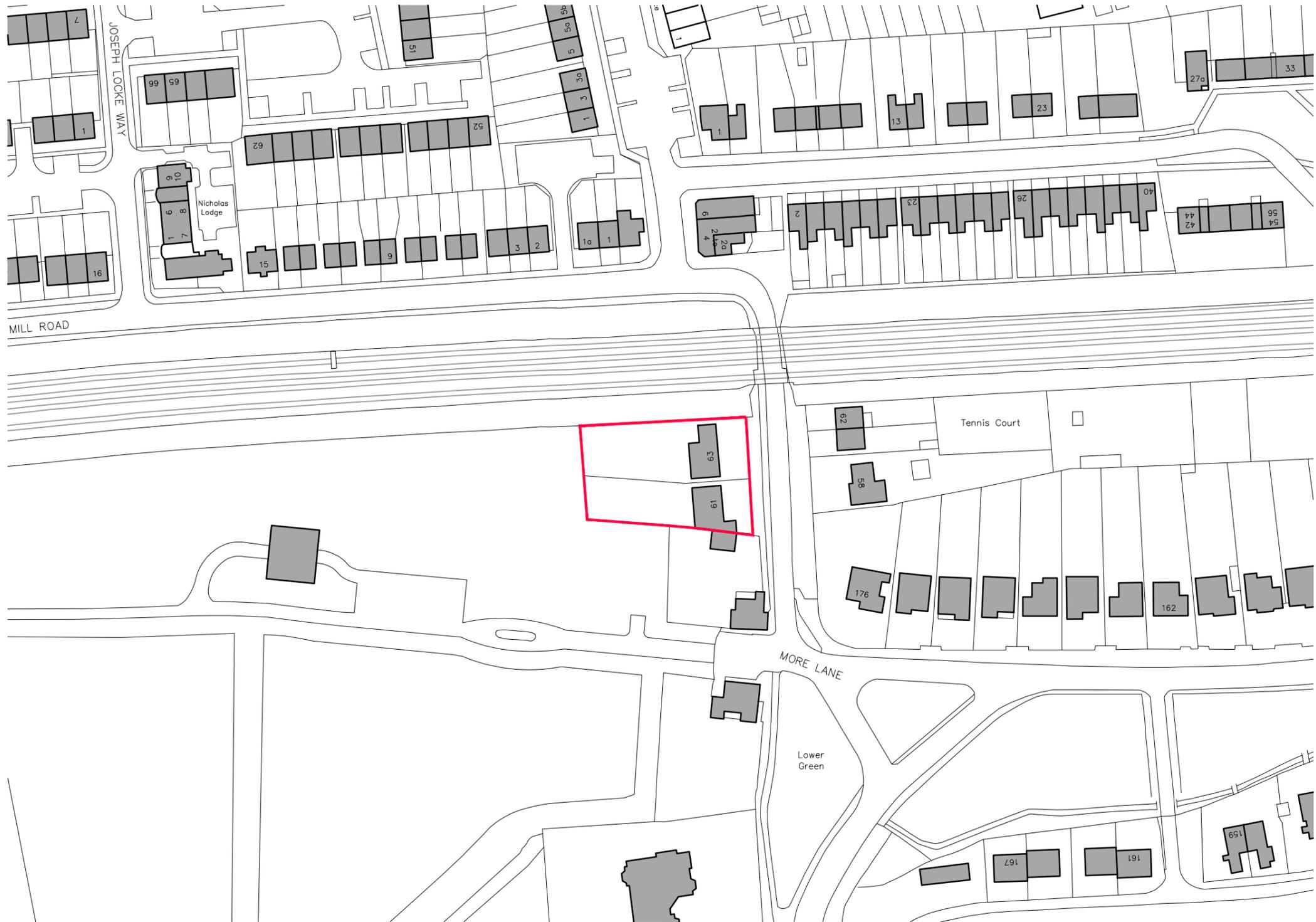


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Stage  
**PLANNING**

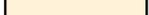
Project  
 61-63 MORE LANE, ESHER, SURREY,  
 KT10 8AR

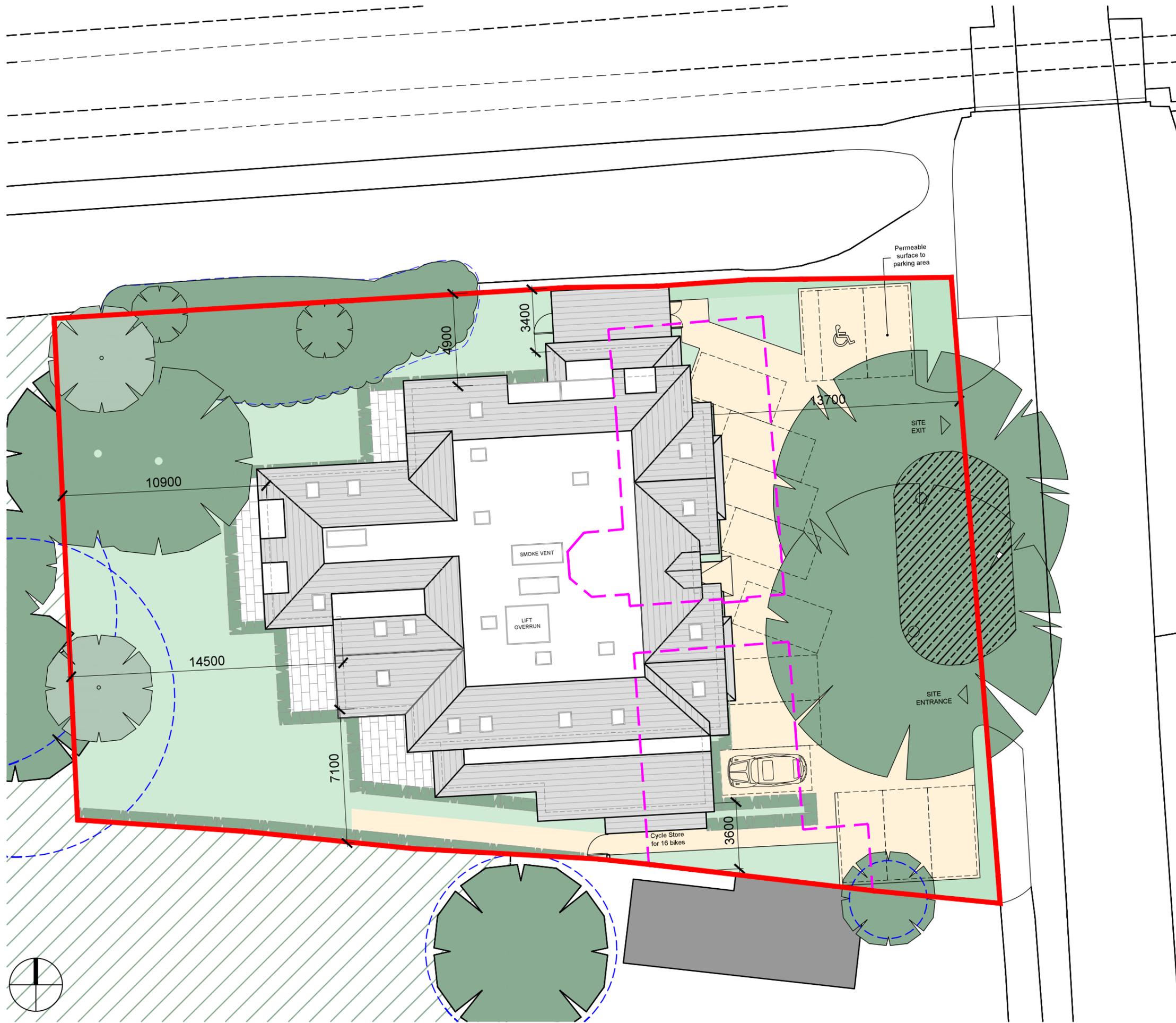
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Drawing No 0213_PL 002	Drawing Title LOCATION PLAN	Rev -
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-  Root protection area
-  Existing Building Footprint
-  Site Boundary
-  Green Belt
-  Permeable Surfacing
-  Mulched Surfaced
-  Existing Tree
-  Proposed Tree



Revision Notes:

Rev	Date	Info
A	13/09/2017	Revised layout
B	25/09/2017	Revised roof plan layout and annotations
C	01/03/2018	Revised annotations.
D	16/07/2018	Revised parking layout.



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Stage <b>PLANNING</b>		
Project 61 & 63 MORE LANE, Esher, Surrey, KT10 8AJ		
Drawn IK/RB/MA	Scale 1:200 @ A3	Date JUL 18
Drawing No 0213_PL <b>030</b>	Drawing Title PROPOSED SITE PLAN	Rev <b>D</b>

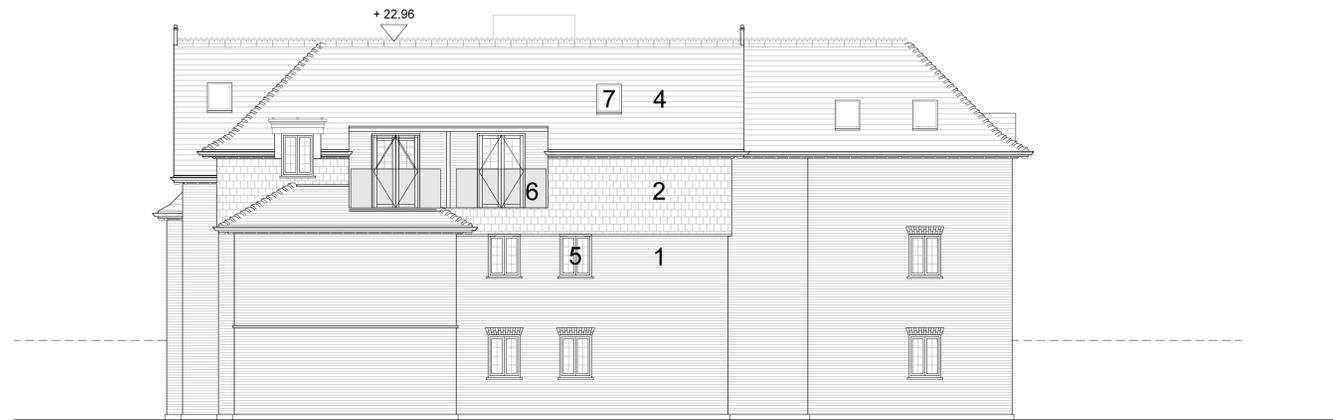


PROPOSED MATERIALS

1. BRICKWORK
2. VERTICAL HUNG CLAY TILES
3. TIMBER FASCIA BOARDS
4. CLAY TILE ROOFING
5. TIMBER FRAMED WINDOWS
6. GLASS BALUSTRADE
7. TIMBER FRAMED ROOF WINDOWS



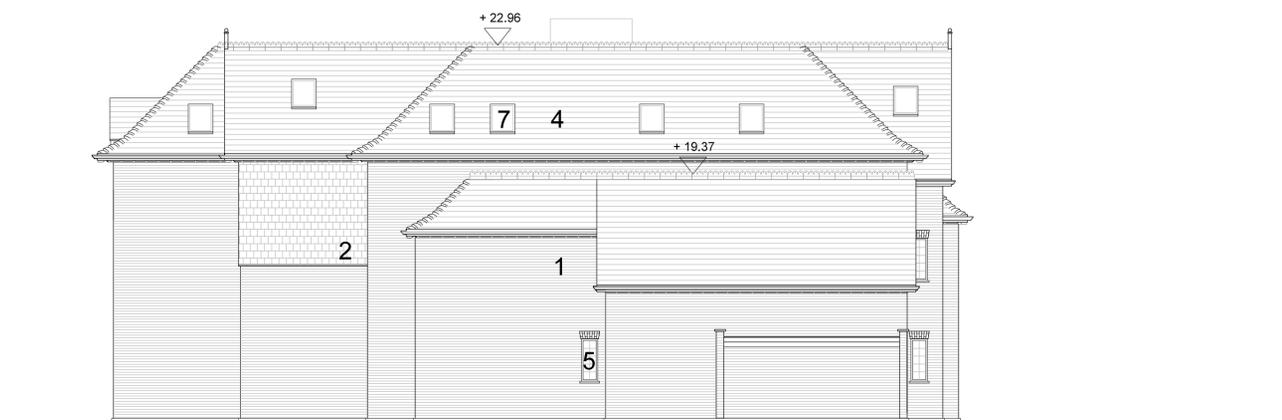
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



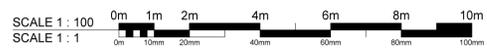
 <p>Urban Matrix Ltd 53a High Street, Esher, Surrey, KT10 8PQ +44 (0)1372 465 366 info@urban-matrix.co.uk www.urban-matrix.co.uk</p>		Stage
		<b>PLANNING</b>
Project 61 & 63 MORE LANE, ESHER, SURREY. KT10 8AJ		
Drawn RB, MA	Scale 1:100 @ A1	Date SEP 17
Drawing No 0213_PL 042	Drawing Title PROPOSED ELEVATIONS	Rev -



PROPOSED MORE LANE ELEVATION



EXISTING MORE LANE ELEVATION





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Drawn RB/MA	Scale 1:100 @ A1	Date SEP 17
Drawing No 045	Drawing Title EXISTING AND PROPOSED MORE LANE STREET ELEVATION	Rev -

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

<b>Application No:</b>	2017/0401	<b>Application Type:</b>	FULL
<b>Case Officer:</b>	Ike Dimano	<b>Ward:</b>	Esher Ward
<b>Expiry Date:</b>	27/02/2018		
<b>Location:</b>	61-63 More Lane Esher Surrey KT10 8AR		
<b>Proposal:</b>	Development comprising 17 flats with associated parking following the demolition of 61 and 63 More Lane and associated garages and outbuildings.		
<b>Applicant:</b>	Moore Place Development 1 Ltd		
<b>Agent:</b>	Mr Simon Foster Urban Matrix Suite 2 53a High Street Esher Surrey KT10 9RQ		
<b>Decision Level:</b>	If Permit – Sub-Committee If Refuse – Sub-Committee		
<b>Recommendation:</b>	Permit		

**Representations:** A total of 9 objections from 9 neighbouring properties have been received, raising the following concerns:

- Loss of privacy
- Large scale and bulk
- Out of keeping with existing pattern of development
- Overdevelopment
- Inadequate parking provision
- Highway safety concerns
- Footway safety concerns
- Impact on adjoining Green Belt land
- Impact on trees
- Insufficient amenity space provision
- Strain on existing sewage infrastructure
- Impact on biodiversity

**This application has been referred to the East Area Planning Sub Committee by Councillor Archer if the recommendation is to permit**

### Report

#### Description

1. The site is located within Esher and is positioned on the western side of More Lane and plays host to a pair of semi-detached houses. The site has a rectangular shape and to its immediate north is a railway bridge.

#### Constraints

2. The relevant planning constraints are:
  - Adjacent to Green Belt
  - Adjacent to Locally Listed Building
  - TPO trees

- Flood Zone 2

### 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
- CS9 – Esher
- CS15 – Biodiversity
- CS17 – Local character, density and design
- CS19 – Housing type and size
- CS21 – Affordable housing
- CS25 – Travel and accessibility
- CS28 – Implementation and delivery

#### Development Management Plan 2015

- DM1 – Presumption in favour of sustainable development
- DM2 – Design and amenity
- DM6 – Landscaping and trees
- DM7 – Access and parking
- DM8 – Refuse, recycling and external plant
- DM10 – Housing
- DM12 – Heritage
- DM18 – Green Belt (development of existing buildings)
- DM21 – Nature conservation and biodiversity

#### Design & Character SPD 2012

#### Developers Contributions SPD 2012

4. **Relevant Planning History**

Reference	Description	Decision
PreApp1382209	redevelopment of the site to comprise a two-storey development with rooms in the roof comprising 17 No flats and associated parking following the demolition 61 & 63 More Lane	Council response

### Proposal

5. Planning permission is sought for the erection of a detached building to provide 17 x 1 & 2 bed units with associated access, parking and landscaping following demolition of existing 2 houses.
6. The proposed building would be three stories in height, with a pitched roof and two front facing gable projections. It is proposed that the building would be 10.6m in height, reducing to 2.5m close to side boundaries.
7. Across the front part of the site, a total of 13 car parking spaces would be provided, with separate bin and cycle stores. The plans propose enough storage for 16 bicycles. The remainder of the site would be landscaped, and the rear would be provided as communal gardens.

## **Consultations**

8. Thames water – No objection. Comments to be included within informatives.
9. Environmental Health – Contamination officer raises no objection and has suggested condition and informative.
10. Planning Conservation (Listed Buildings officer) – No objection. I do not consider the bulk and massing of the new block would adversely impact on the setting of the Locally listed Lodge.
11. Surrey CC Highways – No objection. Suggested conditions.
12. Network Rail – No objection subject to suggested asset protection measures as advised in informatives
13. Natural England – No objection.
14. Planning trees – Minor issues with regard to pruning specification, tree protection and location. To be addressed by condition.
15. Surrey Bat Group – No objection. The report appears to have been prepared by a suitably qualified surveyor and broadly follows best practice guidance and so the negative conclusion reached is suitable for determining the application.
16. Surrey SUDS – satisfied with the proposed drainage scheme. A number of conditions and informatives are recommended.
17. Surrey Wildlife Trust – No objection.

## **Positive and Proactive Engagement**

18. The National Planning Policy Framework 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.
19. Formal pre-application advice (PreApp1382209) was sought prior to the submission of the application. The principle of the intensification in the use of the site was considered to be acceptable. It is acknowledged that the two houses to be demolished are of some amenity value in the street. However, it is not thought that these are of significant amenity value within this part of More Lane. It was considered that the new building though substantial in scale would only be 1.5m nearer the boundary than the present no. 61. The south elevation of this new block would only be 1.5 storeys high and would maintain a similar sloping hipped roof in this position. I do not consider the bulk and mass of the new block would adversely impact on the setting of the Locally Listed lodge.
20. Since the pre-application meeting, the following amendments have been made to the scheme:
  - Amendments to building to allow for first floor clearances from boundaries of 3.6m (southern elevation) and 3.4m (northern elevation). Up from 3.2m and 3m respectfully.
  - Provision of cycle storage for up to 16 bicycles.
  - Amendments to the layout of the units, swapping rooms around.
  - Rearrangement of car parking layout. No spaces have been lost.
  - Alteration/ rearrangement of fenestration.
  - Alteration to roof shape and side slope.
  - Omission of first floor rear balconies.
  - Reduced number of windows in northern elevation.
  - Introduction of second floor balconies in northern elevation.

## Planning Considerations

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

- The principle of the proposed development
- Housing
- The size, scale and design of the proposal and its impact on the character and appearance of the area
- The impact on the amenity of neighbouring properties
- The impact on future occupiers
- The impact on access, parking and highway
- The impact on trees
- The impact on ecology
- The impact on flood risk
- Financial considerations

### The principle of the proposed development

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

23. Core Strategy policies CS1 and CS2 indicate 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.

24. The NPPF has a presumption in favour of sustainable development with emphasis on the need to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas. Whilst garden land does not fall within the definition of previously developed land, the NPPF does not necessarily preclude development on such land. It is subject to considerations of the character and appearance of the development within the context of the area.

25. The existing dwellings of Nos. 61 and 63 would be demolished and the plots amalgamated to contain one detached block. Development Management Policy DM10 states that:

Housing development on garden land will be appropriate provided that:

- i. The scheme as a whole has been well designed to respect the character of the area,
- ii. The relationship between buildings within and outside the site ensures that privacy and amenity of existing and future residents are preserved,
- iii. The means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and to prevent harm to the amenities of adjoining residents, and
- iv. A high standard of landscape is incorporated into the design

26. The surrounding area is characterised as residential. Therefore, the principle of the redevelopment and intensification in the use of the site would be considered acceptable subject to compliance with policy DM10 and other matters as discussed below.

27. Furthermore, the proposal site is directly opposite a new development that comprises of seven new dwellings, these are in the form of a detached house fronting More Lane and two pairs of semi-detached houses and two flats to at the rear of the site. In addition, over the last 10-15 years a number of developments have taken place on this side of More Lane. These developments have included the demolition of the host dwelling and replacement with luxury apartments/flats and dwelling houses.

28. The site is located adjacent to the Green Belt, however given that the site already benefits from two dwellings, it is not considered that this proposal will impact upon the adjacent Green Belt.

#### Housing

##### *Housing mix and need*

29. Policy CS19 and para. 122a of the NPPF stated that development should meet the identified need for housing, which is identified with the 2016 Strategic Housing Market Assessment (SHMA) for Kingston and North Surrey. The SHMA identifies the need within Elmbridge is for smaller 1, 2 and 3 bedroom units. The proposal under consideration here provides 13 x 1 bed units and 4 x 2 bed units of which the AMR acknowledges that there is an identified need for this type of housing.

##### *Affordable housing*

30. Policy CS21: Affordable Housing of the Council's Core Strategy (2011) requires that development resulting in the net gain of 15 residential units should provide 40% of the gross number of dwellings on site as affordable housing. This equates to a requirement for 6 residential units on-site, in the following split of 70/30 between Affordable Rent/Intermediate. Therefore, 6 units should be provided on site.
31. The applicant has submitted a viability assessment which has been reviewed by the Council's Independent Advisors. The applicant's initial viability position was that a nil contribution could be provided as this would make the scheme unviable. The Council's Independent Advisors concluded that there was no capacity to support a fully policy compliant level of on-site affordable housing, however it was thought that the proposal could still support a significant financial contribution.
32. As a compromise, the applicants have offered to pay a financial contribution of £131,915.00 towards affordable housing.
33. On balance, it is considered that the proposal would satisfy the requirements of policy CS21 whilst not undermining the viability of the scheme and represents the maximum reasonable amount of affordable housing possible. A signed legal agreement has been received.

##### *Quality of the living accommodation for future occupiers*

34. Development Management Plan policy DM10 and the Technical housing standards - nationally described space standards, sets out the minimum internal floor areas that should be provided for all new residential units.

Table 2 below sets out the floor areas.

**Table 2 – Internal floor areas for proposed units**

Unit Number	Unit size (bed/persons)	Proposed GIA (m <sup>2</sup> )	Minimum GIA (m <sup>2</sup> ) as required by Technical Housing Standards	Complies?
1	1b/2p	53	50	Yes
2	1b/2p	57	50	Yes
3	1b/2p	52	50	Yes
4	1b/2p	52	50	Yes
5	1b/2p	54	50	Yes
6	2b/3p	73	61	Yes
7	2b/3p	64	61	Yes

8	1b/2p	54	50	Yes
9	1b/2p	52	50	Yes
10	1b/2p	51	50	Yes
11	1b/2p	54	50	Yes
12	2b/3p	73	61	Yes
13	2b/3p	76	61	Yes
14	1b/2p	60	50	Yes
15	1b/2p	52	50	Yes
16	1b/2p	51	50	Yes
17	1b/2p	56	50	Yes

35. All of the units would comply with the technical housing standards.
36. Policy DM10 states that all new residential development should provide an appropriate level of lighting and outlook. In this case and whilst not all of the units would be dual aspect, it is considered that each of the resulting flats would receive an appropriate level of lighting and outlook. Some of the north facing windows, and which are closest to the boundary are proposed to be obscurely glazed below 1.7m to protect the privacy of future occupiers. These windows are generally secondary windows or serve non-habitable rooms.
37. Some of the bedrooms could benefit from larger windows however, paragraph 123 of the NPPF states that '*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).*' As the overall unit sizes would provide acceptable living standards, the outlook being provided to these habitable rooms would be considered acceptable in this instance.
38. There are no minimum requirements for private amenity space for flatted developments. However communal amenity space is being provided to the rear of the site.

The size, scale and design of the proposal and its impact on the character and appearance of the area

39. Policy CS17 of the Elmbridge Core Strategy states that new development should deliver high quality, inclusive sustainable design which maximises the efficient use of urban land integrating sensitively with the local townscape, landscape, and heritage assets.
40. Policy CS7 states that all new development will be expected to enhance the local character of the area.
41. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
42. Policy DM12 of the Development Management Plan 2015 states that planning permission will be granted for developments that protect, conserve and enhance the Borough's historic environment and assets.
43. The site is located within close proximity to the Locally listed Esher Place Lodge. It is considered in this case that whilst the new block would be substantial in scale, it would only be 1.5m nearer to the boundary than the present building at no. 61. The plans show that the southern elevation of the new block would 1.5 stories high and would maintain a similar sloping hipped roof in this position. Consequently, it is not thought that the bulk and mass of the new block would adversely impact on the setting of the locally listed lodge.

*Density*

44. Policy CS17 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 (121 dph).

45. 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’

46. 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’,

47. 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).’

48. 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:

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

49. The proposal would represent a development density of approx. 121dph on this site (0.14Ha). The proposal would therefore make efficient use of land in accordance with policies CS17 and the NPPF.

*Size, scale and massing*

50. Policy DM2 states that all development proposals should preserve or enhance the character of the area, taking account of design guidance detailed in the Design and Character SPD, paying particular regard to the appearance, scale, mass, height and pattern of built development.

51. The site currently benefits from two detached two storey houses that combined, fill the majority of the width of their respective plots. The proposal is for a two-storey building that includes accommodation within the roofspace. On the basis that this proposal is for one building, there is no gap through the building. However, the proposal allows for gaps to the sides, including the side boundary with No. 59 More Lane. On the northern boundary and adjacent to the railway line, there is a refuse store which is only single storey and allows for suitable separation distances to be maintained.

52. The proposed building would be positioned in a similar location to the existing houses and set back on the site, with its frontage facing the street scene. As such, the plot would appear spacious and this would respect the prevailing character and pattern of built development in the surrounding area.

53. The proposal when viewed from within More Lane benefits from second floor accommodation within the front gable. This design replicates that of the development opposite, which also includes accommodation within the front gable.
54. It is acknowledged that the height of the proposed new building would be approximately 1.7m higher than the existing dwellings, this has been reduced by 0.8m since the initial pre-application submission was received. In addition to this, given that the proposed building would be set approximately 3.25m further back from the highway in conjunction with the retention of existing trees, these would go some way into mitigating the increased height of the proposed building when viewed from within the streetscene.
55. Objections have been received regarding the surrounding area being characterised by smaller buildings and therefore a large detached block would be out of keeping with the surrounding area. However, there are examples of similar flatted developments within the vicinity and the proposed use would not in itself have an adverse impact on the character of the area. It is the case that the height of the building would exceed those of the existing. In this case however, given its detachment from no. 59 and its position adjacent to the railway bridge, it is considered to fit comfortably within the street scene.

#### *Design and appearance*

56. The surrounding buildings within this part of the street are varied in design and style. The existing buildings are not of any particular merit and therefore their removal and replacement could improve the visual appearance of the street scene. The design of the building employs the use of varied rooflines, gable ends and hips in the new building to visually break up the front elevation whilst evoking traditional Victorian features. The plans propose a brick building with timber windows and doors and a clay-tiled roof. It is therefore considered that the traditional design and materials being proposed would appear respectful within the setting of the site and street scene.
57. The overall appearance of the building would be in keeping with the character the area. It is not considered that the resulting building would impact negatively on the setting of the adjoining listed building.

#### The impact on the amenity of neighbouring properties

58. Policy DM2 states that to protect the amenity of adjoining and potential occupiers and users, development proposals should be designed to offer an appropriate level of outlook and provide adequate daylight, sunlight and privacy.
59. The design of the rear part of the building is stepped inwards along its projection. As a result of this and the proposed separation distance between the development and nearest rear facing windows of the neighbouring property (No. 59), it is not considered that there would be a breach of the 45-degree angle, taken from the edge of the closest windows serving habitable rooms. Consequently, whilst there is an increase in the depth of the new building it does not create any adverse loss of light.
60. In terms of the visual prominence of this proposal it is acknowledged that the resultant building projects along the entire side boundary of No. 59, however due to the staggered nature of this proposal in conjunction with the gap of 1.5m being maintained at ground floor level, it is not considered that this would result in any adverse overbearing impact upon the occupiers of this adjacent property.
61. The proposed elevation plans indicate that just one ground floor window is positioned in the southern elevation and this would serve as a secondary window to a living room/kitchen.
62. A total of 7 rooflights are also proposed in this elevation. Given this, it is unlikely that the amenities of the closest adjacent occupiers at no. 59. would be adversely impacted in terms of privacy and overlooking.

63. Objections have been received regarding the impact on neighbouring residents regarding loss of privacy and light. Whilst the building would be taller and deeper than the existing, it can be seen from the plans that there are no side windows proposed above ground floor level in the southern elevation. The velux windows are at roof level and views out are restricted. In terms of light impact on the adjacent neighbour at no. 59, it is considered that the stepped design of the rear building allows for adequate clearance for the 45-degree line taken from the edge of rear facing windows serving habitable rooms at this property.

#### Trip generation, access and parking

##### *Trip Generation*

64. A Transport Statement has been submitted as part of the application. The applicant utilised the TRICS database to inform the predictions, an industry standard tool. The Highway Authority accepts the trip generation figures provided and does not view the impact to represent any significant or severe impact.
65. Policy DM7 requires a maximum of 1 car parking space per 1 bed unit and 1.5 space per 2 bed unit. These are maximum standards and the policy states that in areas of parking stress a minimum of 1 car parking space per unit would be required. A total of 13 car parking spaces would be provided and this falls short of policy requirements. The site is located in a relatively sustainable location with public transport available within walking distance of the site. A designated cycle store is being erected to the side of the building. This would provide safe, covered and secure cycle parking for 16 bicycles. This would further promote and encourage more sustainable modes of transport. Surrey County Council have raised no objection to the proposed parking arrangements and this level of car parking is considered to be acceptable.
66. The application plans show that the site would be serviced by an in and out drive. Given the 30mph speed limit on More Lane, it is considered that a 40-metre visibility splay would be acceptable. Surrey County Council as the Highway Authority have reviewed the proposals and have raised no objection subject to adequate conditions being imposed.
67. There would be a designated refuse and recycling store to the side of the building and which can be easily be accessed from the front forecourt. In this case it would be prudent to ensure that bin and recycle storage provisions are in line with size expectations of the council. As such an appropriate condition would be imposed.

#### The impact on ecology

##### *Trees*

68. Policy DM6 states that development proposal should be designed to include an integral scheme of landscape, tree retention protection and planting.
69. The site benefits from a number of trees, some of which are covered by Tree Preservation Orders. The proposal involves the removal and replacement of two trees. The Tree Officer has reviewed the proposal and has identified that subject to a number of conditions being imposed the proposal will have no adverse impact on arboricultural grounds.

##### *Biodiversity*

70. Policy CS15 seeks to ensure that new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the incorporation of biodiversity features. Policy DM21 states that all new development will be expected to preserve, manage and where possible enhance existing habitats, protected species and biodiversity features.
71. An Ecology Report has been submitted with the application. This report considered various wildlife including badgers, bats, amphibians, reptiles and birds. When the survey was undertaken, no evidence of protected species was recorded.

72. Surrey Bat Group assessed the details of the report and have raised no objection.
73. Objections have been received regarding the impact on wildlife. Surrey Bat Group and Surrey Wildlife Trust have reviewed the report and are satisfied with the conclusions of the report. A number of mitigation measures have been suggested including bird/bat boxes. Surrey Wildlife Trust have also recommended that any external lighting should comply with the recommendations of the Bat Conservation Trust's document titled 'Bats and Lighting in the UK – Bats and the Built Environment Series.' A precautionary approach to working methods is also recommended to avoid killing or injuring protected species. It is considered that subject to these conditions and informatives, the proposal has given sufficient regard to biodiversity in accordance with policies CS15 and DM21.

#### The impact on flood risk

74. Core Policy CS26 seeks to reduce the overall and local risk of flooding in the Borough. The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The site falls within flood zone 2, having between a 1 in 100 and 1 in 1000 annual probability of river flooding. The report suggests mitigation measures which if adhered to, would mitigate severe loss in event of flooding. In this case it would be prudent to impose a condition requiring that these measures are put in place during construction.
75. 6 flats are proposed at ground floor level and given that the site is in flood zone 2 (medium risk of flooding) and the applicants are proposing to raise the floor level beyond that of the existing and in accordance with recommendations of the FRA. In this case, it is not considered that having sleeping accommodation would be particularly detrimental to future occupiers.
76. A drainage report and plan has been provided and this confirms that the surface water system will discharge into the existing sewer at a controlled rate and the foul water will be discharged into the existing public sewer. Surrey County Council as the Lead Local Flood Authority have reviewed the details and are satisfied with the proposed drainage scheme, subject to conditions which would ensure the SuDS scheme is properly implemented and maintained throughout the lifetime of the development.

#### Financial considerations

77. 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.
78. 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.
79. 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)*

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

### **Matters raised in Representations**

81. All matters raised have been addressed in the report above.

### **Conclusion**

82. 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 permit subject to receipt of an acceptable s106 agreement within 3 months of the date of resolution.

83. If a satisfactory legal agreement is not received within 3 months, the Head of Planning Services be given delegated authority to refuse the application for the following reason:

84. A completed legal agreement has been received and as such the proposed submission meets 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.**

**At the time of writing no agreement is in place in terms of the suggested pre-commencement conditions.**

**Recommendation: Grant Permission**

### **Conditions/Reasons**

1 TIME LIMIT (FULL APPLICATION)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 LIST OF APPROVED PLANS

The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: Existing Plans & Elevations, Existing Site Plan, Location Plan, 0213\_PL\_031, 0213\_PL\_032, 0213\_PL\_042, 0213\_PL\_045, 0213\_PL\_046, received on 09/11/2017. 0213\_PL 030 Rev D received 20/07/2018.

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

3 MATERIALS SAMPLES

Prior to the commencement of any above ground level 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.

4 OBSCURE GLAZING

Prior to the first occupation of the development hereby permitted the rooflight windows on the southern elevation 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 non-openable unless the windows are located 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.

5 BOUNDARY TREATMENT

Prior to first occupation a plan indicating the positions, height, species, design, materials and type of boundary treatment to be erected, as appropriate. The boundary treatment(s) shall be completed prior to first occupation. Development shall be carried out in accordance with the approved details and shall be permanently maintained.

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

6 COMMUNAL BIN & CYCLE STORE

Prior to first occupation no flat within the block forming Plots [61 to 63] as shown on the approved drawings shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority in relation to each block of flats, including:

- a) full details of communal cycle stores, including internal amenity lighting, secure entrance doors and cycle parking within the store
- b) full details of communal bin stores, including internal amenity lighting, details of secure access arrangements to bin stores, including opening / closing hardware (FB1 or FB2) and stays or catches to lock doors back in an open position at collection time
- c) details of security and amenity lighting within the car courts serving such flats
- d) details of signage (including location) to be affixed to walls or other structures at the entrances thereto to indicate the private nature of the environment being entered.

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

Reason: To ensure that future occupants have satisfactory facilities for refuse, recycling and cycles.

7 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.

8 LANDSCAPING IMPLEMENTATION

All hard and soft landscaping works shall be carried out in accordance with the approved details shown on appendix C in the Arboricultural Survey and Planning Integration Report.. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development, otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of any part of the development or in accordance to the timetable agreed with the Local Planning Authority. Any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species in the same place.

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

9 TREES PRE-COMMENCEMENT MEETING

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 pre-commencement meeting has been held on 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 or/and that all tree protection measures have been installed in accordance with the approved tree protection plans ^IN and approved reports ^IN. The tree protection measures shall be maintained for the course of the development works.

To arrange a pre-commencement meeting please email [tplan@elmbridge.gov.uk](mailto:tplan@elmbridge.gov.uk) with the application reference and contact details.

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.

10 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 appendix C in the Arboricultural Survey and Planning Integration Report.

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.

11 TREES RETENTION

All existing and 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.

12 TREES ADDITIONAL ARBORICULTURAL INFORMATION

No development including groundworks and demolition shall take place until all supporting arboricultural information has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the:

- a) measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials / machinery, including a Tree Protection Plan, to include revised location of tree protection around T2 to enable access around the rear of the building with the use of ground protection.
- b) location and installation of services/utilities/drainage, including services to automated gates.
- c) 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.
- d) all arboricultural site monitoring and supervision required for the duration of the development.
- e) methods to improve the rooting environment for retained and proposed trees and landscaping. The development thereafter shall be implemented in strict accordance with the approved details.

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.

13 TREES PLANTING & MAINTENANCE

Prior to first occupation [first use] or the completion of the development hereby permitted, whichever is the sooner; full details of all proposed tree planting 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 development shall be completed in accordance with the approved details.

Reason: To protect and enhance the appearance and character of the site and locality.

14 POTENTIAL LAND CONTAMINATION

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. No demolition, site clearance or construction shall be commenced until step a, (b and c if required), has been completed 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.

a) Preliminary Investigation of the Site

A preliminary investigation shall be carried out by a competent person prior to any site clearance or demolition, to assess the condition of the land to be re-developed, in respect of contamination. The preliminary investigation must, as a minimum, include a desk-based evaluation, site walkover, asbestos assessment of the existing buildings and Conceptual Site Model and may include intrusive investigation. A written report of the investigation shall be submitted to the Council for written approval.

If the Council are satisfied that there is a significant possibility that the site could pose a significant risk to future occupiers under its proposed redevelopment use as a result of contamination, then the following additional steps shall also be carried out.

b) Asbestos survey

If asbestos is identified in the desk study/ site visit, an intrusive demolition asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks must be carried out. The scheme must be written by a suitably qualified person and shall be submitted to the LPA prior to commencement to demolition. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation and confirmation of compliance with this shall be independently verified prior to demolition. The enforcing authority with regard to asbestos on a demolition or construction site is the Health and Safety Executive.

c) Site Investigation, Method Statement and Remediation

(i) A written site specific investigation plan using the information obtained from the preliminary investigation, providing details of the investigation for soil, gas and controlled waters where appropriate, shall be submitted to, and approved by, the Council.

(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 in writing to, and approved by, the Council.

(iii) A written Method Statement detailing any remediation requirements shall be submitted to, and approved by, the Council.

d) Development in accordance with the Method Statement

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.

e) Unsuspected Contamination

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.

f) Piling

Development approved by this permission shall not commence unless the method 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 approved method.

g) Imported material

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 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.

h) Completion of Remediation and Verification Report

Verification by an independent, competent person must be carried out prior to occupation of any part of the site by any end user.

Upon completion of the remediation detailed in the Method Statement, and before occupation of any part of the site by any end user, 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.

Reason: To avoid adverse effects from pollution on the environment, harm to human health or general amenity, in accordance with the National Planning Policy Framework.

## 15 ECOLOGY/BIODIVERSITY MITIGATION

The development shall be carried out in accordance with the conclusions and recommendations in the Ecology Report including any biodiversity enhancements as put forward by AA Environmental Limited, dated 13 November 2018.

Reason: In the interest of preserving and enhancing protected species and biodiversity in compliance with Policy DM21 of the Elmbridge Development Management Plan 2016 and the NPPF 2018.

- 16 SuDS
- The development hereby permitted shall not commence until details of the design of a surface water drainage scheme 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:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) Evidence that the proposed solution will effectively manage the 1 in 30 & 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 2 a maximum discharge rate of 0.92 litres/sec for the 1 in 1 year rainfall event and 2 litres/sec for the 1 in 30 year and 1 in 100 year + climate change events.
  - 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.).
  - d) 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.
  - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - f) 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.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

- 17 SuDS
- Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

## **Informatives**

- 1 THAMES WATER  
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water Pipelines. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 ADVICE TO DEVELOPERS REGARDING CONTAMINATION ASSESSMENTS  
Before carrying out any contamination investigation or remediation of a site, the developer is strongly recommended to contact the Environmental Health & Licensing Team for guidance on the requirements for such investigations or remediation. Investigations, in particular, which do not adequately fulfil these recommendations, may result in additional work having to be carried out.
- 3 POTENTIAL FOR GROUND GAS MIGRATION  
The property is located within 250m of a former landfill. The risk resulting from the potential for ground gas migration is perceived to be low, however, as a precaution it is recommended that basic gas protection measures are incorporated into any new foundations/floors of the build (e.g. a gas impermeable membrane and ventilated sub floor area). The measures

should comply with the recommendations as detailed in NHBC/RSK Group PLC Guidance on Evaluation of Development Proposals on Sites where Methane and Carbon Dioxide are Present, 2007 or BRE Report 414 Protective measures for housing on gas contaminated land, 2001.

4 ORDINARY WATERCOURSE

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

If there are any further queries please contact the Sustainable Drainage and Consenting team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

5 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.

6 COMMENTS AND CONDITIONS TO BE OBSERVED IN CONNECTION WITH NEW DEVELOPMENT ADJACENT TO NETWORK RAIL LAND/ASSETS:

1. The developer must contact SE asset protection team and sign up asset protection agreement before proceeding with any design or construction works alongside NR infrastructure. SAPE will specify further safety and engineering conditions as necessary.
2. It may be necessary to enhance or renew Network rail (NR) existing boundary fencing as a result of the development in order to reduce the risk of trespass and possible vandalism. New screening purposes fence must be independent of NR fencing and allow room for maintenance of both fences.
3. Party Wall etc Act 1996. Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on NR and their Tenants under the Party Wall etc Act 1996. Developers should consult with NR at an early stage of the preparation of details of their development on Party Wall matter.
4. NR accepts no liability in respect of noise and vibration. Developer should undertake his own investigations to establish any level of noise and vibration likely to originate from the operational of the railway, and design their mitigation measures accordingly.
5. All works, both temporary and permanent, should be designed and constructed so that they will have no influence on the stability of NR's structures and adjoining land.
6. Vibro-compaction will not be permitted, especially in the vicinity of structures, embankments or cutting slopes.
7. NR advise that the use of bored, cast in-situ reinforced concrete piles are recommended. Normally these have no detrimental vibration effects during construction.
8. All structures should be situated at a minimum distance of two metres from NR's boundary fence and at a sufficient distance to enable construction to proceed without, in the NR

Engineer's opinion, the risk of affecting the normal and safe running of the railway. This clearance will also enable construction and maintenance to proceed without the need to enter on to NR's property. Please note that unless previous safety protection has been arranged, access on to NR property will not be permitted for any activity associated with any works.

9. All new construction should be sufficiently clear to the boundary, and all foundations should be designed such that they do not impose any surcharge on railway cutting slopes or structures. In addition, it should be borne in mind that cutting slopes could be subject to erosion through the effects of weathering, and all new construction should be at a sufficient distance from the slope to take this into account. At no time should an embankment supporting the railway be cut into or built upon.
10. NR reserves the right to request the screening of any light, including vehicular lights and light reflected by building cladding, which may interfere with the sighting of signalling apparatus and / or train drivers' vision on approaching trains. Large areas of Red or Green cladding or painted structure that face on to the railway could affect the sighting of track signals. Large areas of reflective cladding or mirror type glazing could affect the sighting of track signals in the vicinity of the Railway.
11. Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles over-sail or fall onto the railway. Black protective netting around the scaffold may need to be installed. A Method Statement for constructing and dismantling the scaffold will need to be provided for acceptance. Scaffolding may need to be erected under a track closure (possession) of the railway because of the dangers to trains and from the electrified conductor rail. A minimum of sixteen weeks notice is required for shared possessions and thirty two weeks for sole possessions to arrange any possessions of the track.
12. Any cranes or other plant to be used on site must be positioned and operate in such a way that, in the event of mishandling or failure of any part of the equipment or subsidence of the ground supporting the equipment, they will not move or fall within three metres of the nearest rail. Their loads or jibs should not under any circumstances over-sail NR's property.
13. Full details of any tower cranes to be used on site should be submitted for approval, together with a plan showing the relevant jib radii. The cranes (and any other plant) must be positioned in such a way that in the event of mishandling or failure of any part of the equipment or subsidence of the ground supporting the equipment, they will not move or fall within three metres of the nearest rail. Their loads or jibs should not under any circumstances over-sail NR's property. A Method Statement must be prepared for NR's approval, it may be necessary to down-rate the crane capacity by 25% to reduce the risk of failure.
14. All costs incurred by NR in connection with the Works should be reimbursed by the Developer. NR will require the Developer to enter into an Asset Protection Agreement with NR and either place a purchase order or make payment before work commences if called upon to do so.
15. NR requires to be advised of the geotechnical information regarding the site and be assured that whatever construction method is used is suitable. Written confirmation is required stating that the integrity of the railway formation or structures will not be impaired by excavation, piling or other construction methods.
16. Details of excavations for foundations, etc., within 15 metres of NR boundary are to be submitted to SAPE for prior approval. Excavations are not to affect the structural integrity of Network Rail's formation or structures. Stability calculations will be required to prove this where necessary. Calculations to be supported by independent design check certification and supporting geological information.
17. There is to be no dewatering adjacent to or under NR property or structures unless it is unavoidable, in which case the following is required:-
  - a. Settlement and stability calculations for the railway corridor for all stages of construction/dewatering.
  - b. Calculations to be supported by independent design check certification.

- c. Monitoring of ground and track levels is to be carried out regularly while dewatering is taking place and for at least 2 weeks after it ceases.

## 7 FURTHER NETWORK RAIL COMMENTS

1. As the proposed application site is adjacent to Network Rail's operational railway infrastructure, Network Rail requires the developer to sign asset protection agreement with Network Rail (NR)- Asset Protection(ASPRO) team prior to commencement of any design and construction works on site.
2. If there any covenants on Outside Party(OP) land in favour of NR, The proposed development works should be designed and constructed in line with the said covenants. Network Rail ASPRO acceptance is required.
3. OP to assess the requirement of party wall to Network Rail and serve party wall notice accordingly.
4. OP to assess the risk of glare to train driver and nearby signal ,carry out preliminary glare assessment and ensure NR that there are no effects due to glare.
5. Train operating company(TOC) should be consulted for traffic and pedestrian management plan during construction, TOC acceptance should be in place.
6. OP to carry out traffic incursion and tress passing risk assessment, propose mitigation measures and submit for NR ASPRO acceptance.
7. OP consultant and contractor should submit for NR acceptance design forms and method statements for any permanent and temporary works which may impact on NR assets and railway operation, NR written acceptance should be in place prior to commencement of the work on the site.
8. OP to submit drainage strategy for NR acceptance and submit relevant RAMS for NR ASPRO acceptance.

## 8 DURING CONSTRUCTION AND AFTER COMPLETION

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- " encroach onto Network Rail land
- " affect the safety, operation or integrity of the company's railway and its infrastructure
- " undermine its support zone
- " damage the company's infrastructure
- " place additional load on cuttings
- " adversely affect any railway land or structure
- " over-sail or encroach upon the air-space of any Network Rail land
- " cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

### Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection

#### Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

#### Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

#### Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

#### Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

#### Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts

AssetProtectionsWessex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at [www.networkrail.co.uk.aspx/1538.aspx](http://www.networkrail.co.uk.aspx/1538.aspx).



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## Appeal Decision

Site visit made on 28 June 2019

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> August 2019

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**Appeal Ref: APP/K3605/W/19/3226579**

**61 More Lane, Esher KT10 8AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Simon Foster of Moore Place Development 1 Limited against the decision of Elmbridge Borough Council.
  - The application Ref 2017/0401, dated 9 November 2017, was refused by notice dated 6 February 2019.
  - The development proposed is to demolish No.61 and No.63 More Lane and replace them with flats of mixed sizes over 3 storeys. The scheme proposes parking and associated landscaping with consideration to the existing access and landscape.
- 

### Decision

1. The appeal is allowed and planning permission is granted to demolish No.61 and No.63 More Lane and replace them with flats of mixed sizes over 3 storeys; the scheme proposes parking and associated landscaping with consideration to the existing access and landscape at 61 More Lane, Esher KT10 8AR in accordance with the terms of the application Ref 2017/0401, dated 9 November 2017 subject to the conditions set out in the schedule to this decision.

### Procedural matters

2. An application for costs has been made by the appellant against the Council. This application is the subject of a separate decision.
3. Notwithstanding the address of the site given in the above heading, which is taken from the application form, it is clear from the plans and the description of development that the site comprises both 61 and 63 More Lane. I have assessed the proposal on that basis.
4. The Council is undertaking a review of on-street parking in the local area to which the site belongs. Representations have been submitted in relation to this review, which I have taken into account.
5. Both main parties have referred to drawing number 0213\_PL\_010 entitled *Existing Floor Plans and Elevations*. However, this reference appears to be a typographical error, as the plan before me has the reference 0216\_PL\_010.
6. At the site visit, I viewed the site from 59 More Lane with the consent of the occupier of this adjacent residential property and did so unaccompanied.

7. The appellant has submitted a Planning Obligation, dated 10 January 2019, in the form of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990, as amended. The UU commits the appellant to making a financial contribution towards affordable housing. The Council has confirmed that it finds the UU to be acceptable.
8. On 19 February 2019, the Government published its Housing Delivery Test (HDT) results alongside an updated revised National Planning Policy Framework (the Framework). The HDT outcome for the Council indicates that the delivery has been below the requirement over the last 3 years. The Council also accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. The HDT results do not alter that position. The main parties have had the opportunity to address the issue of housing land supply and the Framework through the appeal process.

### **Main issues**

9. The main issues are the effect of the proposed development on the character of the local area and on vehicle parking.

### **Reasons**

#### *Character*

10. The proposal is to erect a single building containing 17 self-contained flats following the demolition and removal of 2 houses and their outbuildings. Each of the existing dwellings occupies a good-sized plot and is set back from the road behind a grass verge, front garden and trees, some of which are protected. Consequently, there is some sense of space and a verdant quality to the local street scene to which the site belongs.
11. The area immediately around the site is mainly residential in character and contains a variety of buildings and dwelling types. To the north, just beyond the railway line is a fairly tightly knit urban area while to the south, buildings are typically larger and more spaciouly laid out with both flats and dwellings evident from the road. Broadly opposite the site is a recent development of flats and houses. Given that varied context, the site does not neatly fall into either Character Area 5 or 6, as described in the Council's Design and Character Supplementary Planning Document (SPD), nor could the appeal scheme reasonably be described as an uncharacteristic form of development.
12. Compared to the dwellings to be replaced, the new building would be larger, bulkier, taller and extend far deeper into the site. The higher parts of the proposed roof would, however, be set back from the front and side elevations with gables and a dormer visually 'breaking up' the new built form when seen from the road. The new building would be well proportioned and it would significantly reduce in height on each side. Although the proposal would include deep flank walls no visual disharmony would result because adequate space would surround the new development. Furthermore, the frontage trees, which would be retained, would partly screen and visually soften the proposal in the local street scene.
13. These arrangements, coupled with the set back position of the new building into the site would retain the spacious feel and verdant character of the local street scene. The mixed residential character of the local area, which includes houses and flats, would remain if the appeal scheme were to proceed. The

proposal would not amount to overdevelopment nor would the appeal scheme be at odds with the varied pattern of existing development. In other words, the proposed development would be compatible within its particular context.

14. On the first main issue, I conclude that the proposed development would not cause significant harm to the character and appearance of the local area. As such, it does not conflict with Policy DM2 of the Elmbridge Development Management Plan (DMP), Policies CS9 and CS17 of the Elmbridge Core Strategy (CS) or the Council's SPD. These policies and guidance seek to ensure that new development delivers high quality design, makes efficient use of land and preserves or enhances the character of the area.

### *Parking*

15. By providing 13 parking spaces on site to serve the new flats, the Council and others are concerned that the proposal would provide insufficient parking for future occupiers and their visitors. In the eyes of objectors, that shortfall would result in poor living conditions, cause or exacerbate local parking problems, add to traffic congestion and represent a safety hazard to highway users. However, the appellant has provided cogent evidence that the appeal scheme would meet the Council's parking standards as set out in CS Policy DM7 and that the local area is not subject to parking stress by reference to the results of parking surveys.
16. These surveys were carried out on different days confirm that there was a significant number of spaces available along streets in the vicinity of the site for motorists to park. I saw that there were no on-street parking restrictions in the vicinity of the site and noted that several spaces were available relatively close to the site. Having walked from the parking spaces available on Mill Road, Farm Road and Douglas Road, I consider that the trip would not be too time consuming, inconvenient or unsafe even with children or carrying shopping bags during inclement weather. While my observations are a snapshot and do not relate to evenings when the demand for parking spaces is likely to be higher, I am unable to conclude, as the Council and others state, that there is insufficient capacity to cater for additional on-street parking demand that may occur as a result of the proposal. I also note that Surrey County Council, as Highway Authority (HA) has reached a similar conclusion and raises no objection to the new development.
17. If no space were available on site, occupiers of and visitors to the appeal scheme may decide to park inconsiderately or obstructively on the adjacent highway network and thereby impede traffic flows or cause a safety hazard to other road users. While that is a possibility, that could occur at present and I saw no instances of such behaviour during my site visit nor have any examples of such problems been drawn to my attention.
18. If all the on-site parking spaces are occupied, some motorists may find the additional time taken to find an alternative parking space to be inconvenient. Even so, I would not expect those instances to be significant in number or for their journey time to be increased to any marked degree. While existing residents may find additional cars parked on the road, that is the right of any highway user. Therefore, it is unlikely that the proposal would in itself adversely affect living conditions or add to local traffic congestion to an unacceptable degree. I saw no evidence of the local streets being 'clogged up' with cars nor am I persuaded that the proposal, if allowed, would lead to such

conditions given the relatively low level of vehicle movements likely to be associated with the proposal.

19. There are bus and train services available to future occupiers within convenient reach of the site and secure cycle storage would also to be provided as part of the scheme. The site is therefore reasonably well connected and occupiers of the new flats would have a choice of means of transport other than the private car. As a result, not all future occupiers will necessarily own or have regular access to a car and thus add to the demand for parking.
20. My attention has been drawn to the Elmbridge Parking Review (EPR), which is currently underway and proposes some restrictions to on-street parking near to the site including 'no waiting at any time' around the junction between More Lane and Lower Green Road. According to the accompanying schedule, this restriction is to avoid damage to grass verges and to avoid parking near to the junction. The EPR is at an early stage with no decisions yet taken on whether or not restrictions will be approved and implemented and if so, in what form. Given that uncertainty, I share the opinion of both main parties that the proposal should be assessed based on the current situation.
21. Overall, I am not convinced that the proposal would be accompanied by congestion or occupation of parking space to the extent that significant harm would be caused even taking into account the influx of vehicles associated with school dropping off or picking up times, a nearby industrial area or other permitted schemes. On the second main issue, I therefore conclude that the proposed development would not result in significant harm to vehicle parking. As such, the proposal does not conflict with DM Policy DM7, CS Policies CS9, CS17 and CS25 or the guidance in the Council's SPD, which aim to ensure that adequate parking is provided to serve new development. It also complies with the Framework, which notes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

#### *Planning balance*

22. The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. As a result, paragraph 11 d) of the Framework is engaged. This states, amongst other things, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
23. In this case, the proposal would add to the supply of housing and provide smaller residential units for which the Officer's report states is a need, which is acknowledged in the Strategic Housing Market Assessment for Kingston and North Surrey (2016). These considerations carry considerable weight in support of the appeal. The appeal scheme would make an efficient use of land and contribute towards affordable housing elsewhere. There would also be some economic benefits from the sale of materials during the construction phase and from spending by future occupiers. The proposal would also respond positively to local character and optimise the potential of the site. It would make suitable and safe access to the site for all users, with no

unacceptable impact on highway safety. These considerations all weigh in support of the proposal.

*Other matters*

24. To avoid overlooking problems towards the adjacent property, which is No 59 the roof lights in the south elevation of the new building would include obscure glazing. Although there would be lengthy flank wall broadly parallel with the shared boundary with No 59, the new building would be modest in height nearest to the side and rear garden of this adjacent property. Consequently, I consider that the presence of the new building would not feel unduly imposing in views from No 59.
25. Some trees are to be removed, most of which are of lower quality, with the 2 Oaks towards the front of the site, which provide the major landscape presence, to be retained. The appellant's Arboricultural Survey and Planning Integration Report includes a tree survey and identifies measures designed to protect the retained trees. The Officer's report records only minor issues with regard to the detailed specification of these measures, which could be covered by a condition. No post development pressure on these trees is anticipated with only very minor pruning required that would not harm the health, longevity or landscape presence of the retained trees. With appropriate measures in place, the effect of the proposal on trees would be acceptable.
26. The HA raises no objection the proposal to the proposed access arrangements. With a condition in place to ensure that the southernmost access is closed off before any flat is occupied and that the visibility splays for the accesses to be used remain free from obstruction, I agree with that assessment.
27. The Council raises no objection on the grounds of the proposal's effect on the Green Belt, which is just to the west of the site and, on the evidence before me, neither do I. The amenity space available to future occupiers would be satisfactory. Surrey County Council as Lead Local Flood Authority has raised no objection on drainage grounds subject to conditions. Thames Water has also raised no objection in relation to sewage infrastructure capacity.
28. Esher Place Lodge is to the south of the site. Although a sizeable addition and close to the boundary with this locally listed building, the height of the new building would significantly reduce towards the shared boundary and the hipped roof would slope away from view. I share the opinion of the Council's Listed Buildings Consultant that the proposal would not adversely affect the setting of this heritage asset.
29. The appellant's extended Phase 1 Habitat Survey notes that the site may have some features of ecological value. As a result, it makes various recommendations such as a need to make checks for bat roosts and hedgehogs before any site clearance or trees are cut back or removed. It also advises that bat and bird boxes should be installed to enhance biodiversity. With these protective and enhancement measures in place, the Council raises no objection to the proposal in terms of its effect on bio-diversity and nor do I.
30. On the evidence before me, it appears that the need to provide affordable homes sought by the Council arises from the development and it satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010. The UU commits the appellant to make a financial contribution towards affordable homes. As such,

the proposal makes adequate provision for affordable homes and so it complies with CS Policy CS21.

### **Conditions**

31. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, conditions are imposed requiring details of external materials, refuse and cycle storage, landscaping and reinstatement of the adjacent footway following closure of an existing access. For the same reason, and to safeguard retained trees, shrubs and hedgerows, a condition is imposed requiring appropriate protection measures. To ensure that the site is properly drained, a condition is necessary to require details of surface water disposal.
32. In the interests of highway safety, conditions are imposed to require details of on-site vehicle parking, arrangements to close an existing access and to ensure that the visibility splays at the accesses to be used are free of obstruction. To safeguard the living conditions of the occupiers of nearby properties, conditions requiring details of any pile driving and the arrangements for demolition and construction in the form of a Construction and Demolition Method Statement are necessary. For the same reason, the south-facing roof lights of the new building should be obscurely glazed. A condition to this effect is therefore imposed. To safeguard and promote biodiversity, a condition is necessary to provide the protection and mitigation measures outlined in the appellant's Preliminary Ecological Appraisal.
33. The Council's Environmental Health and Licensing Manager states that the risk of contamination is low and therefore I see no need for a ground investigation or an asbestos survey, as suggested. As a precautionary measure, it is however, prudent to have in place appropriate arrangements if contamination is unexpectedly discovered during demolition or construction works. This condition is necessary to ensure that the land is suitable for residential use and to safeguard the health and safety of future occupiers and those engaged in the construction of the development. Where necessary, I have amended the Council's suggested conditions for clarity, concision and to more closely reflect national policy.

### **Conclusion**

34. When assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the appeal scheme. Therefore, the proposal benefits from the presumption in favour of sustainable development, which means that the Framework does not indicate a decision other than in accordance with the development plan.
35. For the reasons set out above, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR

**Appeal Ref: APP/K3605/W/19/3226579**  
**61 More Lane, Esher KT10 8AR**

**Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 0213\_PL\_002, 0213\_PL\_003, 0216\_PL\_010, 0213\_PL\_030D, 0213\_PL\_031, 0213\_PL\_032, 0213\_PL\_042, 0213\_PL\_045, 0213\_PL\_046 and 0213\_SK 001.
- 3) No development other than demolition works shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No flat hereby permitted shall be occupied until the roof lights in the south elevation of the building have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed, the obscured glazing shall be permanently retained thereafter.
- 5) No flat hereby permitted shall be occupied until cycle storage and refuse storage, recycling and collection facilities have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved cycle and refuse storage, recycling and collection facilities shall be permanently retained thereafter.
- 6) No development other than demolition works shall take place until there has been submitted to and approved in writing by the local planning authority a detailed scheme for the disposal of surface water from the site, which includes sustainable drainage measures. The scheme shall include an implementation plan and details of how the system will be installed, maintained and managed during construction and after completion of the development. The approved scheme shall be completed before any flat hereby approved is occupied. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding and any other measures to secure the site; wheel washing facilities; measures to control the emission of noise, dust and dirt and vibration during demolition and construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; and the contact details for a community liaison person for the duration of both demolition and construction stages. The approved Statement shall be adhered to throughout the demolition and construction period for the development.

- 8) No development shall take place until a scheme and programme to close the existing southernmost access to the site off More Lane and to reinstate the adjacent footway, verge and kerb have been submitted to and approved in writing by the local planning authority. The closure of that access and the reinstatement of the footway, verge and kerb shall be carried out in accordance with the approved details and programme.
- 9) No flat hereby permitted shall be occupied until space has been laid out within the site for vehicle parking and turning in accordance with a detailed scheme that has previously been submitted to and approved in writing by the local planning authority. The space for vehicle parking and turning to be provided shall be kept available for these purposes at all times and shall be permanently retained as such thereafter.
- 10) No flat hereby permitted shall be occupied until the accesses off More Lane have been constructed in accordance with the approved drawings and are available for use. The accesses shall be retained as such and available for use at all times. No structure, object or planting exceeding 1050 millimetres in height shall subsequently be erected or allowed to grow within the visibility splays on each side of the accesses.
- 11) No trees within the site shall be uprooted, felled, removed, lopped, topped, destroyed or in any way damaged without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plans. Any trees, hedgerows, plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within five years of the development commencing, shall be replaced within the next planting season with trees, hedgerows, plants or shrubbery of such size and species as may be approved in writing by the local planning authority.
- 12) No flat hereby permitted shall be occupied until hard and soft landscape works have been carried out in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. Where appropriate, the scheme shall include: means of enclosure including boundary treatment; car parking layout; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, gates, signs, lighting); and proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines, services to electronic gates etc indicating lines, manholes and supports). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers and densities.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees, shrubs, hedges, plants that within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 14) No site clearance, demolition, preparatory work or development shall take place until a scheme for the protection of the retained trees and the appropriate working methods in accordance with British Standard BS 5837: 2012 (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the local planning authority. There shall be no demolition or construction work, development or development related activity, including the deposit of spoil, disposal of liquids, lighting of fires, or the storage of materials or machinery, within the protected areas. The scheme for the protection of the retained trees shall be carried out as approved.
- 15) No flat hereby permitted shall be occupied until the measures set out in Section 4, Results and Recommendations, in the Preliminary Ecological Appraisal (Extended Phase 1 Habitat Survey), dated 25 August 2017, have been implemented in full. The approved measures shall be permanently retained thereafter.
- 16) Details of the method, timing and duration of any pile driving operations associated with the construction of the development hereby permitted shall be approved in writing by the local planning authority before such operations take place and shall be implemented in accordance with the approved details.
- 17) If, during the course of demolition or development, any contamination is found within the site, it must be reported in writing immediately to the local planning authority and any demolition or development works and operations in that part of the site affected by contamination shall cease. A report specifying the measures to be taken to remediate the affected part of the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and, on completion, a verification statement shall be submitted in writing to the local planning authority. Development shall not recommence in the affected part of the site until the verification statement has been approved in writing by the local planning authority.