Application No: 2018/2499
Application Type: FULL
Case Officer: Steve Elliott
Ward: Hinchley Wood and Weston Green Ward
Expiry Date: 18/10/2018
Location: 54 Claygate Lane Esher Surrey KT10 0BJ
Proposal: Detached two-storey house, bin and cycle stores, alterations to fenestration of existing flats, widening of existing access and new accesses from Southwood Gardens and Claygate Lane following demolition of existing detached garage.
Applicant: Azor Ltd
Agent: Mr Robert Trinder Trinder Architectural Ltd 2 Ardington Courtyard Roke Lane Witley GU8 5NF
Decision Level: If Permit – Sub Committee
If Refuse – Sub Committee
Recommendation: Permit – Subject to a Unilateral Undertaking being submitted within 3 months to secure an affordable housing contribution.

Representations: Fifteen letters of objection have been received from thirteen separate households raising the following concerns:

- Increased density would be harmful to the character of the area
- Harmful to the character of the area creating a terracing affect
- Lack of parking
- Over development of the plot
- Potential Ownership issues
- No front garden, solely a driveway
- Loss of privacy to neighbouring residents
- Area is prone to flooding
- Bricked up window will impact negatively on neighbouring gardens
- Lack of rear garden space

***This application qualifies for Public Speaking***

Report

Description

1. A detached two storey building comprising four flats with a communal garden area situated adjacent to the junction with Southwood Gardens.

Constraints

2. There are no relevant planning constraints.

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:
4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/0774</td>
<td>Detached two storey building to form 2 flats, with 2 rear dormer windows in existing building to provide 1 further flat, with associated bin and cycle store and parking, following demolition of existing garage</td>
<td>Granted</td>
</tr>
<tr>
<td>2015/0182</td>
<td>Detached two storey building to form 2 flats, dormer windows in existing building to form 1 flat and single storey side extension to existing flat, associated bin and cycle store and parking, following demolition of existing garage</td>
<td>Refused and dismissed at appeal</td>
</tr>
</tbody>
</table>

Proposal

5. Permission is sought for a detached two-storey house, bin and cycle stores, alterations to fenestration of existing flats, widening of existing access and new accesses from Southwood Gardens and Claygate Lane following demolition of existing detached garage.

6. The proposed detached building within this proposal is largely similar to that of the previous permission, with the exception of it being used as a single dwelling rather than as two flats. The ridge height of this building would be lowered from 8.75m to 8.61m and the eaves height reduced from 5.85m to 5.1m. The front door would be relocated to the other side of the front elevation. The depth of the flank wall of the detached dwelling would also be reduce slightly to 6.17m from 7.06m. The front and rear garden areas would be cordoned off to create two separate sites.

7. The previously approved dormer windows to the existing flats have been removed and therefore the number of units will not increase within this section of the site. There are however a couple of changes to windows in terms of location and/or being obscurely glazed.

8. A revised plan was received during the determination process, this plan relates to a kitchen window within a first floor rear facing flat being obscurely glazed. On the basis that this window is currently clearly glazed it was not felt necessary to re-notify the neighbouring properties.

Consultations

Positive and Proactive Engagement

10. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements 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.

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

Planning Considerations

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

- The principle of the development
- The design of the proposal and its impact on the character of the area and the street scene
- The impact on the amenity of existing and future occupiers
- Suitable residential amenity
- Highways
- Financial considerations

The principle of the development

13. Extant planning permission already exists on this site (2016/0774) as a result the principle of development on this site has already been established.

14. The Core Strategy indicates that there is scope for residential development through the redevelopment of existing sites with well-designed schemes that integrate with and enhance the local character. The new development is required to deliver high quality design, which maximises the efficient use of land and which responds to the positive features of individual locations; integrating sensitively with locally distinct townscape while protecting the amenities of those living in the area. Innovative contemporary design that embraces sustainability and improves local character will be supported. The Council promotes development that contributes to an overall housing target of 40 dwellings per hectare and achieves a minimum of 30 dwellings per hectare (dph).

15. The revised NPPF in regard to the making effective use of land, states at Para. 117:

‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions’.

16. In regard to achieving appropriate densities, Para. 12 states

‘Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site’, and this is supported by point C) of Para. 123 which states:

‘local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).’

17. Para 122 in regard to achieving appropriate densities further states that:
Planning policies and decisions should support development that makes efficient use of land, taking into account:

b) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

18. In light of this new policy framework and given the contribution small sites make towards meeting housing need, any applications must seek to make the most efficient use of land. The proposal would represent a development density of approx. 40dph. This would comply with the locally adopted density policy and would make an efficient use of land. It is noted that the previous permission allowed for a greater number of units albeit over a larger site area. The previous permission allowed for approximately 45dph. In terms of the area associated with the detached dwelling the density has halved due to the it previously being two flats. In this regard, the applicants have provided a statement to justify that the site has been marketed for two years following the permission being granted. As a result, they believe that it is not feasibility to construct the flats and therefore this application is for a three bedroom house. The borough has identified a need for 1, 2 and 3 bedroomed dwellings, therefore this proposal would help meet an identified need.

The design of the proposal and its impact on the character of the area and the street scene

19. The proposed design of the detached two storey dwelling adjacent to No. 1 Southwood Gardens is one where it largely relates to the design of adjoining properties. The proposed separation distance between the rear corner of the proposed building and the existing flank wall of the adjacent property (No. 1 Southwood Gardens) (not that of the original flank wall) is 1.39m, this distance is reduced at the front given the angle of the boundary line.

20. The Elmbridge Design and Character SPD identifies that a minimum of 1m is desirable at first floor level, side extensions up to the side boundaries at two-storey level on one flank elevation are part of the established character of the dwellings within Southwood Gardens. This issue was identified by the previous Inspector. As such in this instance it is considered that the principle of the design of the new detached dwelling and its separation distance from the neighbouring property is acceptable and would not detract upon the views from within the street scene or the character of the area.

21. The proposal also includes two separate designated areas for storing refuse and four secure cycle storage areas. The only ones that are likely to be visible from within the street scene are those in front of the detached dwelling. However, given their size and location they are not considered to detract upon the character of the area.

22. It is not uncommon for the entire front garden to be covered in hardstanding. As a result, it is considered that no impact will be created upon the street scene.

The impact on the amenity of existing and future occupiers

23. The proposed detached building would not breach the 45 degree angle from the neighbours (No. 1 Southwood Gardens) front or rear habitable room windows. It would however be located very close to the neighbour’s first floor side facing window. The Inspector identified that the irrespective of the location of this window the proposed development would not create and effect upon their living conditions. Due to the fact that this proposal is largely identical to that of the previous application and as such, there is no reason to divert from the previous Inspectors view.

24. The detached dwelling would benefit from a first floor side facing window. This window would serve the stairwell and therefore an obscure glazing condition could be imposed to ensure that no adverse loss of privacy would be created.

25. In terms of any potential inter-visibility between the existing occupiers of the flats and the future occupiers of the detached dwelling, one bedroom window has been relocated within the first floor flat, from the rear elevation to the side elevation and the kitchen window within the
same flat would be obscurely glazed. These would result in the private rear garden of the new dwelling not being overlooked.

26. The views into the communal gardens of the flats are already considerable and the introduction of a detached dwelling will not create any additional adverse impact upon the occupiers of these flats.

27. In terms of the amount of amenity space being retained for the future occupiers of this proposal, the garden size smaller than the desired amount as indicated within the Elmbridge Design and Character SPD. However, provided that any future extensions are monitored by the Local Planning Authority it is considered to be of an acceptable size for this small three bedroom dwellinghouse. It is therefore considered reasonable to remove permitted development rights in terms of extensions and outbuildings.

Suitable residential amenity

28. The Council does not have a policy requiring the amount of communal garden space. However, this proposal would still allow for a sufficient amount of space to be retained for the occupiers of the four flats. In terms of the detached dwelling the garden area is staggered and whilst there is less than desired within the Design and Character SPD it remains considered that there would be sufficient space provided for a property of this size.

29. The proposal includes two areas for the storage of refuse, these are sited in areas that accord with the Council’s guidance.

Highways

30. This proposal includes two off-street parking bays for the new dwelling and retains three off-street spaces for the occupiers of the flats. There are no parking restrictions within this area and as a result it is considered that this proposal will provide a sufficient number of off-street parking spaces. This proposal also includes designated cycle storage areas.

31. The Highway Authority in assessing the previous proposal raised no objection in terms of highway safety or capacity subject to a number of suitably worded conditions and informatives being imposed. They have not commented in relation to this proposal, however, it is considered appropriate that these suggested conditions and informatives be included.

Financial Considerations

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 4 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. The New Homes Bonus Scheme Grant Determination for 2018/19 is £1.1 million.

34. 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.
Affordable Housing

35. Policy CS21: Affordable Housing of the Council’s Core Strategy (2011) requires that development resulting in the gain of 15 and more residential units should provide 40% of the gross number of dwellings on site as affordable housing.

36. Paragraph 63 of the NPPF states that ‘provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).’ Elmbridge Borough is not a designated rural area and major development sites are defined in the NPPF as development of 10 or more homes, or the site has an area of 0.5 hectares of more. Nevertheless, as set out in paragraph 3 of the NPPF, the Framework should be read as a whole (including its footnotes and annexes). In this context the following NPPF policies are also relevant in regard to the Council’s continuation to apply policy CS21.

37. Paragraph 59 of the NPPF states that within the context of significantly boosting the supply of homes ‘… that the needs of groups with specific housing requirements are addressed’. Paragraph 61 states ‘… the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing…’ Finally, paragraph 62 states: ‘Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be onsite unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified…’

38. Paragraph 63 of the NPPF is a clear continuation of the approach to developer contributions on small sites as set out in Government’s Written Ministerial Statement (WMS) (28 November 2014) and subsequent changes to Planning Practice Guidance (PPG) dated 19 May 2016. In response to this policy change, the Council set out in its Statement on the WMS (Update – February 2017), that its position was to continue to consider on a case by case basis whether local circumstances with regard to affordable housing and the nature of the development sites in the Borough were sufficient to warrant the application of policy CS21, or whether greater weight should be attached to the WMS and changes to PPG.

39. The Council’s approach has been repeatedly upheld by Appeal Inspectors recognising that policy CS21 was consistent with other policies of the NPPF (paragraphs 47 and 50 (NPPF, 2012)) which required 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. Furthermore, several Appeal Inspectors noted that whilst the WMS was a material consideration of considerable importance and weight, 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. Appeal Inspectors have continuously addressed the Council’s Statement on the WMS (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.

40. Appeal Inspectors have also stated that there has been no substantive evidence to demonstrate that the requirements of policy CS21 are placing an unreasonable or disproportionate burden on developers. As a consequence, it has been found that whilst the WMS carried considerable weight, Inspectors do not consider it to outweigh the development plan given the acute and substantial need for affordable housing in the Borough (as evidenced by the Kingston & North-East Surrey Strategic Housing Market Assessment (SHMA)) (2016) and the importance of delivery through small sites towards this.

41. On the basis of the above and the evidence in relation to local housing need, affordability and housing land supply (as summarised in the Council’s Statement (Update – February 2017)), the Council will continue with its approach to apply Policy CS21 in the decision-making process where relevant. The Council has provided clear evidence of the acute need for affordable housing whereas, little evidence has been submitted by applicants suggesting that
policy CS21 is having a disproportionate effect on small schemes. Where evidence is submitted to the contrary, the Council will, in accordance with policy CS21 and the Development Contributions Supplementary Planning Document (SPD) (2012), allow flexibility.

42. The applicants as part of this scheme have indicated a willingness to enter into a Unilateral Undertaking in order to provide the requisite affordable housing contribution in line with policy CS21. At the time of writing the Unilateral Undertaking has not been provided. Subject to a Unilateral Undertaking being received within three months of the resolution to grant permission, the proposal would comply with the requirements of policy CS21.

Community Infrastructure Levy

43. This application is CIL liable and the applicants have provided the relevant forms.

Matters raised in Representations

44. The application form has identified that the applicant is not the owner of the entire site, as a result, Certificate B has been signed. This is the correct procedure.

45. It is noted that the site is prone to flooding, however, the site is not located within an identified flood risk area. As a result, there is no requirement for detailed flood risk measures to be submitted as part of this proposal.

46. The issue of rising ramp within the existing building is again not an issue that is required to be addressed as part of the determination of this proposal and is an issue for the owner and/or the tenants to resolve.

Conclusion

47. 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.

The proposed development does require a CIL payment

Recommendation: Permit subject to S106 Agreement

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: 852/S06/010 Rev: 01, 03 Rev 02, received on 14 August 2018, 852/S06/01 Rev: 03 received on 23 August 2018, 852/S06/02 Rev: 03 and 952/S06/05 Rev: 01 received on 24 August 2018 and 852/S06/04 Rev:03 received 31 October 2018.

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

3. MATERIALS SAMPLES
Prior to the commencement of any above ground works a written schedule including source/manufacturer, OR samples as required of all external facing and roof materials shall be
submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.

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
Prior to the first occupation of the development hereby permitted the first floor side facing window of the development hereby permitted shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter.

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

5 OBSTRUCTION OF HIGHWAY
No obstruction shall overhang the highway along the site frontage onto Claygate Lane and Southwood Gardens between 0.6 metres and 2 metres high above the ground.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with policy DM7 of the Development Management Plan 2015 and policy CS25 of the Core Strategy 2011.

6 CYCLE PARKING/REFUSE STORAGE
NOTWITHSTANDING THE APPROVED PLANS BEFORE THE DEVELOPMENT IS FIRST OCCUPIED ALL OF THE PROPOSED SECURE CYCLE PARKING AND REFUSE STORAGE AREAS SHALL BE INSTALLED AND RETAINED EXCLUSIVELY FOR THEIR DESIGNED PURPOSE.

Reason: In order that the development should is in accordance with policies DM7 and DM8 of the Development Management Plan 2015 and policy CS25 of the Core Strategy 2011.

7 ALTERATIONS TO FLAT WINDOWS
Prior to the first occupation of the new dwellinghouse, the proposed window alterations within the existing block of flats shall be undertaken. The obscurely glazed window shall have obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window changes shall be permanently retained in that condition thereafter.

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

8 PD LIMITATION
Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Part 1 Classes A, B, C and E of Schedule 2 to the said Order shall be carried out within the curtilage of the/any dwellinghouse, unless planning permission is first granted by the Borough Council.

Reason: To safeguard the character and amenities of the premises and adjoining properties and to comply with Policy DM2 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. The notice is available at www.planningportal.co.uk/cil

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 NEW VEHICLE CROS Overs AND DROPPED KERBS
The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.

3 DEPOSITING MATERIALS ON THE HIGHWAY
The developer is reminded that it is an offence to allow materials to be carried from the site and be 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 surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
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**SITE LOCATION PLAN**

**Address:**
54 - 56 CLAYGATE LANE, Esher, Surrey, KT10 0BJ

**Client:** Mr J Felstead

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**PLANNING APPLICATION**

02 Planning Application Issue

01 Site boundary line updated.

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**PRELIMINARY ISSUE**

Date: 13.08.2018

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Title: Site Location Plan

Address: No 2 Ardington Courtyard, Roke Lane, Witley Nr. Godalming, Surrey, GU8 5NF.
Tel: 01428 685 829. Fax: 01428 681 912. E-Mail: trinderarchitect@btconnect.com
New windows to receive leaded lights to match existing Flats

8.615m

Ridge Height

5.1m

Soffit Height

2m

Fence Height

Boundary fence in front

Obscure glazed fixed shut window

2.0m
dressing CYL

1.0m
1.5m

BU

BU BU

RB

BU

DW

BU

FF

Dashed Outline of Planning Approved Scheme Ref: 2016/0774

OUTLINE OF EXISTING LOW LEVEL WALL & HEDGE IN FRONT

+ 59.30 RIDGE LEVEL

+ 58.52 RIDGE LEVEL

+ 58.47 RIDGE LEVEL

+ 49.89 GROUND LEVEL (Varies)

NEW TIMBER FENCING + 500mm TRELLIS. HIT & MISS / LEDGE & BRACED TIMBER GATE

NEW PLANTING

OUTLINE OF IMPLEMENTED PROPOSED EXTENSION APPLICATION No. 2013/4221

BUILDING ELEMENT MATERIAL KEY

BRICKWORK STOCK FACING BRICK A

DOOR (Main Entrance) CSECURE DOORSETT WITH ACCESSIBILITY THRESHOLD + SIDELIGHT

WINDOWS (flank & rear) EWHITE PVCu CASEMENT WINDOWS

G FASCIA & SOFFITS WHITE PVCu

H RAINWATER GOODS BLACK HALF ROUND

TILE HANGING PLAIN CLAY TILE B

F ROOF FINISH PLAIN ROOF TILES WITH HALF ROUND RIDGE & BONNET HIP TILES

J

K GARDEN GATE LEDGE & BRACED TIMBER GATE

L FENCE

N FLASHING ENTRANCE PORCH TIMBER POST WITH BRICK PIER BASE TO COVERED ENTRANCE WAY

M WINDOWS (front) TIMBER FENCING + 500mm TRELLIS WINDOWS TO RECEIVE LEADED LIGHTS TO MATCH EXISTING FLATS LEADWORK FLASHINGS

D PATIO DOORS WHITE PVCu or ALUMINIUM

P GALLOWS BRACKET TIMBER FEATURE BRACKET

Scale: 1:100 @ A1

FOR INFORMATION

PROPOSED LAYOUT PLANS & ELEVATIONS & STREET SCENE

54-56 CLAYGATE LANE, Esher, Surrey, KT10 0BJ

Mr J Felstead

1:100 -- July '18 A1

852/S06/03 02

05.07.2018

06

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