

## Planning Committee – 01 October 2019 – Updates

### **2019/0551 – Sandown Park Racecourse, Portsmouth Road, Esher**

#### **LATE LETTERS & OFFICER RESPONSE**

##### **Additional Objections**

**6 additional letters of objection** have been received which have raised concerns that are addressed in the Officer Report. The section of the Officer Report which addresses these concerns is given in brackets. The concerns from 4 of the objections can be summarised as:

- Negative impact on the amenities of neighbouring properties by reason of overbearing impact, loss of light, loss of privacy and noise disturbance. (9.8.3)
- Impact on character of the area. (9.8.2)
- Harm to the Green Belt. (9.7.3 & 9.7.4)
- Impact on traffic. (9.8.1)
- Loss of trees. (9.8.4)
- Additional air pollution from additional traffic. (9.8.7)
- Impact on local services, such as schools and doctors surgeries. (9.10)
- Unlikely housing would actually be affordable. (9.9.2.2)
- Loss of green and open spaces. (9.8.2)

2 of the objections have been received from Daytona and Save Esher Greenbelt Campaign, both of which were accompanied by Counsel's Advice. These letters have raised the following concerns regarding the Officer Report:

- Report fails to consider the likely impact of the go-kart track on occupiers of the proposed development.
- Report fails to consider the impact of the development on the operation of the go-kart track.
- Disagree that the 'Very Special Circumstances' put forward are sufficient.
- Disagree with the weighting in the Officer Report, as it does not give sufficient weight to the status of the Green Belt.
- Housing need alone is not sufficient a reason.
- Disagree with significant weight being given to 'improved racecourse facilities'.
- Considered that the Jockey Club could raise the funds through other means or funds.
- Considered that there is not a value-add to Esher over and above the current benefits of Sandown Park.
- No evidence that Sandown Park is failing, and the Jockey Club had a strong financial year.
- The Jockey Club's finances should have been closely interrogated.
- Approval would set a precedent for the Jockey Club to come back with more development in 30 years time.
- Community facilities would cost £6 million but are only valued at £1.6 million and as such don't make economic sense.
- Affordable housing offer of 20% is not policy compliant and a policy compliant 50% could be achieved.
- Jockey Club have a history of not building out permissions at Sandown Park.
- Transport survey is insufficient.
- Members could reach a conclusion that there would be a significant impact on the highway network.
- Sandown Park performs its Green Belt function well.

Officer's response: The objections sets out disagreement to the considerations and conclusions set out in the officer's report. This is a matter of opinion.

### **Counsel's Advice on behalf of Save Esher Greenbelt (received 30/09/2019)**

- The assessment conflates Green Belt openness and purposes;

Officer's response: This point is clarified by referencing the relevant case law in paragraph 9.7.1.9 of the report.

- The introduction of additional built development or new or visually altered elements impact on openness whether or not they affect Green Belt purposes;

Officer's response: The additional development has the potential to impact on openness of the Green Belt even if it does not affect the purposes for which the land is designated as such. Please see chapter 9.7.3 of the report.

- There is a failure to consider the effect of the use of land facilitated by the application, in particular car parking, on the Green Belt;

Officer's response: Officers disagree. Each individual proposal/site is fully considered individually and cumulatively.

- There is a failure to consider the effect of increasing the scale of built development on openness, through the increase in building mass, rather than its visual impact. The assessment of Site 1 is a good example;

Officer's response: This point is addressed in paragraphs 9.7.3.4 - 9.7.3.6. Building mass, i.e. scale of the development, is a reserved matter.

- Considerable weight has to be attached to the harm caused by inappropriate development in the Green Belt. That harm is not reduced by some other elements of the scheme being, on their own, appropriate development;

Officer's response: Please see paragraph 9.7.4.3 of the report. Furthermore, please see the following extract from Goodman [2017] EWHC 947 (Admin), Holgate J:

*'85. I conclude that there is nothing in Mr Buley's analysis of the case law to justify the proposition that on a true interpretation of Green Belt policy, the visual effect of a development cannot be taken into account as reducing the spatial or physical harm that a development would cause to the openness of the Green Belt. Instead, I agree with Goodman that the principles on Green Belt policy laid down in Turner support their contention that it is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt [our emphasis].'*

- This error is compounded by a simplistic totalling up of allegedly 'appropriate' and inappropriate sites leading to a conclusion that 'the proportion of development sites identified as appropriate indicate that a lower spectrum of such weight should be associated with the development as a whole'. In that exercise improvements to racecourse operating facilities are counted the same as 114 flats. The weight to be attached to over 300 inappropriate dwellings in the Green Belt is not reduced by the application including further development which is said to be appropriate.

Officer's response: Please see previous point for clarification. The assessment of the impact of the proposed development on the Green Belt is not in any way 'simplistic'. This is a complex matter. The assessment in paragraph 9.7.4.3 is a means of presentation, a tool to the reader to 'track' the conclusions/key points of each site given the complexity of the report and of the application dealing with 12 separate sites.

- Definitional harm to the Green Belt is omitted from the balancing exercise

Officer's response: Please see chapter 9.9.4 - Table 6 confirms the identified harm to the Green Belt. Where there is harm identified, the development on those sites is inappropriate by definition (see also Table 3 on page 40). The information from these chapters is then summarised in chapter 9.11.

- Whilst 'other harm' is mentioned as being part of the Green Belt test, the Green Belt balancing exercise is carried out without including any of the other harm which the Council has identified;

Officer's response: Please see Table 6 on page 91. Potential harm was identified, and concerns raised. However, these can be mitigated and will be considered at the reserved matters application/s once the exact layout/position is known.

- Government policy is explicit that the single issue of unmet need for housing is unlikely to outweigh any harm in a Green Belt balance so as to constitute Very Special Circumstances. Whilst the report does not rely solely on housing need, it accords it considerable priority, without this caveat;

Officer's response: The unmet need is a key challenge for The Borough. The caveat in the form of case law is outlined in paragraph 9.9.2.1.1. In addition to the housing need, mix and tenure of the housing was considered as part of the social benefits arising from the proposed development along with the other economic and environmental benefits.

- The Affordable Housing being offered is well below that required by the Development Plan and the needs of the borough. That is not a factor in favour of allowing development in the Green Belt, but would if anything be a further reason for refusal. Understandably, the Council's policy (CS21) does not allow a Viability exception when it requires at least 50% Affordable Housing on greenfield sites. Such sites in Elmbridge can be expected to meet the full Affordable Housing requirement.

Officer's response: Please see page 71 of the Elmbridge Core Strategy discussing the 'Financial Viability': *'In the exceptional circumstances where it is considered that the delivery of affordable housing in accordance with the policy is unviable, this must be demonstrated through the submission of a financial appraisal alongside a planning application.'* Additionally, the residential development is enabling development and as set out, Sandown Park is not entirely greenfield, as it contains large sections of previously developed land (brownfield).

- There is a failure to assess the impact of the scheme on the setting of numerous Listed Buildings and to address the acceptability of acknowledged harm to designated and undesignated Heritage Assets. The balancing exercise has to be carried out at this stage. Those matters cannot be deferred (as in the report) to Reserved Matters; elements capable of causing harm, such as scale and location, are fixed at the Outline stage.

Officer's response: The outline application is only for Access and therefore, the LPA is not required to assess any of the other matters, nor is tied to them. Parameter plans are included but these indicate areas where development will be up to a maximum height. However, these are still indicative as it is a potential, not actual height and are not included in the suggested approved plans condition. PPG ref. Paragraph: 035 Reference ID: 14-035-20140306:

*"Can details of reserved matters be submitted with an outline application?"*

*An applicant can choose to submit details of any of the [reserved matters](#) as part of an outline application. Unless the applicant has indicated that those details are submitted "for illustrative purposes only" (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval."*

- Viability

Officer's response: The LPA sought advice of independent viability consultants who reviewed the submitted viability details and offered their comments, which are available on the Council's website.

**Counsel's Advice on behalf of Jockey Club Racecourses (received 01/10/2019) in response to the Counsel's advice submitted on behalf of Save Esher Greenbelt**

The Advice was submitted in response to the earlier Counsel's advice. Mr John Steel QC rejects the allegations made by Mr Harwood in his Advice dated 29/09/2019 and concludes that the officers' report is a carefully considered and more than adequate analysis of the proposals, also drawing upon and referring to documentation submitted with the application.

**Counsel's Advice on behalf of Daytona Motorsport Management Ltd (received 30/09/2019)**

- Daytona's position is that its go karting facility has security of tenure under the Landlord and Tenant Act 1954, and the go-karting may remain even if the rest of the proposed development is carried out. The planning application should be assessed on that basis.

Officer's response: The ownership issues between Daytona and the Jockey Club are not for the planning system, or in fact this application to resolve. The officers requested evidence supporting the statement on the long-term tenure, however this has not been provided to date. The LPA therefore considers the application on its own merits, based on the evidence provided.

- The committee report fails to mention the substantial planning history since 1995 which has relaxed the controls on the go kart operation.

Officer's response: The Sandown Park site has a substantial planning history and it is acknowledged that some of the applications were not listed. It can be confirmed that the following additional applications form part of the planning history:

**1997/0259** - Variation of condition 5 of planning permission 95/1317 to allow the use of twin engined karts – Approved.

**2009/0326** - Lawful Development Certificate: Whether planning permission is required for the continuous use of floodlights, public address system, extend opening hours and various kart types contrary to planning permissions 1995/1317 and 1997/0259 - Allowed on Appeal.

**2009/1679** - Variation of Conditions 3 and 4 of planning permission 1995/1317 to allow operation and to allow the use between 10:00 to 21:30 on Mondays to Saturdays and 10:00 to 18:00 on Sundays and to allow the use of floodlights and PA system was refused but subsequently allowed on appeal.

The appeal decision confirmed the following restrictions on the go-kart hours of operation including the use of floodlights and public address system as follows:

- Use of the track:  
Mondays to Saturdays: 09:00 – 21:00  
Sundays: 10:00 – 18:00
- The use of the track/circuit of a public address system, together with the illumination (no more than 21 lighting columns) of the track/circuit:  
Mondays to Saturdays: 09:00 – 22:00  
Sundays: 10:00 – 19:00

**2010/2743** - Variation of Condition 5 of planning permission 1995/1317 to allow the use of 2 stroke water cooled karts – Approved.

This was approved, subject to further conditions including that the noise generated from the use of the track shall not exceed a level of 50dB(A) at the approved measurement locations. Details of the designated locations where noise levels shall be measured was subject of condition 2 of this decision. Application 2011/0219 associated with the approval of details reserved by Condition 2 was subsequently approved.

The Environmental Health Officer reviewed the above hours of operation and concluded that these would not necessarily result in any adverse noise or light pollution to the future residential properties. It is not clear at present, where the proposed residential buildings would be situated, how far from the go-kart track, whether there would be any other interferences and background noise from other sources, for example Portsmouth Road or other premises. The internal layout and design of the buildings is also unknown at present. As such, the EHO requested numerous conditions, which have been included in the agenda.

Furthermore, the EHO reviewed all complaints with regards to the nuisance associated with the go-kart track operations and offered the following comments:

*‘Three properties in Cheltonian Place and some properties in The Woodlands, Lower Green Road, Parkwood Avenue and Grove Way have made noise complaints; together there have been 3 separate complaints received in 2013, 1 in 2014, 1 in 2016 and 2 in 2017. The majority appear to relate to one-off corporate events and noise levels were measured by the site operator. There was one complaint in 2014 about the floodlighting but it was not witnessed to be a nuisance. Noise levels have been measured during the usual use of the track from a resident’s balcony in Cheltonian Place, and the noise from the karts was just about audible and deemed to be reasonable at that time (December 2013 at 7.30pm). No formal action has been taken in relation to noise nuisance or light pollution.*

*Once we have the site dwelling design, orientation and distance from existing and potential new sources of the noise then a full noise impact assessment using appropriate criteria can be submitted to identify the exposure and what mitigation, if any, is necessary to meet the preferred levels.’*

- The ability to design out noise impacts on balconies is limited and has not been explored in this context as the effect of karting has not been considered.

Officer’s response: Appearance, Layout, Scale and Landscaping are reserved matters. As such, it is currently unknown, whether any of the proposed residential flats would have any balconies. This matter has to be assessed at the detailed application stage.

- A specialist acoustics assessment carried out on behalf of Daytona predicts noise levels on balconies of dwellings in Site 5 would well in excess of the BS/WHO recommended maximum of 50dB LAeq,T . Indeed, it concludes “Noise characteristics of kart racing i.e. acoustic features/tones and transitory noise peaks may result in unacceptable noise levels within external amenity areas comparable with measured levels in excess of 55 dB LAeq,T.”

Officer’s response: The ‘specialist acoustics assessment carried out on behalf of Daytona’ has not been submitted with the objection. As such, the LPA has had no benefit of reviewing the conclusions of the alleged document.

**Counsel’s Advice on behalf of Jockey Club Racecourses (received 01/10/2019) in response to the Counsel’s advice submitted on behalf of Daytona Motorsport Management Ltd**

The letter was submitted in response to the earlier Counsel’s advice and disagrees with Mr Harwood’s Advice and his conclusions. Mr John Steel QC confirms that the officers, including the EHO, adequately dealt with the matters relevant to Daytona.

**PRE-COMMENCEMENT CONDITIONS**

The applicant confirmed their agreement to the suggested pre-commencement conditions, amended from those published in the agenda as set out below. The highlighted amendments to the wording are associated with the phasing of the development.

Condition 37 relating to the LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (SWT) has been removed as it was a duplicate of Condition 21.

Condition No.	ITEM	CONDITION
6	Construction Management Plan	<p>No development <u>on each Site</u> shall commence until a Construction Transport Management Plan <u>for that Site</u>, to include details of:</p> <ul style="list-style-type: none"> <li>(a) parking for vehicles of site personnel, operatives and visitors</li> <li>(b) loading and unloading of plant and materials</li> <li>(c) storage of plant and materials</li> <li>(d) programme of works (including measures for traffic management)</li> <li>(e) provision of boundary hoarding behind any visibility zones</li> <li>(f) HGV deliveries and hours of operation</li> <li>(g) vehicle routing</li> <li>(h) measures to prevent the deposit of materials on the highway</li> <li>(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused</li> <li>(j) no HGV movements to or from the site shall take place between the hours of 7.30 and 9:30 am and 3.00 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in local residential roads during these times</li> <li>(k) on-site turning for construction vehicles</li> </ul> <p>has been submitted to and approved in writing by the Local Planning Authority. Only the approved details <u>for the relevant Site</u> shall be implemented during the construction of the development.</p>
7	Tree Pre-Commencement Meeting	<p>No development including groundworks and demolition <u>on each Site</u> shall take place and no equipment, machinery or materials shall be brought onto <u>that Site the identified sites</u> for the purposes of the development until a pre-commencement meeting has been held on each site and attended by a suitable qualified arboriculturist, representative from the Local Planning Authority and the site manager/foreman. To agree working procedures and the precise position of the approved tree protection measures <u>for the relevant Site</u> or/and that all tree protection measures <u>for the relevant Site</u> have been installed in accordance with all documentation submitted and approved to comply with the Additional Arboricultural Information condition. The tree protection measures <u>for the relevant Site</u> shall be maintained for the course of the development works. To arrange a pre-commencement meeting please email <a href="mailto:tplan@elmbridge.gov.uk">tplan@elmbridge.gov.uk</a> with the application reference and contact details.</p>
8	Additional Arboricultural Information	<p>No development including groundworks and demolition <u>on each Site</u> shall take place until all supporting arboricultural information <u>for that Site</u> has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the:</p> <ul style="list-style-type: none"> <li>a) existing trees and hedges to be retained in the form of a Tree Survey and Arboricultural Impact Assessment, in line with BS5837:2012;</li> <li>b) measures taken to protect existing trees and hedges during construction, demolition, delivery / storage of materials and machinery, including a Tree Protection Plan;</li> </ul>

		<p>c) location and installation of services/utilities/drainage, including services to automated gates.</p> <p>d) methods of demolition within root protection area (RPA as defined in BS 5837: 2012) of retained trees.</p> <p>e) details of construction and installations including methodologies within a root protection area or that may impact on retained trees.</p> <p>f) full specification for the construction of any roads, parking areas, driveways, hard surfacing, including details of no dig specification and extent of the areas to be constructed using no dig surfacing.</p> <p>g) detailed levels and cross sections to show that the raised levels of surfacing, where the installation on no dig surfacing within root protection area is proposed, demonstrating that they can be accommodated.</p> <p>h) all arboricultural site monitoring and supervision required for the duration of the development.</p> <p>i) methods to improve the rooting environment for retained and proposed trees and landscaping with special attention to ancient and veteran trees.</p> <p>j) foundations designs and any other proposals involving below ground excavation inside root protection areas or that may impact on root protection areas.</p> <p>The <b>relevant part of the</b> development thereafter shall be implemented in strict accordance with the approved details.</p>
9	Tree Planting & Maintenance	<p>No development including groundworks and demolition <b>on each Site</b> shall take place until full details of all proposed tree planting <b>for that Site</b> shall be submitted to and approved in writing by the Local Planning Authority. Details are to include species, sizes, locations, planting pit design, supports, and guards or other protective measures to be used. Details shall also include planting times and maintenance schedules for aftercare to ensure good establishment. If within a period of 5 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 same size and species shall be planted at the same place, in the next available planting season or sooner. The <b>relevant part of the</b> development shall be completed in accordance with the approved details.</p>
10	Construction Environmental Management Plan (Natural England)	<p>Prior to the commencement of any development on Site 1 and Site A hereby permitted, a site specific Final Construction Environmental Management Plan <b>for that Site</b> shall be submitted to and agreed by the Local Planning Authority in writing. The Construction Environmental Management Plan shall include, but not be limited to details on how certain activities will not impact or damage the ancient woodland and veteran trees that are in close proximity to the proposed development. This will need to include dust management and control and polluted runoff etc. No materials, machinery or work should encroach on to the root protection areas of the ancient woodland or the veteran trees, either before, during or after construction unless agreed otherwise.</p> <p>The demolition and construction contractor(s) are required to implement and comply with the requirements of the agreed Final CEMP <b>for the relevant Site</b> during the demolition and construction phases of the development.</p>
11	Archeology – Written Scheme of Investigation	<p>No development shall take place on Site 1 until the implementation of a programme of archaeological monitoring <b>for Site 1</b> has been secured, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning</p>

		Authority. The development associated with the Site 1's access that forms part of a full application ref. 2019/0551 is not subject of this Condition.
12	Archeology – Written Scheme of Investigation	No development shall take place on Site 2, 3, 4 or 5 until the implementation of a programme of archaeological work <u>for each Site</u> has been secured, to be conducted in accordance with a site-specific written scheme of investigation <u>for that Site</u> which has been submitted to and approved, in writing, by the Local Planning Authority. The development associated with the respective Sites' accesses that form part of a full application ref. 2019/0551 are not subject of this Condition.
13	Archeology – Written Scheme of Investigation	As part of any Reserved Matters/detailed application relating to Sites A, B, C, D and F, a site specific Archaeological Impact <u>Assessment for relevant Site/Sites</u> shall be submitted. The Archaeological Impact Assessment shall define in detail the archaeological potential of the <u>individual-relevant</u> site and allow decisions to be made on the need for, and scope of, any programme of pre-commencement archaeological work that may be required <u>for the relevant Site</u> . The development associated with the respective Sites' accesses that form part of a full application ref. 2019/0551 are not subject of this Condition.
14	Pollution – Siting/Positioning of Dwellings	<p>Prior to the commencement of any development <u>on each Site</u> hereby permitted, a scheme for protecting the occupants of the proposed development from noise and air pollution from the main Portsmouth Road <u>for that Site</u> shall be submitted to and approved in writing, by the Local Planning Authority. The scheme shall include, but not be limited to the location, design and outside appearance of the buildings and landscaping of the site. (Details for access have already been submitted to the Local Planning Authority).</p> <p>Detailed drawings be submitted to and approved by the Local Planning Authority to show: i. layout ii. scale iii. appearance iv. landscaping (as defined in the Town and Country Planning (Management Procedure) (England) Order 2015 (as amended)). The approved scheme shall be completed prior to the first occupation of the development.</p>
15	Noise Impact Statement	<p>Part A - Prior to the commencement of any development <u>on each Site</u> hereby permitted, a Noise Impact Assessment <u>for that Site</u> shall be submitted in support of proposed development to the Local Planning Authority and approved in writing.</p> <p>The Noise Impact Assessment <u>for that Site</u> shall identify that all <u>existing and future</u> sources of noise, including the hotel facilities, outdoor amenity space and nursery, are fully <u>considered</u>, understood and quantified, that all nearby noise sensitive <u>and other relevant</u> receptors have been identified and that the impact on the receptor has been established with reference to relevant acceptability criteria.</p> <p>Part B - Prior to first occupation, a post-completion noise assessment will then be submitted to the Local Planning Authority and approved in writing to demonstrate that the finished development (with mitigation) achieves the specific criteria. Most acceptability criteria are set out in British Standards or other published guidance and it expected the good standard will be met</p>
16	Ventilation Systems	Part A - Prior to the commencement of the development <u>on Site 2 and Site 5</u> hereby permitted, details of an environmentally-friendly passive ventilation scheme <u>for that Site</u> , to provide fresh air to habitable rooms for the residential units facing Portsmouth Road, namely site development locations 2 and 5 as shown on the submitted Site Map document, shall be submitted to and approved in writing by the Local

		Planning Authority. The approved mitigation scheme <a href="#">for the relevant Site</a> shall be implemented in its entirety before any of the units <a href="#">on that Site</a> are occupied.
17	Noise Insulation to Buildings	<p>Prior to the commencement of any development hereby permitted <a href="#">on each residential Site</a>, a scheme <a href="#">for that Site</a> to demonstrate that the external noise levels within the curtilage and internally of the residential units will conform to the "design criteria for external noise" PREFERRED guideline value of:</p> <p>Outdoor Amenity Space 50 dB LAeq,16hr 0700 - 2300  Bedrooms 30 dB LAeq,8hr 2300 - 0700 35 dB L Aeq,16hr 0700 – 2300  &gt;15 events of &gt;=45 dB LAmx,1hr (fast) 2300 – 0700  Living Rooms 35 dB LAeq,16hr 0700 – 2300</p> <p>as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme <a href="#">for the relevant Site</a> shall then be carried out in accordance with the approved details prior to the occupation of the premises <a href="#">on that Site</a> and be retained thereafter.</p>
18	Insulation of Plant & Machinery  (Noise from plant and equipment - BS4142: 2014 Rating and Assessing Industrial and Commercial Sound)	Part A - Prior to the commencement of any development <a href="#">on each Site</a> hereby permitted, a detailed scheme <a href="#">for that Site</a> , including siting and positioning, of any fixed plant, machinery, air-moving extraction or filtration, refrigeration equipment, air-conditioning units or like-kind to be used on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme <a href="#">for the relevant Site</a> shall then be implemented in full in accordance with the approved details.
19	Artificial Lighting	<p>Prior to the commencement of any development <a href="#">on each Site</a> hereby permitted, a lighting scheme <a href="#">for that Site</a> shall be submitted to and approved by the Local Planning Authority in writing. The lighting scheme shall identify how the existing and installation of any additional artificial lighting is orientated and shielded or otherwise designed and positioned, such that the light emitted from them does not cause light nuisance to habitable rooms.</p> <p>The lighting scheme shall refer to national guidance and identify the type of lighting to be installed, height of any columns, any shielding and lux mapping showing light spillage levels received at ground level around the development. The works and scheme hereby approved shall be implemented and thereafter retained and maintained in accordance with that approval.</p>
20	Construction Environmental Management Plan	<p>Prior to the commencement of any development on each site hereby permitted, a site-specific Final Construction Environmental Management Plan <a href="#">for that Site</a> shall be submitted to and agreed by the Local Planning Authority in writing, as specified in the submitted Outline Construction Environmental Management Plan, dated January 2019. The Final Construction Environmental Management Plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>- Procedures for maintaining good public relations including complaint management, public consultation and liaison.</li> <li>- Arrangements for liaison with the Council's Environmental Health Pollution Team</li> </ul>

		<ul style="list-style-type: none"> <li>- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays; 08 00 and 13 00 Hours on Saturdays; and at no time on Sundays and Bank Holidays.</li> <li>- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.</li> <li>- Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 (Amended 2014) Code of Practice for Noise and Vibration Control Construction on Construction and Open Sites shall be used to minimise noise disturbance from construction works (including piling and excavation)</li> <li>- Procedures for emergency deviation of the agreed working hours.</li> <li>- Elmbridge Borough Council encourages all contractors to be 'Considerate Contractors' when working in the Borough by being aware of the needs of neighbours and the environment.</li> <li>- Control measures for dust and other air-borne pollutants. - Measures for controlling the use of site lighting whether required for safe working or for security purposes.</li> <li>- Community Liaison arrangements</li> <li>- Control of emissions and noise from vehicular movements associated with activities at the site.</li> </ul> <p>The demolition and construction contractor(s) are required to implement and comply with the requirements of the agreed Final CEMP <a href="#">for the relevant Site</a> during the demolition and construction phases of the development.</p>
21	Management of Ancient Woodland (Natural England)	<p>Prior to commencement of any development on Site A and Site 1, a detailed Landscape and Ecological Management Plan (LEMP) <a href="#">for that Site</a> should be submitted to and approved in writing by the Local Planning Authority. The LEMP should include adequate details of the following:</p> <ul style="list-style-type: none"> <li>- Description and evaluation of features to be managed and created including measures to compensate for proposed loss of habitat.</li> <li>- <del>Details relating to the permanent retention and management of semi-natural buffers within Site A adjacent to the Ancient Woodland</del></li> <li>- Quantified information relating to impact avoidance, mitigation, compensation and enhancement measures for protected species, including provision integral to the design of the new development.</li> <li>- Aims and objectives of management.</li> <li>- Appropriate management options to achieve aims and objectives. - Prescriptions for management actions.</li> <li>-Preparation of a work schedule for securing biodiversity enhancements in perpetuity.</li> <li>- Details of the body or organisation responsible for implementation of the LEMP.</li> <li>- Ongoing monitoring and remedial measures.</li> <li>- Details of legal/funding mechanisms.</li> </ul> <p>The approved details <a href="#">for the relevant Site</a> shall be implemented in full upon commencement of works to the satisfaction of the LPA.</p>
22	Air Quality	<p>Part A - Prior to the commencement of development <a href="#">on each Site</a> hereby permitted, a detailed air quality appraisal of the <a href="#">relevant</a> highway improvements associated with the works requested by condition 'SUSTAINABLE TRANSPORT IMPROVEMENTS' shall be submitted to and agreed in writing by the Local Planning Authority. The design of <a href="#">any</a></p>

		<p><del>these</del> highway improvements shall take account of the need to improve localised air quality in conjunction with the capacity and safety criteria to enable the Esher High Street AQMA to be undeclared.</p>
23	Potential Land Contamination	<p>To ensure the potential for contamination has been investigated and the necessary action taken to make the development site suitable for its proposed use, the following steps must be completed to the satisfaction of the Council.</p> <p>No development shall be commenced <u>on each Site</u> until step (a) has been completed <u>for that Site</u> by a competent person. Furthermore, there shall be no occupation of any part of the site by any end user prior to meeting the terms of this condition in full.</p> <p>a) SITE INVESTIGATION, METHOD STATEMENT AND REMEDIATION</p> <p>(i) A written site-specific investigation plan using the information obtained from the preliminary investigation (Listers Geo, Report no 18.10.006, Oct 2018), providing details of the investigation for soil, gas and controlled waters where appropriate, shall be submitted to and approved by, the Council. in writing.</p> <p>(ii) The site investigation shall be undertaken in accordance with the scheme agreed by the Borough Council. The results of the site investigation, a refined conceptual model and a risk assessment of any contamination found shall be submitted to and approved by the Council in writing.</p> <p>(iii) A written Remediation Method Statement, with Verification Plan, detailing any remediation requirements shall be submitted to and approved by the Council in writing.</p> <p>b) DEVELOPMENT IN ACCORDANCE WITH THE METHOD STATEMENT</p> <p>The development of the site shall be carried out in accordance with the approved Method Statement, and any addenda submitted by the developer, and agreed in writing by the Borough Council. Any post remediation monitoring identified in the Method statement, shall be installed by the developer within the timescales identified in the Method Statement and maintained and operated for as long as identified by the Method Statement.</p> <p>c) UNSUSPECTED CONTAMINATION</p> <p>If, during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and had approved by the Council, a written addendum to the Method Statement detailing how the unsuspected contamination shall be dealt with.</p> <p>d) PILING</p> <p>Development approved by this permission shall not commence unless a Foundation Works Risk Assessment for piling foundations (if piling is to be used on site) has been submitted to, and agreed in writing, by the Borough Council. The piling shall be undertaken only in accordance with the method outlined in the approved Foundation Works Risk Assessment.</p> <p>e) IMPORTED MATERIAL</p> <p>Clean, uncontaminated rock, soil, brick rubble, crushed concrete or ceramic only shall be permitted as infill material. The developer shall not import any material until a sampling program, including appropriate import criteria for the proposed end use and frequency of sampling, has been submitted in writing, and approved by, the Council. The Developer</p>

		<p>shall carry out the approved sampling program to check that all imported material conforms to the agreed criteria. Where the permitted end use is residential, the sampling program shall also include samples taken from the imported material after final placement. Written confirmation of the suitability of all imported materials shall be provided to the Council as part of step (g). This shall include both the results of the sampling program and also details of the origin, transport, final deposition and any temporary stockpiling of the imported materials.</p> <p>f) COMPLETION OF REMEDIATION AND VERIFICATION REPORT  Note: Verification by an independent, competent person must be carried out prior to occupation of any part of the site by any end user. It is recognised that in some large-scale developments, defined areas will be phased to enable part site occupation prior to completion of the entire site. Where this approach has been implemented separate verification reports for each phase must be prepared and submitted to the Council for written approval prior to occupation of the defined area by any end user.</p> <p>Upon completion of the remediation detailed in the Method Statement, and before occupation of any part of the site by any end user (see note above), a written Verification Report shall be submitted to, and agreed in writing by, the Council providing verification that the required works regarding decontamination and installation of post remediation monitoring, have been carried out in accordance with the agreed Method Statement and any addenda thereto. The verification shall be carried out and reported by an independent, competent person, stating that remediation was carried out in accordance with the approved remediation scheme and that the site is suitable for the permitted end use.</p>
24	SUDS – Detailed Layout	<p>Each Phase of the development hereby permitted shall not commence until details of the design of a surface water drainage scheme for that phase have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:</p> <p>a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.</p> <p>b) Evidence that the proposed solution will effectively manage the 1 in 30 &amp; 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storage volumes shall be provided using a greenfield discharge rate for the positively drained area of that phase only.</p> <p>c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).</p> <p>d) Confirmation that any existing drainage infrastructure within each phase will be incorporated or diverted as part of the surface water drainage design.</p> <p>e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.</p> <p>f) Details of drainage management responsibilities and maintenance regimes for the drainage system.</p>

		g) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
25	Sensitive Lighting Management Plan (SWT)	Prior to commencement of any development <u>on each Site</u> hereby permitted, details of any external lighting scheme <u>for that Site</u> to comply with the recommendations of the Bat Conservation Trust's document 'Bats and Lighting in the UK - Bats and The Built Environment Series' shall be submitted to and approved in writing by the Borough Council. The lighting shall be carried out in accordance with the approved details <u>for the relevant Site</u> and shall not subsequently be altered without the prior written approval of the Borough Council.
28	Secured by Design	No development above the slab level <u>for each Site</u> shall take place until details of how the development is to meet the requirements of 'secured by design' <u>for that Site</u> have been submitted to and approved in writing by the local planning authority. Thereafter development shall be undertaken in accordance with the approved details <u>for the relevant Site</u> and permanently maintained thereafter.