

## Report to South Area Planning Sub-Committee – List A – Applications for Decision

<b>Application No:</b>	2018/2316	<b>Application Type:</b>	FULL
<b>Case Officer:</b>	Peter Brooks	<b>Ward:</b>	Oatlands and Burwood Park Ward
<b>Expiry Date:</b>	25/09/2018		
<b>Location:</b>	Land Northeast Of 70 To 79 Berkeley Court Weybridge Surrey KT13 9HY		
<b>Proposal:</b>	A terrace of 3 three-storey houses with rear balconies, basements and access from Berkeley Court and rear decking.		
<b>Applicant:</b>	Burhill Properties Limited		
<b>Agent:</b>	Ingham 61 Central Avenue West Molesey Surrey KT8 2QZ		
<b>Decision Level:</b>	If Permit – Sub-Committee If Refuse – Sub-Committee		
<b>Recommendation:</b>	Permit		
	A - Permit, subject to the receipt of a satisfactory legal agreement securing the financial contribution in relation to affordable housing within 3 months of the Committee resolution		
	B - If a satisfactory legal agreement is not completed within 3 months of the Committee resolution, delegated authority be given to the Head of Planning Services to Refuse.		

**Representations:** 10 letters of objection and 3 of support were received raising the following summarised points:

- Loss of trees/limbs to trees
- Overdevelopment and excessive density
- Proximity to boundary with Broadwater Place
- Unsustainable location
- Lack of engagement from developers
- Bulk and mass
- Adverse impact on neighbouring amenity (loss of privacy, overlooking, light)
- Suggestion to remove PD rights for the proposed dwellings
- Loss of open space
- Traffic/parking congestion in the area
- Inconsistencies with submitted documents
- Incorrect description
- No need for market housing
- Loss of views

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

### Report

#### Description

1. The application site of approximately 0.094ha is located to the northeast of properties in Berkeley Court and to the northwest of Broadwater Place in Weybridge. The site's ground levels slope significantly down to the northwest/rear where it abuts Broadwater Lake and is currently vacant. The site lies within the Templeremere Environs as defined in the Weybridge Companion Guide to the Design and Character SPD 2012.

## Constraints

2. The relevant planning constraints are:
  - Thames Policy Area
  - Abuts Park/Garden of Special Historic Interest
  - Adjoining Green Belt

## 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

CS1 – Spatial strategy  
CS2 – Housing provision, location and distribution  
CS4 – Weybridge  
CS15 – Biodiversity  
CS17 – Local Character, Density and Design  
CS19 – Housing type and size  
CS21 – Affordable Housing

### 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  
DM12 – Heritage  
DM20 – Open space and views  
DM21 – Nature conservation and biodiversity  
DM22 – Recreational uses of waterways

### Design & Character SPD 2012

& Companion Guide: Weybridge

### Developers Contributions SPD 2012

4. **Relevant Planning History**

Reference	Description	Decision
2017/2070	A pair of semi-detached three-storey dwellings with rear balconies, integral garages, basements and access from Berkeley Court	Refused
2016/1773	A pair of semi-detached three-storey dwellings with rear balconies, integral garages, basements and access from Berkeley Court	Permit

## Proposal

5. A terrace of 3 three-storey houses with rear balconies, basements and access from Berkeley Court and rear decking.

## **Consultations**

6. Tree Officer – No objections subject to conditions in relation to tree protection.
7. Surrey County Council (Highways) – Refers to previous consultation comments received for application 2016/1773, which recommends condition to secure construction transport management plan to ensure highway safety is not prejudiced during construction.
8. Natural England – No comments.
9. Surrey Bat Group – No objection subject to imposition of ecology condition.
10. Surrey Wildlife Trust – No objections subject to use of conditions.
11. Historic England – Does not consider necessary for them to be consulted.
12. Surrey Gardens Trust – In view of planning history on the site no comment on current proposal.
13. Thames Water – No objections subject to informative.

## **Positive and Proactive Engagement**

14. The revised NPPF requires local planning authorities 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.
15. No formal pre-application advice was sought prior to the submission of this application.

## **Planning Considerations**

16. The main planning considerations in the determination of this application are:
  - Previous planning history
  - Principle of development
  - Affordable housing
  - The design of the proposal and its impact on the character of the area and the street scene
  - The impact on the amenity of neighbouring properties and future occupiers
  - Access and parking
  - Trees and ecology
  - Financial considerations

### Previous planning history

17. Application 2016/1773 (description in the history section) was considered acceptable and permitted. Subsequent to this application 2017/2070 was refused for a terrace of three dwellings, although this had only a single reason for refusal relating to lack of contribution towards affordable housing.
18. This application is comparable to 2017/2070 and the applicant has now submitted viability information to support the application.

### Principle of development

19. 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). The proposal would represent development density of 32dph. Policy DM10 in relation to sites of 0.3 hectares (although it is acknowledged this site is below this threshold) or greater should promote house size and types that make most efficient use of land and meet the most up to date measure of housing need whilst reflecting the character of the area.

20. The latest measure of housing need is the 2016 Strategic Housing Market Assessment (SHMA) for Kingston and North Surrey. The SHMA identifies the primary need within Elmbridge is for smaller 1-2 bedroom units, but also a need for 3 bed units. The proposal under consideration here is stated to provide 3 bed units, although the floor plans indicate that a room at ground floor level is of a size capable of being used as a bedroom. It is however considered in light of its position at the front of the building and the somewhat unusual layout due to the sloping site in this instance the room would be treated for the purposes of this assessment as not serving as a bedroom. It is further noted the previous scheme was considered as a 3 bed unit.

21. The updated NPPF (July 2018) was published subsequent to the previous refused scheme (2017/2070). The new 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’.

22. In regard to achieving appropriate densities, Para. 123 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).’

23. The proposal would meet locally adopted minimum density policy (30dph), and it would provide 3 bed units which do meet the identified need within the borough. The Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing sites, and as such Para. 11 d) of the NPPF would be triggered, which states that decision takers should grant permission where policies most important for determining the application (in this case relating to the supply of housing) are out of date, unless ‘the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’. It is considered the provision of units which meet the identified need and make more effective use of land in the urban area to be therefore acceptable in this location.

#### Affordable Housing

24. Policy CS21: Affordable Housing of the Council’s Core Strategy (2011) requires that development resulting in 1-4 residential units should provide a financial contribution equivalent to the cost of 20% of the gross number of dwellings on site. It is acknowledged that a revised (July 2019) National Planning Policy Framework has been published and is a material

consideration in the determination of all relevant planning applications. However, as set out in Section 38(6) of Planning and Compulsory Purchase Act 2004, the starting point for any decision is the Development Plan unless material consideration(s) indicate otherwise. As set out in paragraph 2 of the NPPF, this approach is required by planning law. It is therefore for the decision-maker to determine the weight to be applied.

25. 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 or 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.
26. Paragraph 59 of the NPPF state 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 on-site unless:*
  - a) *off-site provision or an appropriate financial contribution in lieu can be robustly justified...'*
27. 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.
28. 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.
29. 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.
30. 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.

31. Based on the above, the appropriate level of financial was calculated. The applicant submitted a viability appraisal which has been reviewed by the Council's Viability Consultants. The findings of this review found that a full contribution could be made by the development, and the applicant after consideration found this to be acceptable and agreed to make the required contribution. This has not been secured as of yet but subject to receipt of this within 3 months of the Committee's resolution to permit then the application would be in compliance with Policy CS21.

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

32. The proposal is located on the boundary of Oatlands Park, which is a Grade II Historic Park on the Register of Parks and Gardens of Special Historic Interest. It is recognised as a "designated historic asset" to which due weight needs to be given under the NPPF as scheduled monuments and listed buildings. The original 18<sup>th</sup> century landscape park comprised 230ha and although the contemporary designation now covers only 22ha, the southern terrace and the Broadwater are key elements. As a result, any new development along the lake has to be designed sensitively to reflect its historic significance and features.
33. The application site is located in the area characterised by a variety of residential properties, the majority being in the form of flats or terraced dwellings. The buildings also vary in terms of design and age. The proposed development would be in the form of a terrace of town houses (when viewed from within Berkeley Court). The previously approved scheme on site (ref: 2016/1773) was for a similarly scaled pair of semi-detached dwellings). As a result, the proposed form of development is considered to be appropriate.
34. The design of the proposed building would differ from that previously approved. The building has a crown roof served by dormers, and would feature a staggered frontage to add visual interest and break up the mass of the building. It should be noted due to the altered roof design the proposed building would be lower than that previously approved when measured from the front of the building. The building would also maintain the same separation to the northern and southern boundaries as the previous approval (5m and 7m respectively). It is considered the proposed scale and design of the building would therefore have an acceptable impact on the character of the area, having regard to the current design and that previously approved. Whilst materials have been shown on submitted plans and would appear to be acceptable choice in this location this could be secured by condition.
35. The proposal makes the most of this steeply sloping site by the introduction of a living space at the lower ground level allowing views towards the lake, and rear facing balconies for each dwelling. Whilst the previously approved scheme did not include projecting balconies it is not considered these would adversely impact the setting of the lake and historic garden. A significant separation would still be maintained between the rear of the building and the lake edge. The boundary between the plots would comprise a hedge, which is considered an appropriate treatment due to the sensitivity of the site's location. The separation distances to the side boundaries are considered acceptable as these would maintain the spacious appearance typical of the newer developments along the lake which can be seen further to the north. The proposal includes the addition of 3 No. timber decks which sit close to the lake shore. It is considered their appearance and scale would not appear incongruous in their setting.
36. To facilitate the development, three trees would be removed and one further would be pruned. All of these have limited public amenity value and their loss is not considered harmful to the character of the surrounding area. The proximity of the proposed dwellings to the retained trees is also considered acceptable. Subject to conditions, the Council's tree officer raised no objections to the proposal.

37. In conclusion, it is considered that the design of the proposed development would not be harmful to the surrounding area.

The impact on the amenity of neighbouring properties and future occupiers

38. In accordance with policy DM10 of the Development Management Plan, minimum space standards would be applied to all new housing developments. These have been set nationally as well as locally within the same policy. The proposal complies with these requirements.
39. Two buildings comprising flats are the immediate neighbours to the application site. The block of flats at 68-79 Berkeley Court is situated to the southwest of the proposed development. This is a four-storey building and contains flank windows serving a bathroom and a bedroom (the only source of light) at each floor. These windows are currently overshadowed by trees. Whilst the separation distance between the flank wall of the existing and proposed building would be approx. 12.9m (2.1m below the expected 15m), due to the orientation of the proposed development to the northeast and the existing interfering planting, it is not considered that the resultant development would worsen the existing situation to a level that would warrant refusal of the scheme on these grounds. The footprint of this scheme would match that of the previous 2016 approval and so the impact is still considered to be acceptable. The proposed raised path to allow access to the main door of the dwellings is considered to be a form of access only and not an area of external amenity space and so its use would not result in a material loss of privacy to neighbours.
40. The southern flank of the building would contain two windows above ground floor which plans show would serve a hallway and a secondary means of light to a bedroom. It is considered reasonable to attach a condition to ensure these windows, and those matching windows on the northern flank, are obscurely glazed to prevent unacceptable levels of overlooking.
41. The other neighbouring property, Broadwater Place, an apartment block to the east, is situated at a minimum distance in excess of 25m. The front elevation of the proposed development would not face Broadwater Place, as the apartment block is situated to the north east. Due to this separation; and the layout of the proposed building relative to the existing built form, the proposal is not considered to result in any adverse loss of amenities to the above neighbour. In addition it was noted the boundary between the buildings contained planting which further reduces any overlooking impacts.
42. In accordance with the Design & Character SPD, larger family dwellings should provide minimum depth of rear amenity spaces at 15m. Whilst the proposed garden depth of the plots would be 12m, it is considered that in this instance due to the unique siting and sloping nature of the site that the external amenity provision would be acceptable. Each dwelling would benefit from a basement level deck and also a ground floor balcony, as well as each having private garden space. It is considered on balance the level of amenity space would be acceptable and appropriate for a dwelling of this scale and in this location. It is acknowledged that Plot 2 would have a narrow garden but for the reasoning above it is considered to be acceptable.
43. However, any further encroachment to these areas with additional development would likely result in insufficient amenity space to the future occupiers and therefore it is considered that permitted development rights in terms of extensions (Class A) and outbuildings (Class E) should be removed. This would enable the LPA to control the development for the benefit of amenities of the future occupiers of the development and also to retain the character of the Broadwater Lake historic environment. The proposed timber decks are not considered to have a harmful impact upon amenity due to their scale and position and having regard to the extent of each properties private amenity space.
44. It is therefore considered the proposed development would have an acceptable impact on the amenities of existing neighbours and would provide an acceptable level of amenity for proposed occupiers.

### Access and parking

45. The County Highway Authority was consulted on this application and they raised no objections on highway safety grounds subject to a condition in relation to a construction transport management plan to ensure proposed construction traffic does not impact highway safety. The submitted site plan shows space for the parking of 6 vehicles which is considered acceptable for this proposal. It is considered reasonable to attach a condition to require the provision of electric charging points for electric cars as per the standard set out in the Appendix of the Development Management Plan.

### Trees and ecology

46. The proposal would see the loss of three existing trees, but the site would still retain a number of mature trees which would maintain the 'green' character of the area. The Council's Tree Officer was consulted on the proposal and raised no objections to the loss of trees and the impact upon trees to be retained subject to conditions in relation to tree protection.
47. Surrey Bat Group and the Surrey Wildlife Trust were consulted on the proposal and raised no objections subject to imposition of conditions in relation to ecology, including that any trees to be felled are assessed for bat roosts prior to works being carried out.

### Financial considerations

#### New Homes Bonus

48. 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.
49. 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 2019/20 is £957,930 (approx.).
50. 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.

#### Community Infrastructure Levy (CIL)

51. The proposed development is liable for CIL. The applicant has provided the relevant forms in accordance with the relevant regulations.

### **Matters raised in Representations**

52. The material considerations are set out in the above report.
53. In regard to lack of engagement from developers whilst this is encouraged it is not a requirement of the planning system.
54. The suggestion to remove permitted development rights is noted, and it is suggested that rights for Class A and E are restricted by condition.



55. The site is close to a main road where bus services are available and is within the urban area. As such it is considered a relatively sustainable location for development.
56. The claimed inconsistencies relate to dates on certain documents. It is not considered that this is sufficiently erroneous to mislead members, officers or third parties.
57. The description is consistent with those used in the previous two applications and is considered sufficiently clear to allow understanding of the proposal in conjunction with a review of the submitted plans.
58. The statement that there is no need for market housing and that the Council has a 5 year supply of housing are factually incorrect.
59. The loss of views are not a material planning consideration as established by case law.

#### **Conclusion**

60. 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.

#### **Recommendation A**

61. Subject to the receipt of a satisfactory legal agreement securing the on-site and financial contribution towards the affordable housing within 3 months of the Committee resolution the recommendation is to grant permission.

#### **Recommendation B**

62. If a satisfactory legal agreement is not completed within 3 months of the Committee resolution, delegated authority be given to the Head of Planning Services to refuse planning permission for the following reason:
  1. In the absence of a completed legal agreement, the proposed development fails to secure the necessary contribution towards the affordable housing contrary to the requirements of Policy CS21 of the Elmbridge Core Strategy 2011 and the Developer Contributions SPD 2012.

#### **The proposed development does require a CIL payment**

#### **Recommendation: Permit Subject to S106 Unilateral 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: 1708-P01A, 16130-BT1, 1708 - P02 A, 1708 - P05 A, 1708 - P06 A, 1708 - P07 A received on 26.07.2018.  
1708-P04B received on 31.07.2018.  
  
Reason: To ensure that the development is carried out in a satisfactory manner.

- 3 MATERIALS SAMPLES  
NO DEVELOPMENT SHALL TAKE PLACE ABOVE GROUND LEVEL 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 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 and E of Schedule 2 to the said Order shall be carried out within the curtilage of 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.

- 5 OBSCURE GLAZING  
Prior to the first occupation of the development hereby permitted the flank windows above ground floor level 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 of neighbouring residents in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.

- 6 CONSTRUCTION TRANSPORT MANAGEMENT PLAN  
No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (h) 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: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS25 of the Elmbridge Core Strategy 2011.

- 7 TREES PRE-COMMENCEMENT INSPECTION  
No development including groundworks and demolition shall take place and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until a suitably qualified arboriculturist has compiled in a formal 'inspection statement' with photographic evidence that all tree protection has been installed in accordance with the approved tree protection plan 16130-BT1 and reports 16130-AA-PB. Within 10 working days of their installation this evidence shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be maintained for the course of the development works.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

8 TREES PROTECTION MEASURES

No development including groundworks and demolition and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until all tree protection measures have been installed in the positions identified on tree protection plan 16130-BT1.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

9 TREES RETENTION

All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed 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, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information.
- b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained landscape features.

10 LANDSCAPING SCHEME

Prior to first occupation [being brought into use] written details and plans of the following landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This scheme shall include:

- a) positions, height, species, design, materials and type of boundary treatment(s);
- b) hard surfacing materials;
- c) secure and covered cycle storage; and
- d) refuse/recycling bin storage and collection

Development shall be carried out in accordance with the approved details and shall be maintained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

11 BIODIVERSITY MITIGATION

The development shall be carried out in accordance with the conclusions and recommendations in the Preliminary Ecological Appraisal Report including any biodiversity enhancements by Darwin Ecology dated May 2016.

Reason: In the interest of preserving and enhancing protected species and biodiversity in compliance with Policy DM21 of the Elmbridge Development Management Plan 2015 and the NPPF 2018.

12 BAT ROOST POTENTIAL

No tree felling or other works should be undertaken on trees identified as having bat roost potential until appropriate surveys for active bat roosts is completed by a suitably qualified ecologist in line with best practice guidance as recommended within Paragraph 7.21 and 7.23 of the approved Preliminary Ecological Appraisal. Such appraisals are required in order to avoid contravention of European protected species legislation. Once the required surveys have been completed they shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of preserving and enhancing protected species and biodiversity in compliance with Policy DM21 of the Elmbridge Development Management Plan 2015 and the NPPF 2018.

## 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](http://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 WASTE WATER COMMENT

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [ww.thameswater.co.uk/jwastewaterquality](http://ww.thameswater.co.uk/jwastewaterquality).

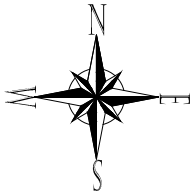
As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://jjdevelopers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

"We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a

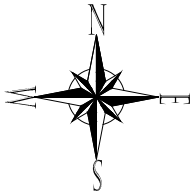
public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."



### SITE LOCATION PLAN



ADDRESS	SCALE
Land N E Of 70 To 79	1:1250 A4
BERKELEY COURT	NUMBER
WEYBRIDGE	1708 - P01 A
SURREY	DATE
KT13 9HY	JUN 2017



BROAD WATER

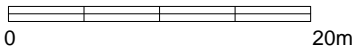
BROADWATER PLACE

70  
76

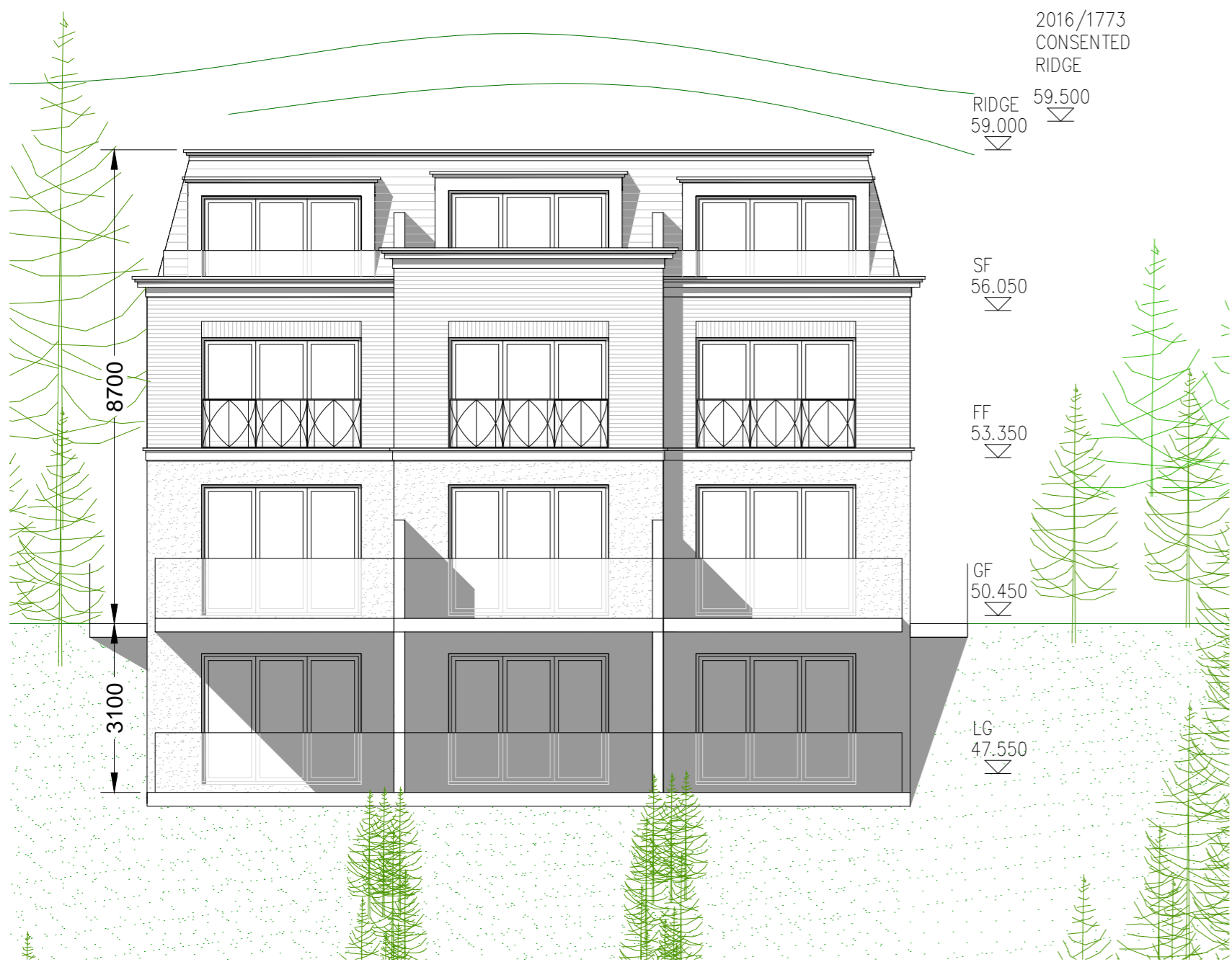
BERKELEY COURT

CHURCH

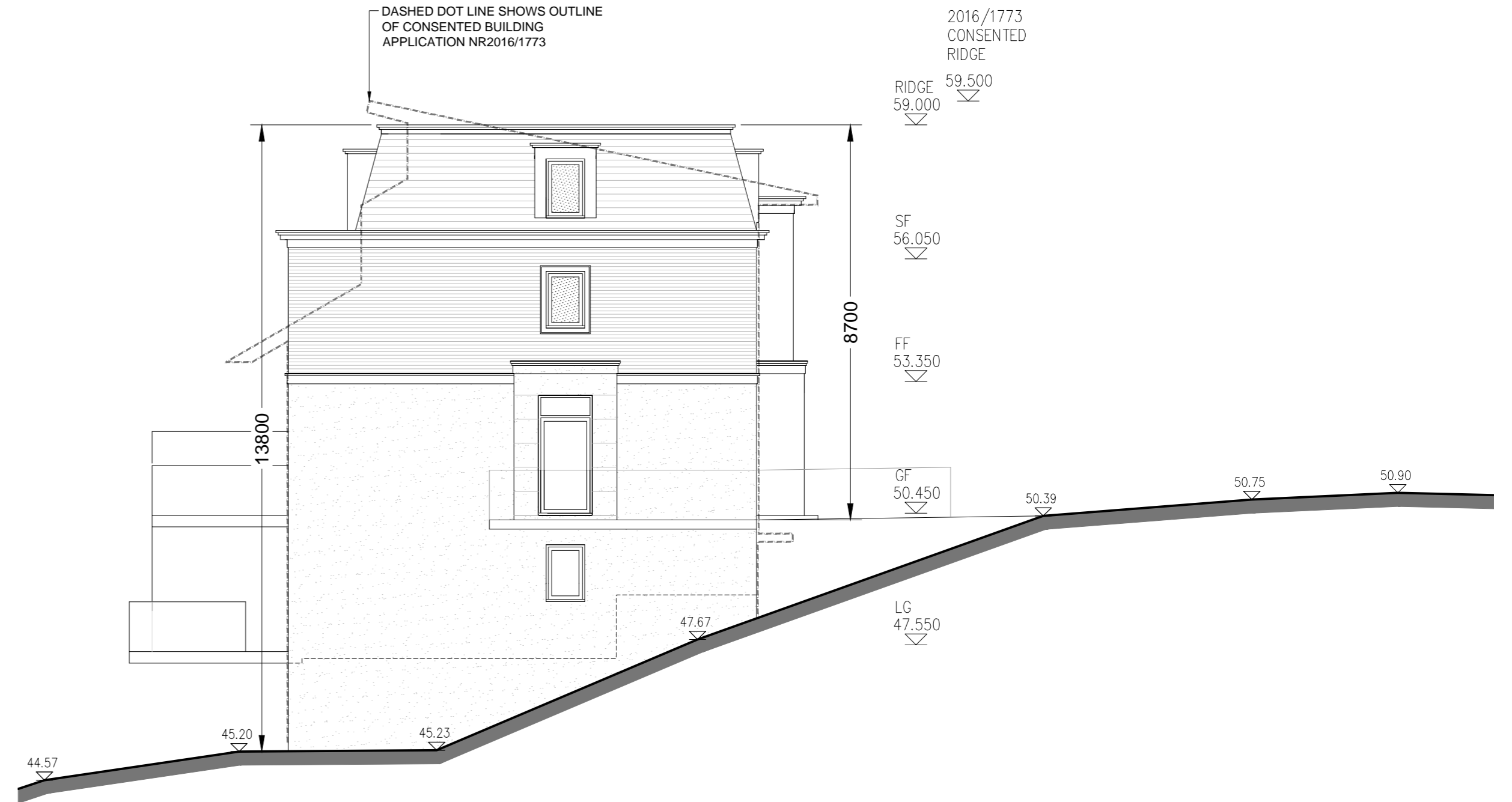
# PROPOSED BLOCK PLAN



ADDRESS	SCALE
Land N E Of 70 To 79	1:500 A4
BERKELEY COURT	NUMBER
WEYBRIDGE	1708 - P02 A
SURREY	DATE
KT13 9HY	JUN 2017



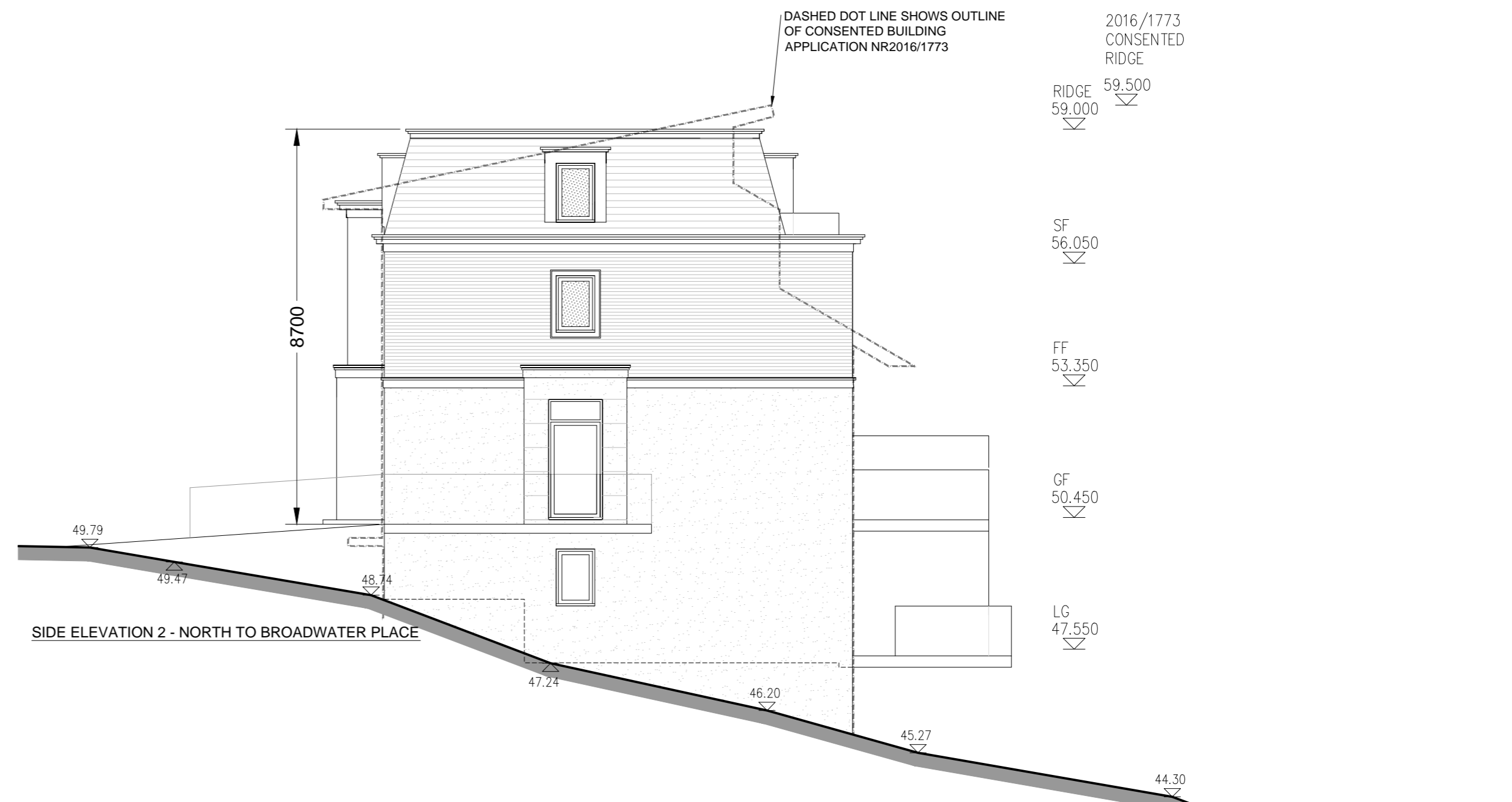
BROADWATER ELEVATION



SIDE ELEVATION 1 - SOUTH TO BERKELEY COURT

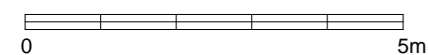


FRONT ELEVATION



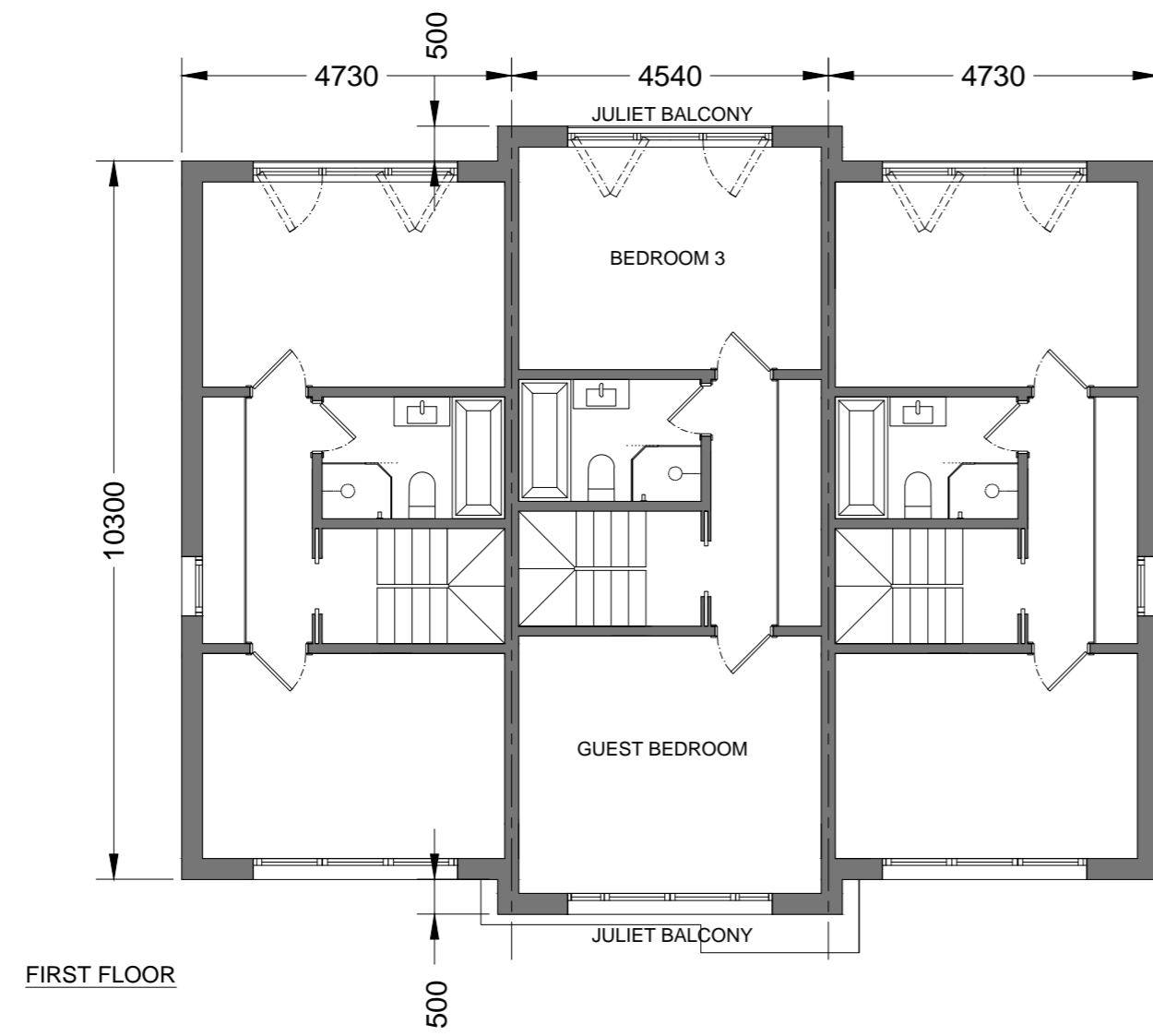
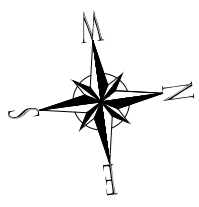
SIDE ELEVATION 2 - NORTH TO BROADWATER PLACE

PROPOSED ELEVATIONS

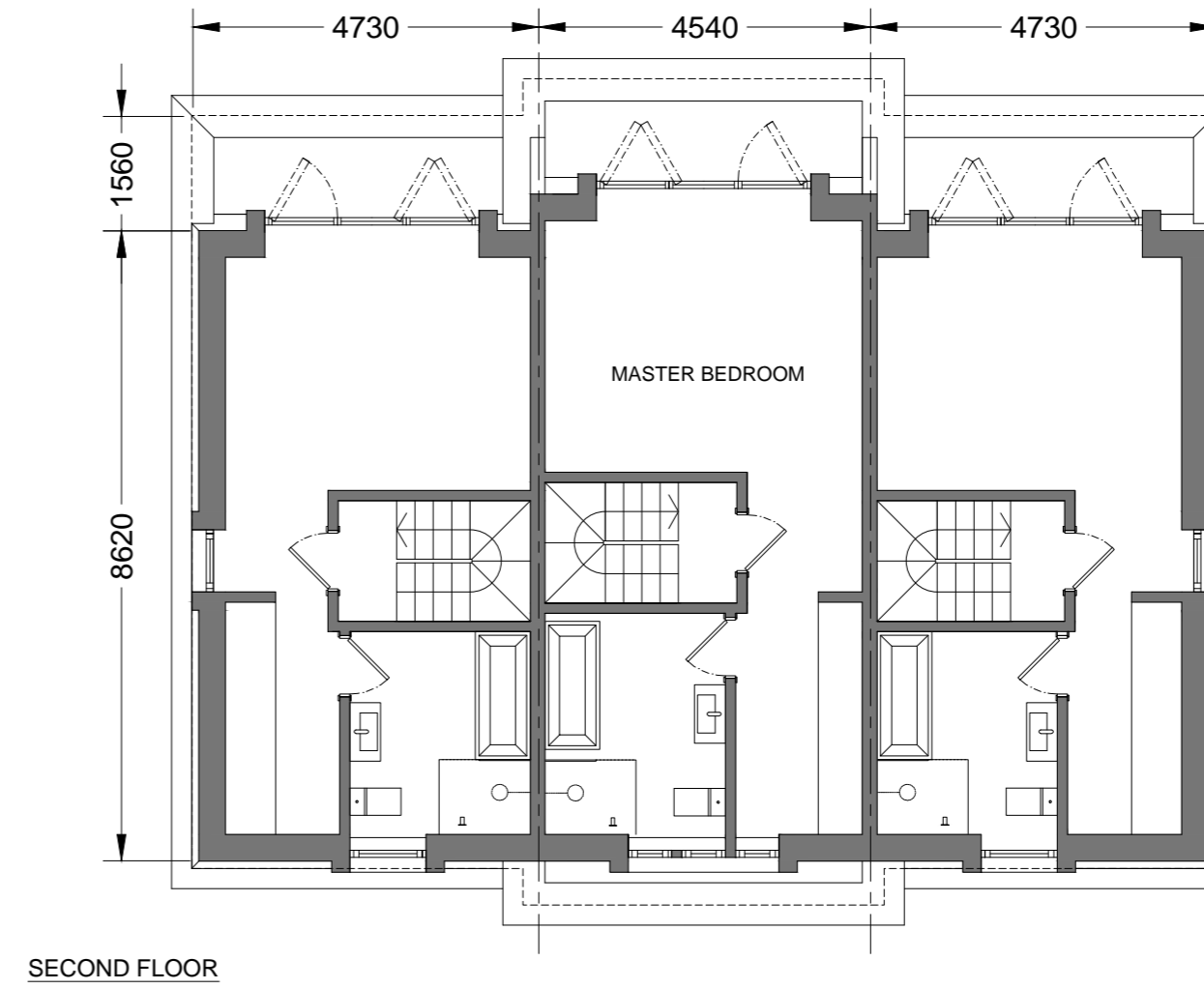


ADDRESS	SCALE
Land N E Of 70 To 79	1:100 A2
BERKELEY COURT	NUMBER
WEYBRIDGE	1708 - P06 A
SURREY	DATE
KT13 9HY	JUN 2017

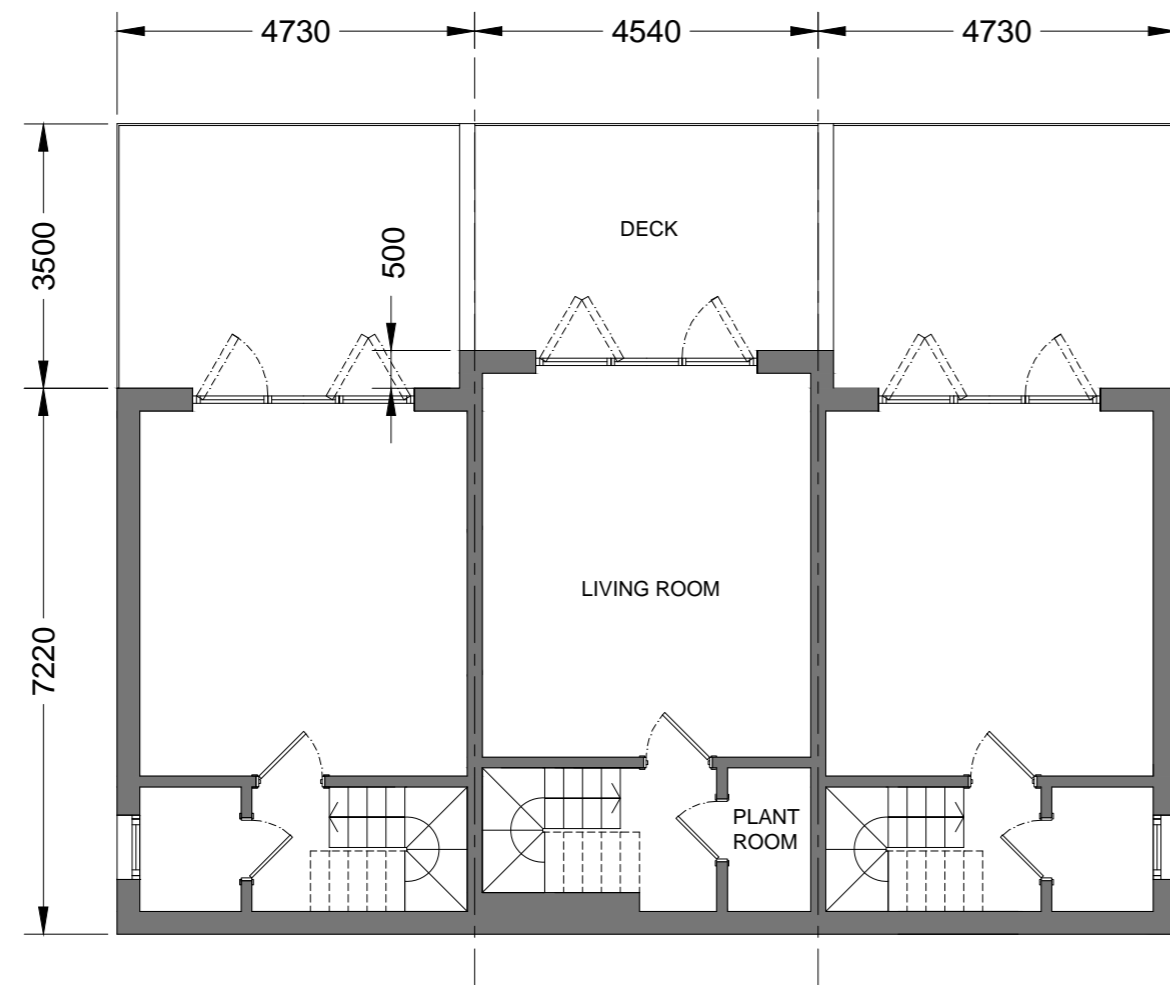




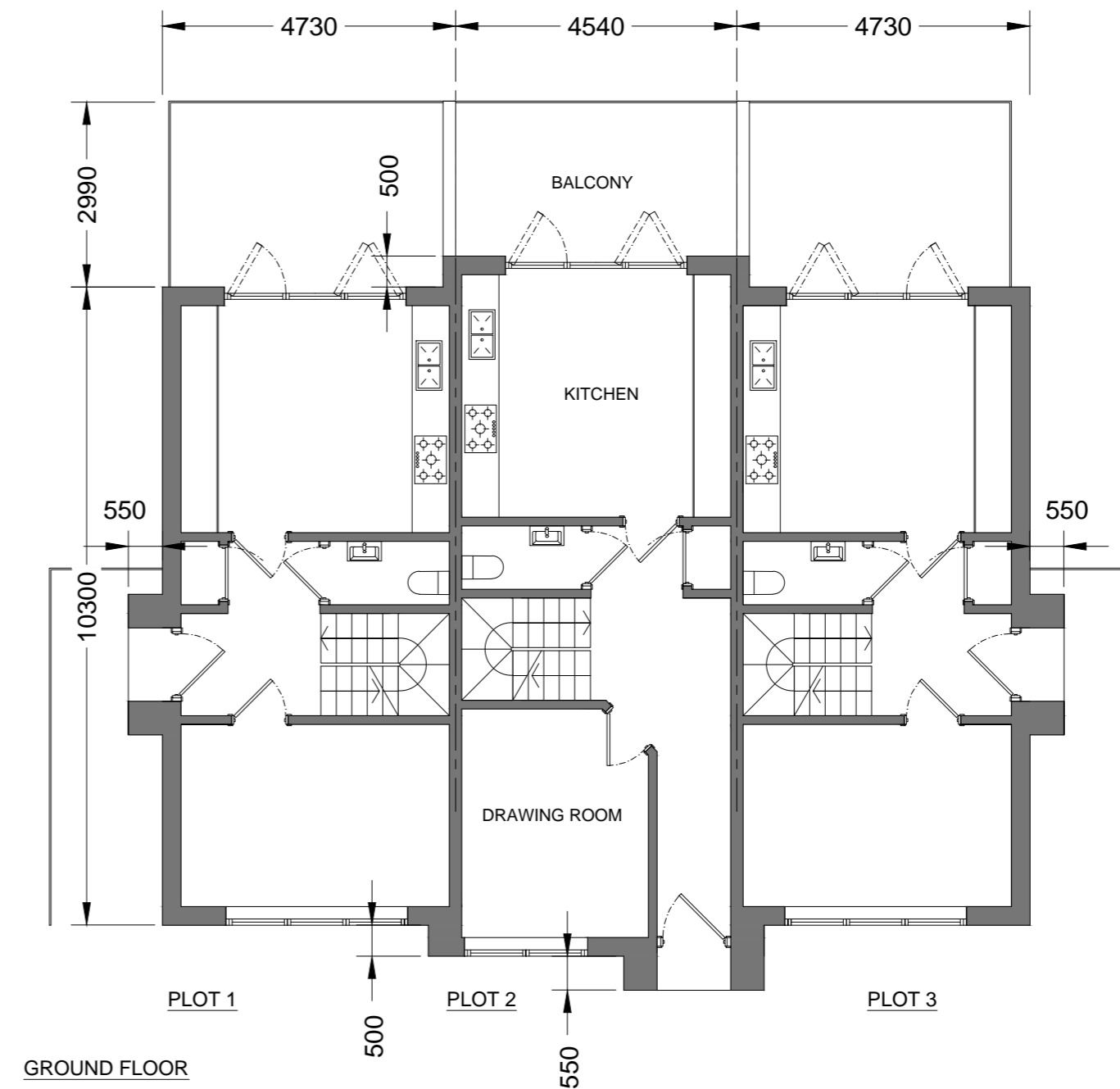
FIRST FLOOR



SECOND FLOOR

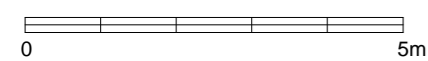


LOWER GROUND FLOOR



GROUND FLOOR

PROPOSED FLOOR PLANS



ADDRESS	SCALE
Land N E Of 70 To 79	1:100 A2
BERKELEY COURT	NUMBER
WEYBRIDGE	1708 - P05 A
SURREY	DATE
KT13 9HY	JUN 2017