Application No: 2017/2048
Type: S73
Case Officer: Tom Scriven
Ward: Cobham and Downside Ward
Location: 46 Portsmouth Road Cobham Surrey KT11 1HY
Proposal: Variation of Condition 5 (Method of Construction Statement) of planning permission 2016/4208 (Basement parking) to vary Condition 5
Applicant: Mr Kevin Feeney
Agent:

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

Representations: Twenty-nine letters of objection were received from twenty-three separate addresses the contents of which can be summarised as follows:

- Access should be from Portsmouth Road
- Impact on traffic along Between Streets
- Large number of vehicular movements required to remove material excavated from the basement
- Between Streets impractical for access by HGV's
- Impact on highway safety
- Access to basement parking should be from Portsmouth Road
- Details should have been agreed in initial application
- Previous refusal
- Current issues with construction work including; hours of work, obstruction of highway, dangerous/illegal parking
- Impact on air quality
- Developer has been using the Between Streets access contrary to condition
- Enforcement action should be taken against breach of condition
- Other breaches of Method of Construction Statement
- Vehicle movements during rush hour
- Blocking of access to adjacent site
- Impact upon adjacent business
- Need for compensation to adjacent business if amendment allowed
- Number of vehicle movements underestimated
- Loss of contractor parking and impact upon local parking
- Noise impact upon neighbouring properties
- The impact upon the new residents of the development is not justification for the change in access arrangements
- Placing of warning signs prior to approval of application
- Separation of social housing from rest of development

***This application qualifies for public speaking***

The application has been promoted by Cllr Mrs Mitchell if the recommendation is to permit.
Description

1. The application site of approximate area 0.7ha is located to the east of the Portsmouth Road (A307) and Between Streets (A245) junction; and to the northwest of Cobham town centre. Prominent at the front of the site is the red brick, two-storey Grade II listed former White Lion public house building with associated outbuildings to its rear. The site is currently being redeveloped with a number of buildings on the site at an advanced stage.

Constraints

2. The relevant planning constraints are:
   - Grade II Listed Building
   - Flood Zone 2
   - Thames Basin Heath - 5km buffer zone

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
   CS1 – Spatial Strategy
   CS2 – Housing Provision, Location and Distribution
   CS10 – Cobham
   CS13 – Thames Basin Heaths Special Protection Area
   CS15 – Biodiversity
   CS17 – Local Character, Density and Design
   CS19 – Housing Type and Size
   CS20 – Older People
   CS21 – Affordable Housing
   CS23 – Employment Land Provision
   CS24 – Hotels and Tourism
   CS25 – Travel and Accessibility
   CS26 – Flooding
   CS27 – Sustainable Buildings
   CS28 – Implementation and Delivery

   Development Management Plan 2015
   DM1 – Presumption in favour of sustainable development
   DM2 – Design and amenity
   DM6 – Landscape and trees
   DM7 – Access and parking
   DM8 – Refuse, recycling and external plant
   DM10 – Housing
   DM11 – Employment
   DM12 – Heritage
   DM21 – Nature conservation and biodiversity

   Design & Character SPD 2012
   Including the Companion Guide: Cobham, Oxshott, Stoke D’Abernon & Downside

   Developer Contributions SPD 2012

   Flood Risk SPD 2016
4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/0175</td>
<td>Listed Building Consent: Demolition and reconstruction of a curtilage listed outbuilding in association with application for planning permission 2017/0141 for a single storey outbuilding following demolition of existing outbuilding</td>
<td>Granted</td>
</tr>
<tr>
<td>2017/0141</td>
<td>Single storey outbuilding following demolition of existing outbuilding</td>
<td>Granted</td>
</tr>
<tr>
<td>2016/4208</td>
<td>Variation of Conditions 2 (Approved Plans), 5 (Parking and Turning), 11 (Landscaping - Tree Planting and Aftercare), 12 (Landscaping - Scheme) and 16 (Surface Water Drainage System) of planning permission 2015/0997 (Development of 50 flats) for the addition of basement parking with access ramp and landscaping scheme</td>
<td>Granted</td>
</tr>
<tr>
<td>2016/0042</td>
<td>Confirmation of Compliance with Condition: 6 (method of construction statement) of planning permission 2015/0097</td>
<td>Confirm Compliance</td>
</tr>
<tr>
<td>2015/1266</td>
<td>Listed Building Consent: Conversion of the existing White Lion building to provide 6 flats in association with application for planning permission 2015/0997</td>
<td>Granted</td>
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<tr>
<td>2015/0997</td>
<td>Redevelopment of the site comprising 4 two/three storey buildings with rooms in the roofspace, dormer windows and balconies to provide 44 retirement flats; conversion of the White Lion building to provide a further 6 flats; along with associated parking, landscaping and access from Between Streets and Portsmouth Road</td>
<td>Granted</td>
</tr>
<tr>
<td>2014/3417</td>
<td>Redevelopment of the site comprising part three/part two storey detached building with rooms in roof space to provide 25 flats, three storey detached building with rooms in roof space to provide 6 flats, the re-use of the existing two storey detached building with rooms in roof space (White Lion) to provide 4 flats and a two storey detached building with rooms in the roof space to provide 24 affordable flats with access off Between Streets, with associated parking, landscaping</td>
<td>Refused</td>
</tr>
<tr>
<td>2014/4646</td>
<td>Prior notification of demolition of Cobham Lodge Hotel</td>
<td>Refusal of Prior Approval (Demolition)</td>
</tr>
</tbody>
</table>

Proposal

5. This is a s.73 application for the variation of Condition 5 (Method of Construction Statement) of planning permission 2016/4208 (Basement parking) to vary Condition 5. The primary change to the method of construction statement is to allow the use of the access along Between Streets rather than being limited to the Portsmouth Road access as stipulated by the previously approved method of construction statement. This is in conjunction with the construction of the basement to the building at the rear of the site. In addition to the use of the Between Streets access there will also now be no contractor parking on site.
6. An amended method of construction statement was accepted during the consideration of the application. This was to correct some inaccuracies in the original submission. This also included the submission of the relevant appendices. Further public consultation was carried out following the receipt of this additional information.

Consultations

7. Surrey County Council Highways – Based upon the information supplied the Highway Authority has assessed the impact of the proposal on highway safety and capacity and raised no objections. They consider that the information supplied is sufficient to comply with the requirements of Condition 5 relating to the requirement for a suitable Method of Construction Statement. The development is therefore considered to be in accordance with policy CS25 of the Core Strategy 2011 and DM7 of the Development Management Plan 2015.

8. Heritage, Landscape and Tree Manager – Considers that the proposal should not affect the landscape proposals for this site and therefore has no comments other than to request that the required tree protection to the rear of the site is maintained. She also states that the additional Lime trees agreed as part of the main application are planted in accordance with this condition.


10. Listed Building Consultant – No comments received.

11. Environmental Services – No comments received.

12. Trees – No comments received.

13. Council for British Archaeology – No comments received.

14. The Twentieth Century Society – No comments received.

15. Environment Agency – No comments received.

16. Surrey Wildlife Trust – No comments received.

17. Georgian Group – No comments received.

18. The Victorian Society – No comments received.


20. Ancient Monuments Society – No comments received.

21. Head of Housing Services – No comments received.

Positive and Proactive Engagement

22. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of 186-187 of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

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

Planning Considerations

24. Section 73 provides for the ‘determination of applications to develop land without compliance with conditions previously attached’. It only provides for the variation of conditions attached to an existing planning permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions).
25. The main planning considerations in the determination of this application are:

- The impact on the amenity of neighbouring properties
- Amenities of the future occupiers of the development
- Impact on highway, including access and parking
- Trees and Landscaping

The impact on the amenity of neighbouring properties

26. In terms of neighbouring amenity the proposal would allow for the use of the Between Streets access. Whilst this will result in some vehicular movements in closer proximity to nearby dwellings to the south east of the site there would still be a reasonable separation distance between these dwellings and the vehicles using this access and the route within the site. In the context of the construction site as a whole it is unlikely that this would result in a significant direct disturbance to neighbouring dwellings in terms of noise or pollution.

Amenities of the future occupiers of the development

27. The proposal would result in vehicular movements through part of the site which is nearing completion. It is not entirely clear what the crossover will be between the continued construction works on the site and the first occupation of those units which have been completed. However clearly these is an element of buyer beware when construction works are ongoing on the site and the use of the access on Between Streets is unlikely to significantly impact upon the amenity of future occupiers over and above the situation which would occur with the current method of construction statement. It is noted that revised access would bring the majority of vehicular movements past the building to the south of the site marked as AD4 on the original plans. Whilst this would result in a greater level of disturbance for the occupiers of this part of the development for the duration of the build this must be viewed in the context of the works taking place to the rear of this building in constructing the final block. Therefore given the limited length of time this disturbance will take place it is considered that the alteration to the Method of Construction Statement would not result in a significant long term impact upon the future occupants of the development.

Impact on highway, including access and parking

28. The primary reason for the imposition of the condition requiring a method of construction statement was to ensure that the development did not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users. Therefore the key consideration in the assessment of the acceptability of this revised method of construction statement is the highway implications.

29. The first aspect of the change to the method of construction statement is the use of the Between Streets access whereas the previous statement required that construction vehicle access was only via the Portsmouth Road Access. The statement also states that any vehicles with a wide turning radius will be banked into and out of the site by suitably trained marshals and that the time of HGV movements will be restricted. Surrey County Council were consulted on the application as the Highway Authority and advised that they raised no objection to the proposed use of this access in terms of the impact upon highway safety and capacity. They consider that the method of construction statement provided is sufficient to comply with the requirements of the condition imposed on the original planning application. On this basis it is considered that the proposal would not result in a significant adverse impact upon the operation of the highway. Whilst the concerns of residents are noted it is considered that the method of construction statement will ensure that the access is used in an appropriate manner.

30. The current method of construction statement does not include on site parking. This is liable to be the case on phased schemes such as this where part of the development is nearing completion. In this instance it is considered that given the advanced stage of the build and limited space on site it would not be reasonable to require continued on site parking. Again the concerns of residents are noted in terms of some of the parking practices that are alleged to
have taken place. The method of construction statement cannot control parking outside of the site, however this is controlled by separate highway legislation and would be enforced by the Police or the Council’s Parking Services. Therefore it is considered that it would not be reasonable to refuse the method of construction statement on the lack of on site parking.

**Trees and landscaping**

31. The proposal is only to amend the method of construction statement and would not alter the proposed development or the associated landscaping. The proposal remains subject to the existing tree protection and landscaping conditions. The Heritage, Landscape and Tree Manager has confirmed that they have no objection to the proposal subject to these conditions.

**Matters raised in Representations**

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

33. Whilst it is noted a number of residents consider the use of the Portsmouth Road access would be preferable the proposed method of construction statement should be considered in terms of whether it complies with the reason for originally imposing this condition. The primary reason for the imposition of this condition was in relation to the impact upon the highway. Therefore the proposal must be assessed in terms of whether it has an unacceptable impact upon this. In this particular instance it is considered that the proposal would not unacceptably impact upon the highway and therefore although there may be arguments for using the other access point there is not considered to be a significant adverse impact from using this access.

34. A large number of comments related to the impact upon traffic, parking and highway safety. Whilst these concerns are noted it is considered that the method of construction statement would ensure the appropriate use of the access in a way that would limit the impact upon traffic and ensure the proposal would not impact upon highway safety. This has been confirmed by Surrey County Council as the highway authority. Parking outside of the site is already taking place and is outside the remit of the application. Any illegal parking or obstruction of the highway would be a matter for the Police or the Council’s Parking Services.

35. As already noted any highway safety implications resulting from dangerous driving or illegal parking fall outside the remit of this application and would be controlled by separate legislation.

36. There appeared to be some comments relating to the future access of the basement car park. This is not a consideration in this application. The only change to the permission relates to the method of construction statement.

37. Some comments referred to the fact that these details should have been agreed in initial permission. A method of construction statement has been previously agreed, however the changes to the scheme have necessitated a revised scheme. In addition an applicant is entitled to apply for a variation to a condition. It is then for the Council to determine whether this variation is acceptable.

38. Reference was made to a previous refusal for the use of this access. There is no record of such an application being refused. The initial method of construction statement which was for construction vehicles to access vehicles via Portsmouth Road was accepted. The current application is now to vary this condition.

39. A number of comments referred to current issues with construction work including. These included the hours of work, obstruction of the highway and dangerous/illegal parking. These fall outside the scope of the current application which is to consider whether the revised method of construction statement is acceptable. Any breach of condition in relation to this site should be reported to the Planning Compliance Team for investigation. However a number of these issues would fall outside their remit. Issues relating to dangerous and illegal parking should be reported to the relevant authority which would either be the Police or the Council’s Parking Services. Any statutory noise nuisance would be a matter for the Council’s Environmental Services.
40. Concerns were raised regarding the impact on air quality. However given the level of vehicular movements in the area as a whole this is unlikely to have a significant long term impact.

41. It is noted that the developer has been using the Between Streets access contrary to condition. However this application for the changes to the method of construction statement has been submitted to allow for these matters to be fully considered. Planning enforcement is not a punitive process and therefore action should not be taken purely because a breach has occurred.

42. Some residents noted the placing of warning signs prior to approval of application. Whilst the application was still under consideration at this point Surrey County Council requested that these warning signs be used to ensure the use of this access did not adversely impact upon highway safety. This does not prejudice the outcome of the application which has been assessed on its own merits.

43. Concerns were raised about other possible breaches of the original method of construction statement. These allegations are not a matter for this application but should be reported to the Planning Compliance Team.

44. It was noted that the restriction on HGV movements did not relate to the whole of what is considered to be ‘rush hour’. These restrictions are the same as previously agreed and it would be unreasonable to require these to be altered given the nature of the proposal.

45. There was significant concern from an adjacent business regarding the blocking of the access to the car park serving this site and the resultant impact upon business. The method of construction does not allow for parking and unloading at this entrance and therefore any obstruction to the access would be limited. If unloading were to take place at this access this would constitute a breach of condition which could potentially result in enforcement action. However in addition to this the right of access and obstruction of a private access may also constitute a separate civil matter between the parties concerned. Any obstruction that results from the inappropriate use of the access and resultant impact upon the business would be a civil matter between those parties concerned.

46. There was concern that the number of vehicle movements have been underestimated. A significant number of movements are accounted for in the method of construction statement and there is no evidence currently available to show this will be exceeded. Again if this were to be the case this would be a matter for Planning Compliance to investigate. The assessment should be on the basis of the information provided and whether this is acceptable.

47. It was commented that the impact upon the new residents of the development is not justification for the change in access arrangements. Whilst this may be the case the proposed method of construction statement should be assessed on its own merits in particular against the reasons for originally imposing the condition. In this instance it is considered acceptable.

48. It was claimed that the changes resulted in the separation of the social housing element of the scheme from rest of development. There is no change to the final layout of the development and the construction work would only impact upon any future residents for a limited amount of time.

Conclusion

49. On the basis of the above, and in light of any other material considerations, the proposal is considered to be in accordance with the development plan. Accordingly, the recommendation is to grant permission.
Recommendation: Grant Permission

Conditions/Reasons

1 LIST OF APPROVED PLANS
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 000 Rev A, 1002 Rev A, 1003 Rev A received on 10 March 2015; Arboricultural Report by Ruskins Group Consultancy ref 0514-1539 Rev 1 dated August 2014 and TPP-01 Rev 2 (Tree Protection Only) on 26 March 2015; 1004 Rev C, 1005 Rev C, 1006 Rev D (Not including PD3) 1009 Rev C, 1011 Rev E, 1013 Rev B, 1015 Rev B received on 25 June 2015; 1014 Rev C and 2661.P.1016 Rev A (Not including PD3) received on 29 June 2015; 1012 Rev D received on 28 July 2015; 160 Rev P1, 161 Rev P1, 162 Rev P1, 163 Rev P1, 164 Rev P1, 165 Rev P1, 166 Rev P1 received on 21 December 2016; 500 Rev C9, and BEE20185 7 received on 29 June 2016; 1004 Rev C2, 801 Rev C1, 802 Rev C1, 803 Rev C1 received on 22 April 2017; 1000 Rev P4 received on 04 May 2017; BEE20185-20 Rev P4 received on 08 May 2017; 810 Rev P1 received on 08 June 2017; 505 Rev C3 received on 13 June 2017.

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

2 MATERIALS - APPROVED
The development shall be carried out in accordance with the materials schedule revision P1 (10/12/15) received on 07 January 2016 and approved under application 2016/0047.

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.

3 OBSCURE GLAZING
All the windows throughout the development hereby permitted indicated on the proposed floor plans as 'OG' or 'OGB' (obscured glazing) with the exception of the first floor study window serving unit 22 (block PD3) shall be glazed with obscure glass; and non-opening up to the height of 1.7m above the finished floor level of the room they serve to, 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.

4 PARKING AND TURNING
The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles / cycles to be parked / to be stored and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purposes.

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.

5 METHOD OF CONSTRUCTION STATEMENT
The development shall be carried out in accordance with the Method of Construction Method Statement Rev 5 (dated June 2017); Programme of Works ABC -1200 Rev C and Cobham Construction Management Plan Layout 671 950 SK01 Rev B received on 21 July 2017 and
Crane Technical Specification received on 7 January 2016 under 2016/0042 planning application.

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.

6 ACCESS GATES
All the access gates (pedestrian and vehicular) shall open into the site.

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.

7 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.

8 LANDSCAPING - TREE PLANTING AND AFTERCARE
All tree planting and aftercare shall be carried out in accordance with the approved details. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its 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.

9 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

10  CONTAMINATION

If, during development, contamination not previously identified is found to be present at the
site than no further development (unless otherwise agreed in writing with the local authority)
shall be carried out until the developer has submitted a remediation strategy to the local
planning authority detailing how this unsuspected contamination shall be dealt with and
obtained written approval from the local planning authority. The remediation strategy shall be
implemented as approved.

Reason: The site overlies a principle aquifer used for abstraction locally and National Planning
Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to
and enhance the natural and local environment by preventing both new and existing
development from contributing to or being put at unacceptable risk from, or being adversely
affected by unacceptable levels of water pollution. Government policy also states that planning
policies and decisions should ensure that adequate site investigation information, prepared by
a competent person, is presented (NPPF, paragraph 121).

11  BIODIVERSITY ENHANCEMENT

The development shall be carried out in accordance with the biodiversity enhancement
measures as set out in the Biological Enhancement Plan ref.855499 (November 2015)
received on 07 January 2016 and approved under application 2016/0047.

Reason: To ensure that the biodiversity of the site is enhanced in accordance with Policy
CS15 of the Elmbridge Core Strategy 2011.

12  SURFACE WATER DRAINAGE SYSTEM

The surface water drainage scheme shall be implemented in accordance with the approved
details as set out in the Drainage Layout detailed on drawing Nos.500 Rev C9 received on 18
April 2017 and 505 Rev C3 received on 13 June 2017.

Reason: To prevent an increased risk of flooding, both on and off the site in accordance with
the National Planning Policy Framework 2012 and Policy CS26 of the Elmbridge Core
Strategy 2011.

13  SUSTAINABILITY MEASURES

The development shall be carried out and maintained in accordance with the sustainability
measures as set out in the letter dated 01/12/15 ref.cw/beec150909 received on 07 January
2017 and approved under application 2016/0047.

Reason: To ensure the sustainability of the development in accordance with Policy CS27 of

14  FLOOD WARNING AND EVACUATION PLAN

The approved Flood Risk Management Plan ref:001 received on 13 March 2017 approved
under application 2017/0834 shall be implemented on occupation of the development and
thereafter maintained in operation unless otherwise agreed in writing by the council.

Reason: To ensure the safety of future residents of the development in accordance with policy
CS26 of the Elmbridge Core Strategy and the National Planning Policy Framework.
15 OCCUPANCY OF THE DEVELOPMENT
No part of the development shall be occupied until the White Lion building and buildings within its curtilage have been restored in accordance with the approved details and conditions above.

Reason: To ensure that the Grade II Listed Building is restored as part of the development and to satisfy requirements of the NPPF 2012, Policy CS17 of the Elmbridge Borough Core Strategy 2011 and Policy DM12 of the Elmbridge Development Management Plan 2015.

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/1app/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 MATERIALS DEPOSITED ON THE HIGHWAY
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 County Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980, Sections 131, 148, 149).