREE PROTECTION
In this condition “retained tree” means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council.

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site.

d) any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, or submitted to meet a condition of consent shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Borough Council. This shall include any requirement for arboricultural supervision and site monitoring. This condition may only fully be discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of tree protection throughout construction by the appointed arboriculturist.

Reason: This permission is only granted on the basis that the trees would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of
the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

9 METHOD OF CONSTRUCTION STATEMENT
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) MEASURES TO PREVENT THE DEPOSIT OF MATERIALS ON THE HIGHWAY

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 should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the demolition and construction works could have implications on highway safety and amenity and should be agreed before any works begin.

10 BIODIVERSITY MITIGATION
The development shall be carried out in accordance with recommendations and mitigation measures in the Habitat and Protected Species Survey Rev A by Ethos Environmental Planning dated September 2016 and received 23 May 2017.


Informatives

1 COMMUNITY INFRASTRUCTURE LEVY
The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued as soon as practical after the day on which planning permission first permits development.

To avoid breaching the CIL regulations and the potential financial penalties involved, it is essential a prior commencement notice be submitted. A blank commencement notice can be downloaded from http://www.planningportal.gov.uk/uploads/1/app/forms/form_6_commencement_notice.pdf. For the avoidance of doubt commencement of demolition of existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of the CIL regulations.

2 EUROPEAN PROTECTED SPECIES LICENCE
A European Protected Species Licence should be obtained prior to the carrying out of any demolition works on site.