

Appendix 5 : Planning Statement of Common/Uncommon Ground - Planning Conditions Schedule Updated Following Agreement of Matters of Dispute dated 5 August 2020

List of Agreed Draft Conditions (without prejudice)

Condition No.	Item	Condition /Reasons
1	TIME LIMIT (FULL APPLICATION)	<p>The development described in the full element of the of the hybrid application (as shown on the plans listed in Condition 5) hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason:</p> <p>To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.</p>
2	OUTLINE (RESERVED MATTERS)	<p>Plans and particulars of the (i) layout (ii) scale (iii) external appearance of the building(s) (iv) the landscaping of the site (in relation to the development described in the outline element of the hybrid application) (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority borough council before any work on the site is commenced and shall thereafter be carried out as approved.</p> <p>Reason:</p> <p>To comply with Section 92 of the Town & Country Planning Act 1990</p>
3	OUTLINE (RESERVED MATTERS - SUBMISSION IN 3 YEARS)	<p>Application for the approval of all Reserved Matters referred to in Condition 2 above shall be made to the Borough Council local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason:</p> <p>To comply with Section 92 of the Town & Country Planning Act 1990.</p>
4	OUTLINE (DURATION)	<p>The development described in the outline element of the hybrid application hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason:</p>

Commented [PD1]: Is it sufficiently clear within the conditions which works are covered by the full application? If further clarity is needed one way might be to start as follows:
The development described in the full element of the hybrid application (as shown on the plans listed in Condition x) hereby permitted....

Commented [AH2]: Amended.

Commented [PD3]: Suggest inserting after 'site':
In relation to the development described in the outline element of the hybrid application

Commented [AH4]: Amended.

Commented [PD5]: Usual drafting is 'local planning authority'

Commented [AH6]: Amended.

Commented [PD7]: As above

Commented [AH8]: Amended.

Commented [PD9]: Suggest inserting after 'development':
described in the outline element of the hybrid application

Commented [AH10]: Amended.

Condition No.	Item	Condition /Reasons
		To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.
5	LIST OF APPROVED PLANS (FULL APPLICATION)	<p>The development described in the full element of the hybrid application hereby permitted shall be carried out in strict accordance with the following list of approved plans and documents:</p> <p>PL-001 Location Plan received on 25/02/2019 30918/AC/026 Rev A (Access Plan (Site 1 Mews Site Access)) 30918/AC/028 Rev A (Access Plan (Site 3 Villas Site Access)) 30918/AC/029 Rev A (Access Plan (Site 4 Crescent Site Access)) 30918/AC/030 Rev A (Access Plan (Site 5 Villas Site Access)), 30918/AC/031 Rev A (Sites A and 2 access) and 30918/AC/032 Rev A (Sites C and D access).</p> <p>1463/001 Rev PL1 (Track Widening (East Section) Enabling Works & Earth Works) 1463/003 Rev PL1 (Winning Post Bend and Enabling Works) Track Widening (Southwest Section) Enabling Works & Earth Works) 1463/005 Rev PL1 (Track Widening (Southwest Section) Proposed Road Realignment Winning Post Bend Proposed Road Realignment) 1463/006A Rev PL3 (Track Widening (Southwest Section) Winning Post Bend) Isopachyte 1/3) 1463/006B Rev PL3 (Track Widening (Southwest Section) Winning Post Bend) Isopachyte 2/3) 1463/006C Rev PL3 (Track Widening (Southwest Section) Winning Post Bend) Isopachyte 3/3) 1463/007 Rev PL1 (Track Widening (Southwest Section) Winning Post Bend Proposed Sections) 1463/008 Rev PL1 (Winning Post Bend and East Bend Track Widening) Soakaway Detail & Typical Drainage Details) 1463/009 Rev PL1 (Track Widening (Location Plan for Inner Extension Areas)) All received on 22/02/2019</p> <p>Reason: To ensure that the development is carried out in a satisfactory manner.</p>
6	CONSTRUCTION MANAGEMENT PLAN	<p>No development on each Site (as shown on the approved location plan PL-001) shall commence until a Construction Transport Management Plan for that Site, to include details of:</p> <p>(a) parking for vehicles of site personnel, operatives and visitors</p>

Commented [PD11]: It would be easier to follow if the plans relating to the full and outline elements are listed separately. This would also tie in with my suggestion for Condition 1.

Commented [AH12]: The wording has been amended to clarify that this condition relates only to the full elements of the application.

Commented [PD13]: They are all plans so these words seem redundant

Commented [AH14]: Agreed.

Commented [AH15]: Added these plan numbers in order to align with Condition 29.

Commented [PD16]: Referred to as 'winning post bend and enabling works' on the plan. (The highlighted descriptions below also refer to winning post bend)

Commented [AH17]: Title amended to match the title of the plan referred to.

Commented [PD18]: Referred to as 'winning post bend and east bend' on the plan

Commented [AH19]: Amended.

Commented [PD20]: Suggest inserting: *(as shown on the approved location plan PL-001)*

Commented [AH21]: Agreed.

Condition No.	Item	Condition /Reasons
		<p>(b) loading and unloading of plant and materials (c) storage of plant and materials (d) programme of works (including measures for traffic management) (e) provision of boundary hoarding behind any visibility zones (f) HGV deliveries and hours of operation (g) vehicle routing (h) measures to prevent the deposit of materials on the highway (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused (j) no HGV movements to or from the site shall take place between the hours of 7.30 and 9:30 am and 3.00 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in local residential roads during these times (k) on-site turning for construction vehicles</p> <p>has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Transport Management Plan for each Site shall be adhered to throughout the construction period for that Site. Only the approved details for the relevant Site shall be implemented during the construction of the development.</p> <p>Reason:</p> <p>In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the demolition and construction works could have implications on highway safety and amenity and should be agreed before any works begin.</p>
7	TREE PRE-COMMENCEMENT MEETING	<p>No development including groundworks and demolition on each Site shall take place and no equipment, machinery or materials shall be brought onto that Site for the purposes of the development until a pre-commencement meeting has been held on each site and attended by a suitably qualified arboriculturist, representative from the Local Planning Authority and the site manager/foreman to</p>

Commented [PD22]: Possible alternative: *The approved Construction Transport Management Plan for each Site shall be adhered to throughout the construction period for that Site.*

Commented [AH23]: Amended.

Commented [PD24]: No doubt such meetings are useful but the actual approval of the things that need to be approved is covered in Condition 8 (together with implementation). The whole condition reads more like an informative. Does it meet the test of necessity?

Commented [AH25]: Wording amended to reflect what is necessary (the check that the tree protection measures are correctly installed).

Commented [PD26]: Suitably?

Commented [AH27]: Amended.

Condition No.	Item	Condition /Reasons
		<p>ensure that -To agree working procedures and the precise position of the approved tree protection measures for the relevant Site or/and that_ all tree protection measures for the relevant Site have been installed in accordance with all documentation submitted and approved to comply with the Additional Arboricultural Information condition. The tree protection measures for the relevant Site shall be maintained for the course of the development works. To arrange a pre-commencement meeting please email tplan@elmbridge.gov.uk with the application reference and contact details.</p> <p>Reason:</p> <p>To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, DM6 of the Councils Core Strategy and Development Management Plan. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.</p>
8	ADDITIONAL ARBORICULTURAL INFORMATION	<p>No development including groundworks and demolition on each Site <u>(as shown on the approved location plan PL-001)</u> shall take place until all supporting arboricultural information for that Site has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the:</p> <ul style="list-style-type: none"> a) existing trees and hedges to be retained in the form of a Tree Survey and Arboricultural Impact Assessment, in line with BS5837:2012; b) measures taken to protect existing trees and hedges during construction, demolition, delivery / storage of materials and machinery, including a Tree Protection Plan; c) location and installation of services/utilities/drainage, including services to automated gates. d) methods of demolition within root protection area (RPA as defined in BS 5837: 2012) of retained trees. e) details of construction and installations including methodologies within a root protection area or that may impact on retained trees. f) full specification for the construction of any roads, parking areas, driveways <u>and</u>; hard surfacing <u>where</u>

Commented [PD28]: See condition 6

Commented [AH29]: Wording inserted.

Condition No.	Item	Condition /Reasons
		<p>these would be within a root protection area, including details of no dig specification and extent of the areas to be constructed using no dig surfacing.</p> <p>g) Levels and cross sections where no dig surfacing is proposed within any root protection area <u>detailed levels and cross sections to show that the raised levels of surfacing, where the installation on no dig surfacing within root protection area is proposed, demonstrating that they can be accommodated.</u></p> <p>h) all arboricultural site monitoring and supervision required for the duration of the development.</p> <p>i) methods to improve the rooting environment for retained and proposed trees and landscaping with special attention to ancient and veteran trees.</p> <p>j) foundations designs and any other proposals involving below ground excavation inside root protection areas or that may impact on root protection areas.</p> <p>The relevant part of the development thereafter shall be implemented in strict accordance with the approved details. <u>The approved tree protection measures shall be maintained for the course of the development works.</u></p> <p><u>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. 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.</u></p> <p>Reason:</p> <p>To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, DM6 of the Councils Core Strategy and Development Management Plan. This is</p>

Commented [PD30]: Is this intended to apply within RPA?

Commented [AH31]: Yes – reference inserted.

Commented [PD32]: Suggested alternative:
Levels and cross sections where no dig surfacing is proposed within any root protection area

Commented [AH33]: Amended.

Commented [AH34]: Wording added to take account of comments on Condition 26 below.

Commented [AH35]: Wording added to take account of comments on Condition 33 below.

Condition No.	Item	Condition /Reasons
		required to be a pre-commencement condition as the details go to the heart of the planning permission.
9	TREE PLANTING & MAINTENANCE	<p>No development including groundworks and demolition on each Site (as shown on the approved location plan PL-001) shall take place until full details of all proposed tree planting for that Site have been 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 relevant part of the development shall be completed in accordance with the approved details.</p> <p>Reason:</p> <p>To protect and enhance the appearance and character of the site and locality in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, DM6 of the Councils Core Strategy and Development Management Plan. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.</p>
10	CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (NATURAL ENGLAND) (SITES 1 and A)	<p>Prior to the commencement of any development on Site 1 and Site A hereby permitted, a site specific Final Construction Environmental Management Plan for that Site shall be submitted to and agreed by approved in writing by the Local Planning Authority in writing. The Construction Environmental Management Plan shall include measures to avoid damage to nearby ancient woodland and veteran trees, including measures to control dust and potentially polluted run off from the Site but not be limited to details on how certain activities will not impact or damage the ancient woodland and veteran trees that are in close proximity to the proposed development. This will need to include dust management and control and polluted runoff etc. No</p>

Commented [PD36]: See condition 6

Commented [AH37]: Wording added.

Commented [PD38]: Have been?

Commented [AH39]: Amended.

Commented [PD40]: These words don't seem to add anything

Commented [AH41]: Agreed.

Commented [PD42]: For consistency with other conditions: *submitted to and approved in writing by....*

Commented [AH43]: Amended.

Commented [PD44]: Suggested alternative: *measures to avoid damage to nearby ancient woodland and veteran trees, including measures to control dust and potentially polluted run off from the Site.*

Commented [AH45]: Amended.

Condition No.	Item	Condition /Reasons
		<p>materials, machinery or work should encroach on to the root protection areas of the ancient woodland or the veteran trees, either before, during or after construction, unless agreed otherwise.</p> <p><i>The approved Construction Environmental Management Plan for each Site shall be adhered to throughout the demolition and construction period for that Site.</i></p> <p>The demolition and construction contractor(s) are required to implement and comply with the requirements of the agreed Final CEMP for the relevant Site during the demolition and construction phases of the development.</p> <p>Reason:</p> <p>To avoid adverse impacts on the ancient woodland in accordance with Policies CS14 and CS15 of the Elmbridge Core Strategy 2011, Policies DM6 and DM21 of the Development Management Plan 2015 and requirements of the NPPF 2019.</p>
11	ARCHAEOLOGY - WRITTEN SCHEME OF INVESTIGATION (SITE 1)	<p>No development shall take place on Site 1 until the implementation of a programme of archaeological monitoring for Site 1 has been secured, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.</p> <p>The development associated with the Site 1's access that forms part of a full application ref. 2019/0551 is not subject of this Condition.</p> <p><i>Development on Site 1 described in the full element of the hybrid application is not covered by this condition.</i></p> <p>Reason:</p> <p>The site is within/adjacent to an area of high archaeological potential. It is considered necessary for this to be a pre-commencement condition because it is important that any archaeological information present should be preserved as a record before it is destroyed by the development in accordance with Policy DM12 of the Elmbridge Development Management Plan 2015.</p>

Commented [JP46]: Site A requires resurfacing works within the RPAs of the veteran trees. Add 'unless otherwise agreed as part of the ADDITIONAL ARBORICULTURAL INFORMATION' no materials...

Commented [AH47R46]: "Unless agreed otherwise" is an impermissible tailpiece so I suggest removal of this wording.

Commented [PD48]: Suggested alternative: *The approved Construction Environmental Management Plan for each Site shall be adhered to throughout the demolition and construction period for that Site.*

Commented [AH49]: Amended.

Commented [PD50]: Suggested alternative: *Development described in the full element of the hybrid application is not covered by this condition.*

Commented [AH51]: Amended, added reference to Site 1 for clarity.

Condition No.	Item	Condition /Reasons
12	ARCHAEOLOGY - WRITTEN SCHEME OF INVESTIGATION (SITES 2, 3, 4 and 5)	<p>No development shall take place on Site 2, 3, 4 or 5 until the implementation of a programme of archaeological work for each Site has been secured, to be conducted in accordance with a <u>site-specific</u> written scheme of investigation for that Site which has been submitted to and approved, in writing, by the Local Planning Authority.</p> <p><i>Development on Sites 2, 3, 4 and 5 described in the full element of the hybrid application is not covered by this condition.</i></p> <p><i>The development associated with the respective Sites' accesses that form part of a full application ref. 2019/0551 are not subject of this Condition.</i></p> <p>Reason:</p> <p>The development proposed covers a large surface area or is within an Area of High Archaeological Potential and it is therefore considered likely that it will affect currently unknown archaeological information. It is considered necessary for this to be a pre-commencement condition because it is important that the site is surveyed and work is carried out as necessary in order to preserve as a record any such information before it is destroyed by the development, in accordance with Policy DM12 of the Elmbridge Development Management Plan 2015.</p>
13	ARCHAEOLOGY - ARCHAEOLOGICAL IMPACT ASSESSMENT (SITES A, B, C, D and F)	<p>As part of any Reserved Matters/detailed application relating to Sites A, B, C, D and F, a <u>site-specific</u> Archaeological Impact Assessment for relevant Site/Sites shall be <u>submitted to and approved in writing by the local planning authority</u>. The Archaeological Impact Assessment shall <u>assess the archaeological potential of the Site/Sites and include details of any programme of archaeological work that may be required. Any pre-commencement archaeological work identified by the Assessment shall be carried out in full prior to commencement. Thereafter, development shall be carried out in accordance with the approved Archaeological Impact Assessment. define in detail the archaeological potential of the relevant site and allow decisions to be made on the need for, and scope of, any programme of pre-commencement archaeological work that may be required for the relevant Site.</u></p>

Commented [PD52]: Suggest deletion (duplication)

Commented [AH53]: Agreed.

Commented [PD54]: Suggested alternative as for condition 11

Commented [AH55]: Amended with reference to the sites.

Commented [PD56]: Suggest deletion (duplication)

Commented [AH57]: Amended.

Commented [PD58]: Suggest: *submitted to and approved in writing by the local planning authority.*

Commented [AH59]: Amended.

Commented [PD60]: Suggest: *assess the archaeological potential of the Site/Sites and include details of any programme of archaeological work that may be required. Development shall be carried out in accordance with the approved Archaeological Impact Assessment*

Commented [AH61]: Agreed – wording slightly amended to take account of potential for pre-commencement archaeological works if necessary.

Condition No.	Item	Condition /Reasons
		<p><u>Development on Sites A, B, C, D and F described in the full element of the hybrid application is not covered by this condition.</u></p> <p><u>The development associated with the respective Sites' accesses that form part of a full application ref. 2019/0551 are not subject of this Condition.</u></p> <p>Reason:</p> <p>The development proposed covers a large surface area and it is therefore considered likely that it will affect currently unknown archaeological information. It is important that the site is surveyed to establish the scope of the necessary work to be carried out prior to commencement of development in order to preserve as a record any such information before it is destroyed by the development, in accordance with Policy DM12 of the Elmbridge Development Management Plan 2015.</p>
14	POLLUTION SITING/POSITIONING OF DWELLINGS	<p>Prior to the commencement of any development on each Site hereby permitted, a scheme for protecting the occupants of the proposed development from noise and air pollution from the main Portsmouth Road for that Site shall be submitted to and approved in writing, by the Local Planning Authority. The scheme shall include, but not be limited to the location, design and outside appearance of the buildings and landscaping of the site. (Details for access have already been submitted to the Local Planning Authority).</p> <p>Detailed drawings be submitted to and approved by the Local Planning Authority to show:</p> <p>i. layout</p> <p>ii. scale</p> <p>iii. appearance</p> <p>iv-i. landscaping (as defined in the Town and Country Planning (Management Procedure) (England) Order 2015 (as amended)).</p> <p>The approved scheme shall be completed prior to the first occupation of the development.</p> <p>Reason:</p>

Commented [PD62]: See condition 11

Commented [AH63]: Amended.

Commented [PD64]: Is this needed? It seems to duplicate the 2 conditions that follow.

Commented [AH65]: I have merged the requirements of this condition (which seeks to ensure that noise/air quality are taken into account when the design and layout are fully developed) into the following two conditions. If this is accepted, Condition 14 can be deleted.

Commented [PD66]: This duplicates condition 2 so is not necessary.

Commented [AH67]: Agreed.

Condition No.	Item	Condition /Reasons
		<p>To avoid adverse impacts on health and quality of life from pollution in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.</p>
15	NOISE IMPACT STATEMENT	<p>Part A - Prior to the commencement of any development on each Sites B, 1, 2, 3, 4 and 5 (as shown on the approved location plan PL-001) hereby permitted, a Noise Impact Assessment for that Site shall be submitted to and approved in writing by the local planning authority. in support of proposed development to the Local Planning Authority and approved in writing.</p> <p>The Noise Impact Assessment for that Site shall identify that all existing and future sources of noise, including the hotel facilities, outdoor amenity space and nursery, are fully considered, understood and quantified, that all nearby noise sensitive and other relevant receptors have been identified and that the impact on the receptor has been established with reference to relevant acceptability criteria. The Assessment must also include the location, design and outside appearance of the buildings and landscaping of the site.</p> <p>Part B - Prior to first occupation, a post-completion noise assessment to demonstrate that the finished development (with mitigation) achieves the specified criteria shall be submitted to and approved in writing by the local planning authority. will then be submitted to the Local Planning Authority and approved in writing to demonstrate that the finished development (with mitigation) achieves the specific criteria. Most acceptability criteria are set out in British Standards or other published guidance and it expected the good standard will be met.</p> <p>Reason: To avoid adverse impacts on health and quality of life from noise in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.</p> <p>Reason:</p> <p>To avoid adverse impacts on health and quality of life from noise in accordance with</p>

Commented [PD68]: Although I have commented on the detail of this condition below, I have doubts about the condition as a whole. Is it meant to apply to every site (including residential and racecourse widening)?

I'm not sure about the practicalities of assessing the hotel before it is occupied because not all of the plant and equipment that might generate noise will be in operation.

Commented [AH69]: The developer will need to consider the location and type of plant/equipment in relation to the potential for harm from noise.

Commented [PD70]: Redundant?

Commented [AH71]: Agreed.

Commented [PD72]: See condition 10

Commented [AH73]: Amended.

Commented [PD74]: Suggest to demonstrate that the finished development (with mitigation) achieves the specified criteria shall be submitted to and approved in writing by the local planning authority.

Commented [AH75]: Wording amended.

Commented [PD76]: This seems imprecise and is in the nature of an informative. If the LPA is not satisfied with the criteria the assessment won't be approved under the first part of the condition. Suggest deleting these words.

Commented [AH77]: Agreed.

Condition No.	Item	Condition /Reasons
		the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.
16	VENTILATION SYSTEMS (SITES 2 AND 5)	<p>Part A - Prior to the commencement of the development on Site 2 and Site 5 hereby permitted (as shown on the approved location plan PL-001), details of an environmentally friendly passive ventilation scheme for that Site, to provide fresh air to habitable rooms for the residential units facing Portsmouth Road as well as the location, design and outside appearance of the buildings and landscaping of the site, namely site development locations 2 and 5 as shown on the submitted Site Map document, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme for the relevant Site shall be implemented in its entirety before any of the units on that Site are occupied.</p> <p>Part B - Following the implementation of the approved ventilation scheme and prior to the first occupation of site development locations 2 and 5 Sites 2 and 5, a post-completion noise assessment to demonstrate that the Approved scheme has been fully and correctly implemented shall be submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be maintained in accordance with the approved details.</p> <p>An inspection by the Council's representative from Environmental Health Pollution Team shall be arranged to ensure that the above scheme has been fully implemented in accordance with the approval; and this to be confirmed in writing by the Local Planning Authority. The works and approved scheme shall be maintained in accordance with the approved details thereafter.</p> <p>Reason:</p> <p>To sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework 2019.</p>

Commented [PD78]: This wording does not seem to be precise.

Commented [AH79]: Removed.

Commented [PD80]: Not needed (duplication)

Commented [AH81]: Agreed.

Commented [PD82]: This describes a process rather than specifying what needs to be approved. If a post-completion assessment is needed similar wording to condition 15 could be considered.

Commented [AH83]: Amended the paragraph above to address this.

Condition No.	Item	Condition /Reasons
17 *	NOISE INSULATION TO BUILDINGS	<p>Prior to the commencement of any development on each Site hereby permitted, a scheme to demonstrate that the external noise levels within the curtilage and internally of the residential units will conform to the guideline value as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Prior to the commencement of any development on each Site hereby permitted, a scheme to demonstrate that the external noise levels within the curtilage and internally of the residential units will meet the guideline values for outdoor amenity space, bedrooms and living space (as appropriate) as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, or as may be amended or updated, shall be submitted to and approved in writing by the Local Planning Authority. The scheme report shall include details of noise attenuation measures required to meet the standard for internal and external noise levels, as defined in table 4 of BS8233:2014 (including glazing and ventilation details). The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the occupation of the premises and be retained thereafter.</p> <p>Reason:</p> <p>To avoid adverse impacts on health and quality of life from noise in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.</p>
18	INSULATION OF PLANT AND MACHINERY (Noise from plant and equipment - BS4142: 2014 Rating and Assessing Industrial and Commercial Sound)	<p>Part A - Prior to the commencement of any development on each Site hereby permitted, a detailed scheme for that Site, including siting and positioning, of any fixed plant, machinery, air-moving extraction or filtration, refrigeration equipment, air-conditioning units or like-kind to be used on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for the relevant Site shall then be implemented in full in accordance with the approved details.</p>

*
This condition has been amended from the draft in the case officer's committee report on the advice of the Appellant's noise consultant, Sharps Redmore

The amended condition has been agreed as confirmed in matter of dispute document dated 5 August 2020

Commented [PD84]: Scheme?

Commented [AH85]: Amended.

Commented [PD86]: Part A?

Commented [AH87]: Amended.

Condition No.	Item	Condition /Reasons
		<p>Part B - Prior to the first occupation of any part of the development, a detailed noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. <u>The detailed noise assessment shall include details of any noise mitigation measures considered necessary.</u> The detailed noise assessment report shall be submitted to and approved in writing by the Local Planning Authority. <u>In the event that noise mitigation measures are necessary, these shall be implemented in full as approved prior to occupation and thereafter maintained in accordance with that approval.</u></p> <p>The approved works and scheme hereby approved shall be implemented as approved and thereafter maintained in accordance with that approval.</p> <p>Reason:</p> <p>To avoid adverse impacts on health and quality of life from noise in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.</p>
19	ARTIFICIAL LIGHTING	<p>Prior to the commencement of any development on each Site hereby permitted, a lighting scheme for that Site shall be submitted to and approved by the Local Planning Authority in writing.</p> <p>The lighting scheme shall identify how the existing and installation of any additional artificial lighting is orientated and shielded or otherwise designed and positioned, such that the light emitted from them does not cause light nuisance to habitable rooms <u>or to light-sensitive protected species.</u> The lighting scheme shall refer to national guidance and identify the type of lighting to be installed, height of any columns, any shielding and lux mapping showing light spillage levels received at ground level around the development. <u>The lighting shall comply with the recommendations of the Bat Conservation Trust's document 'Bats and Lighting in the UK - Bats and The Built Environment Series'.</u> The works and scheme hereby approved shall be implemented and thereafter retained and maintained in accordance with that approval.</p> <p>Reason:</p>

Commented [PD88]: The condition doesn't specify any required outcome. What if the assessment concludes that the plant is very noisy?

Commented [AH89]: Added a sentence to address this.

Commented [PD90]: This doesn't add to the implementation of the scheme required under Part A

Commented [AH91]: I have amended the sentence preceding for clarity.

Commented [AH92]: Wording added to take account of comments on Condition 25 below.

Commented [AH93]: Wording added to take account of comments on Condition 25 below.

Condition No.	Item	Condition /Reasons
		<p>To avoid adverse impacts on health and quality of life from light pollution <u>and to ensure that the development does not result in any adverse impact upon protected species or biodiversity</u> in accordance with the National Planning Policy Framework 2019, <u>Policy CS15 of the Core Strategy 2011</u> and EBC <u>Policyies DM5 and DM21</u> of the Development Management Plan 2015.</p>
20	CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN	<p>Prior to the commencement of any development on each Site hereby permitted, a site specific Final Construction Environmental Management Plan for that Site shall be submitted to and agreed by the Local Planning Authority in writing, and approved in writing by the local planning authority as specified in the submitted Outline Construction Environmental Management Plan, dated January 2019. The Final Construction Environmental Management Plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> - Procedures for maintaining good public relations including complaint management, public consultation and liaison. - Arrangements for liaison with the Council's Environmental Health Pollution Team. - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays; 08 00 and 13 00 Hours on Saturdays; and at no time on Sundays and Bank Holidays. - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above. - Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 (Amended 2014) Code of Practice for Noise and Vibration Control Construction on Construction and Open Sites shall be used to minimise noise disturbance from construction works (including piling and excavation) - Procedures for emergency deviation of the agreed working hours. - Elmbridge Borough Council encourages all contractors to be 'Considerate Contractors' when working in the Borough by being aware of the needs of neighbours and the environment. - Control measures for dust and other air-borne pollutants. - Measures for controlling the use of site

Commented [PD94]: These words seem redundant.

Commented [AH95]: Agreed.

Commented [PD96]: As above

Commented [AH97]: Amended.

Commented [PD98]: These words seem redundant.

Commented [AH99]: Agreed.

Commented [PD100]: This is an informative. Suggest deleting.

Commented [AH101]: Agreed.

Condition No.	Item	Condition /Reasons
		<p>lighting whether required for safe working or for security purposes. - Community Liaison arrangements - Control of emissions and noise from vehicular movements associated with activities at the site.</p> <p>The demolition and construction contractor(s) are required to implement and comply with the requirements of the agreed Final CEMP for the relevant Site during the demolition and construction phases of the development.</p> <p><u>The approved Construction Environmental Management Plan for each Site shall be adhered to throughout the demolition and construction period for that Site.</u></p> <p>Reason:</p> <p>To avoid adverse impacts on health and quality of life from pollution in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.</p>
21	MANAGEMENT OF ANCIENT WOODLAND (NATURAL ENGLAND) (SITES A and 1)	<p>Prior to commencement of any development on Site A and Site 1, a detailed Landscape and Ecological Management Plan (LEMP) for that Site shall <u>should</u> be submitted to and approved in writing by the Local Planning Authority. The LEMP should <u>shall</u> include adequate details of the following:</p> <ul style="list-style-type: none"> - Description and evaluation of features to be managed and created including measures to compensate for proposed loss of habitat. - Quantified information relating to impact avoidance, mitigation, compensation and enhancement measures for protected species, including provision integral to the design of the new development. - Aims and objectives of management. - Appropriate management options to achieve aims and objectives. - Prescriptions for management actions. -Preparation of a work schedule for securing biodiversity enhancements in perpetuity. - Details of the body or organisation responsible for implementation of the LEMP. - Ongoing monitoring and remedial measures. - Details of legal/funding mechanisms.

Commented [PD102]: Suggested alternative as for condition 10.

Commented [AH103]: Amended.

Commented [PD104]: Shall?

Commented [AH105]: Agreed.

Commented [PD106]: shall include: ?

Commented [AH107]: Amended.

Condition No.	Item	Condition /Reasons
		<p><u>Development shall be carried out in accordance with the approved LEMP and shall thereafter be retained as such</u></p> <p><u>The approved details for the relevant Site shall be implemented in full upon commencement of works to the satisfaction of the LPA.</u></p> <p>Reason:</p> <p>To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Policy CS15 of the Core Strategy 2011, Policy DM21 of the Development Management Plan 2015 and the National Planning Policy Framework 2019.</p>
22	AIR QUALITY (SITES 1,2,5,A, B and F)	<p>Part A – Prior to the commencement of development on each Site hereby permitted, a detailed air quality appraisal of the relevant highway improvements associated with the works requested by condition 'SUSTAINABLE TRANSPORT IMPROVEMENTS' shall be submitted to and agreed in writing by the Local Planning Authority. <u>The design of any highway improvements shall take account of the need to improve localised air quality in conjunction with the capacity and safety criteria to enable the Esher High Street AQMA to be undeclared.</u></p> <p>Part B – Within 14 months of completion of the development hereby permitted including the Highway Improvement Scheme works, a detailed air quality study of the highway improvement works carried out by a competent person, shall be submitted to and approved in writing by the Local Planning Authority. The study shall include, but not be limited to:</p> <p>Comparing the air quality (pre-highway improvement works) to that of the post-highway improvements works (to include NO2, PM2.5 and PM10) using data captured after the development has been in place for up to 12 months.</p> <p>Reason:</p> <p>To take up the opportunities to improve air quality in accordance with the requirements of the National Planning Policy Framework and to enable the</p>

Commented [PD108]: Suggest:
Development shall be carried out in accordance with the approved LEMP and shall thereafter be retained as such.

Commented [AH109]: Amended.

Commented [JL110]: This appears to be redundant

Commented [PD111]: Is it intended that there should be a single appraisal of all of the improvements? If so why refer to 'each site'?

Commented [AH112]: It is intended that separate appraisals will be produced in relation to each of the sites, as they will not all come forward at the same time.

Commented [PD113]: This reads as a general statement of intent – not clear how this affects what is required to be approved under this condition.

Commented [AH114]: The reason for the condition is sufficient to cover the need to improve local air quality, so I have deleted this.

Commented [PD115]: Not clear what flows from this assessment. The works are by now in place. How does this meet the test of necessity?
In practical terms, how do you identify improvements in AQ attributable to various measures spread over a wide area when other factors will also have changed?

Commented [AH116]: I have deleted this section of the condition.

Condition No.	Item	Condition /Reasons
		assessment of the impact of the proposed development on the air quality in the Esher High Street AQMA.
23	POTENTIAL LAND CONTAMINATION	<p>To ensure the potential for contamination has been investigated and the necessary action taken to make the development site suitable for its proposed use, the following steps must be completed to the satisfaction of the Council.</p> <p>No development shall be commenced on each Site until step (a) has been completed for that Site by a competent person. Furthermore, there shall be no occupation of any part of the site by any end user prior to meeting the terms of this condition in full.</p> <p>a) SITE INVESTIGATION, METHOD STATEMENT AND REMEDIATION (i) A written site-specific investigation plan using the information obtained from the preliminary investigation (Listers Geo, Report no 18.10.006, Oct 2018), providing details of the investigation for soil, gas and controlled waters where appropriate, shall be submitted to and approved in writing by the Council. approved by the Council. in writing. (ii) The site investigation shall be undertaken in accordance with the scheme approved agreed by the Borough Council. The results of the site investigation, a refined conceptual model and a risk assessment of any contamination found shall be submitted to and approved in writing by the Council in local planning authority writing. (iii) A written Remediation Method Statement, with Verification Plan, detailing any remediation requirements shall be submitted to and approved in writing by the Council in local planning authority writing.</p> <p>b) 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 to and approved in writing by the local planning authority. Any post remediation monitoring identified in the Method statement, shall be installed by the developer within the timescales identified in the Method Statement and maintained and operated for as long as identified by the Method Statement.</p>

Commented [PD117]: These words appear to be a reason rather than part of the condition.

Commented [AH118]: Deleted.

Commented [PD119]: Submitted to and approved in writing by the local planning authority (for consistency with other conditions). (Similar instances highlighted in the rest of the schedule).

Commented [AH120]: Amended.

Commented [PD121]: Approved

Commented [AH122]: Amended.

Condition No.	Item	Condition /Reasons
		<p>c) 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 <u>local planning authority</u>, a written addendum to the Method Statement detailing how the unsuspected contamination shall be dealt with.</p> <p>d) PILING Development approved by this permission shall not commence unless a Foundation Works Risk Assessment for piling foundations (if piling is to be used on site) has been <u>submitted to, and approved in writing agreed in writing, by the local planning authority-Borough Council</u>. The piling shall be undertaken only in accordance with the method outlined in the approved Foundation Works Risk Assessment.</p> <p>e) 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 <u>submitted to and approved in writing by the local planning authority in writing, and approved by the Council</u>. 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 <u>local planning authority-Council</u> as part of step (g). This shall include both the results of the sampling program and also details of the origin, transport, final deposition and any temporary stockpiling of the imported materials.</p> <p>f) COMPLETION OF REMEDIATION AND VERIFICATION REPORT Note: Verification by an independent, competent person must be carried out prior to occupation of any part of the site by any end user. It is recognised that in some large scale developments, defined areas will be phased to enable part site occupation prior to completion of the entire site. Where this approach has been implemented separate verification reports for each phase must be prepared</p>

Condition No.	Item	Condition /Reasons
		<p>and submitted to the Council for written approval prior to occupation of the defined area by any end user.</p> <p>Upon completion of the remediation detailed in the Method Statement, and before occupation of any part of the any Site <u>as shown on the approved location plan PL-001</u> by any end user (see note above), a written Verification Report shall be <u>submitted to and approved in writing, and agreed in writing by, the Council by the local planning authority</u> providing verification that the required works regarding decontamination and installation of post remediation monitoring, have been carried out in accordance with the agreed Method Statement and any addenda thereto. The verification shall be carried out and reported by an independent, competent person, stating that remediation was carried out in accordance with the approved remediation scheme and that the site is suitable for the permitted end use.</p> <p>Reason:</p> <p>To avoid adverse effects from pollution on the environment, harm to human health or general amenity, in accordance with the National Planning Policy Framework and EBC Policy DM5 of the Development Management Plan 2015.</p>
24	SUDS - DETAILED LAYOUT	<p>Each Phase of the development hereby permitted shall not commence. No development on each Site (as shown on the approved location plan PL-001) shall commence until details of the design of a surface water drainage scheme for that phase has ve been submitted to and <u>approved in writing by the local planning authority</u>. The design must satisfy the <u>Sustainable Drainage Systems (SuDS)</u> Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:</p> <p>a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.</p> <p>b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated</p>

Commented [PD123]: This seems to be an informative. The condition could refer to the sites defined under condition 2. Suggest deleting.

Commented [AH124]: Deleted.

Commented [PD125]: Suggest: *any Site (as shown on the approved location plan PL-001)*

Commented [AH126]: Amended.

Commented [PD127]: This seems to duplicate the previous sentence. If the report is not by a suitable person it will not be approved. Suggest deleting.

Commented [AH128]: Agreed.

Commented [PD129]: In full first time the term is used

Commented [AH130]: Full title used.

Condition No.	Item	Condition /Reasons
		<p>discharge rates and storage volumes shall be provided using a greenfield discharge rate for the positively drained area of that <u>site phase</u> only.</p> <p>c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).</p> <p>d) Confirmation that any existing drainage infrastructure within each <u>site phase</u> will be incorporated or diverted as part of the surface water drainage design.</p> <p>e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.</p> <p>f) Details of drainage management responsibilities and maintenance regimes for the drainage system.</p> <p>g) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is <u>operational</u>.</p> <p><u>Development shall be carried out in accordance with the approved details and shall thereafter be permanently retained as such.</u></p> <p><u>Prior to the first occupation of each Site, a verification report carried out by a suitably-qualified drainage engineer be submitted to and approved in writing by the local planning authority. The verification report shall 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).</u></p> <p>Reason:</p> <p>To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does.</p>
25	SENSITIVE LIGHTING MANAGEMENT PLAN (SWT)	<u>Prior to commencement of any development on each Site hereby permitted, details of any external lighting</u>

Commented [PD131]: Suggest adding:
Development shall be carried out in accordance with the approved details and shall thereafter be permanently retained as such.

Commented [AH132]: Wording added.

Commented [AH133]: Wording added to address comments on Condition 37 below.

Commented [PD134]: Although the purpose is different much of the information submitted for condition 19 will be relevant here. To avoid duplication or conflict between the two, would it be better to combine these conditions?

Commented [AH135]: I have amended Condition 19 to take account of this comment. If this is accepted, Condition 25 can be deleted.

Condition No.	Item	Condition /Reasons
		<p>scheme for that Site to comply with the recommendations of the Bat Conservation Trust's document 'Bats and Lighting in the UK - Bats and The Built Environment Series' shall be submitted to and approved in writing by the Borough Council. The lighting shall be carried out in accordance with the approved details for the relevant Site and shall not subsequently be altered without the prior written approval of the Borough Council.</p> <p>Reason:</p> <p>To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Policy CS15 of the Core Strategy 2011, Policy DM21 of the Development Management Plan 2015 and the National Planning Policy Framework 2019.</p>
26	TREE PROTECTION MEASURES	<p>After the agreed tree protection measures have been installed in accordance with the approved plans, all tree protection measures shall be maintained for the course of the development works. The development thereafter shall be implemented in strict accordance with the approved details and method statements contained in any documentation submitted and approved to comply with the Additional Arboricultural Information condition.</p> <p>Reason:</p> <p>To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, DM6 of the Councils Core Strategy and Development Management Plan.</p>
27	SUSTAINABLE TRANSPORT IMPROVEMENTS	<p>The development at the individual sites hereby approved shall not be first occupied or first opened for trading unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:</p> <p>(a) Site 3 - The widening of the carriageway of Lower Green Road between 58 and 130 Lower Green Road and the provision of full on street parking bays.</p>

Commented [PD136]: This appears to duplicate condition 8. Suggest deleting.

Commented [AH137]: Agreed – I have amended Condition 8 slightly to refer to the requirement to maintain the approved tree protection measures for the duration of the works. If accepted, Condition 26 can be deleted.

Commented [PD138]: Is this improvement shown on the plans or in the Transport Assessment?

Commented [AH139]: It is not.

Commented [JL140]: As confirmed by John Steel QC, this element of the condition is not agreed by the appellant, and this will be raised in further detail in the conditions session. Subject to those discussions, evidently the lettering of the subsequent measures will need to be reviewed.

Commented [AH141R140]: The removal of this part of the condition is not agreed by the LPA.

Condition No.	Item	Condition /Reasons
		<p>(b) Site 1 and 3 - The improvement of bus stops located at More Lane, to include Real Time Passenger Information Systems, access for all compatible kerbing, shelters, lighting and power.</p> <p>(c) Site 1 and 2 - The improvement of bus stops located at Esher Green to include Real Time Passenger Information Systems, access for all compatible kerbing, shelters, lighting and power.</p> <p>(d) Site A, B, C and 5 - The improvement of bus stops located at Portsmouth Road to include Real Time Passenger Information Systems, access for all compatible kerbing, shelters, lighting and power.</p> <p>(e) Site 3 - The improvement of the bus stops located at Lower Green Road to include access for all compatible kerbing.</p> <p>(f) Site 3 - Assessment of the need for and subsequent provision of additional lighting and resurfacing along the footway access to Esher Railway Station from the Lower Green Road bridge to Platform 4 of the railway station</p> <p>(g) Sites F - Provision of informal pedestrian crossing points and central refuges on either side of the right hand turn lane of the primary access to the site from Portsmouth Road.</p> <p>(h) Sites 1, 2, 3, 4, 5, A and B - Provision of a crossing point that is accessible for all between Station Road and Esher Railway Station.</p> <p>(i) Sites 1 and C - Footway improvements to the More Lane footway on the site side that leads to the existing bus stop opposite 19 More Lane, to include informal crossing point.</p> <p>(j) Sites 2, 4 and 5 - Assessment of the pedestrian route between sites 2, 4, and 5 and provision of improvements such as improved pedestrian signage, cleaning the drains at the corner of Station Road and Portsmouth Road, improvements to the footway surface and new bus stops. (k) Site 5 - Provision of informal pedestrian crossing point and a central refuge with the right hand turn lane to the site from Portsmouth Road.</p> <p>and thereafter the said approved facilities on Racecourse land shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.</p> <p>Reason:</p>

Commented [PD142]: Most, if not all, of the improvements appear to be in the highway. Therefore the condition can require provision before occupation. Thereafter, retention and maintenance would not be in the control of the applicant.

Commented [AH143]: Agreed.

Condition No.	Item	Condition /Reasons
		<p>In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015; and to promote sustainable modes of transport in line with the requirements of the NPPF 2019.</p>
28	SECURED BY DESIGN	<p>No development above the slab level for each Site shall take place until details of how the development is to meet the requirements of 'secured by design' for that Site have been submitted to and approved in writing by the local planning authority. Thereafter development shall be undertaken in accordance with the approved details for the relevant Site and permanently maintained thereafter.</p> <p>Reason:</p> <p>To ensure that the development creates safe and secure environment and reduces opportunities for crime in accordance with Policy DM2 of the Development Management Plan 2015 and the NPPF 2019.</p>
29	MODIFIED/NEW ACCESSES	<p>Site 1 shall not be occupied unless and until the proposed access to More Lane has been constructed and provided with visibility zones in accordance with drawing number 30918/AC/026 REV A.</p> <p>Site 3 shall not be occupied unless and until the existing access from Lower Green Road has been closed, and any footway/verge and kerblines reinstated and the proposed new access to Lower Green Road has been constructed and provided with visibility zones in accordance with drawing number 30918/AC/028 REV A.</p> <p>Site 4 shall not be occupied unless and until the existing access from Station Road has been closed, and any footway/verge and kerblines, verge and footway reinstated and the proposed new access to Station Road has been constructed and provided with visibility zones in accordance with drawing number 30918/AC/029 REV A.</p> <p>Site 5 shall not be occupied unless and until the proposed new northern access to Portsmouth Road has been constructed and provided with visibility</p>

Condition No.	Item	Condition /Reasons
		<p>zones in accordance with drawing number 30918/AC/030 REV A.</p> <p>Site C and D shall not be opened for trading/occupation unless and until the proposed modified access to More Lane has been constructed and provided with visibility zones in accordance with drawing number 30918/AC/032 REV A.</p> <p>Site A and Site 2 shall not be occupied unless and until the modified internal access road linking to the southern access to Portsmouth Road has been constructed and provided with visibility zones in accordance with drawing number 30918/AC/031 REV A.</p> <p>All the above shall be implemented in accordance with the approved details a scheme or schemes to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.</p> <p>Reason:</p> <p>In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.</p>
30	PARKING AND TURNING	<p>The development hereby approved shall not be first occupied or first opened for trading unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles and cycles to be parked and for the loading and unloading of number vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and loading and unloading / turning areas shall be retained and maintained for their designated purposes. All cycle parking shall be secure, covered and lit.</p> <p>Reason:</p> <p>In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance</p>

Commented [AH144]: To be confirmed by the Appellant as this does not form part of the list of plans they have circulated.

Commented [AH145]: To be confirmed by the Appellant as this does not form part of the list of plans they have circulated.

Commented [PD146]: Access is not a reserved matter and the submitted plans show the visibility splays. Why are further schemes required to be submitted? Would it be better to require visibility splays to be provided in accordance with specified plan numbers for each location?

Commented [AH147]: Amended the wording of this condition to require the accesses to be implemented in accordance with the approved details.

Commented [PD148]: Delete?

Commented [AH149]: Deleted.

Condition No.	Item	Condition /Reasons
		with Policy DM7 of the Elmbridge Development Management Plan 2015.
31	CLOSURE OF EXISTING ACCESSES	<p>The development hereby approved shall not be first occupied or first opened for trading unless and until the existing accesses from the site to Lower Green Road and to Station Road have been permanently closed and any kerbs, verge, footway, fully reinstated.</p> <p>Reason:</p> <p>In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.</p>
32	EVENT MANAGEMENT PLAN	<p>Prior to the occupation/first use of any of the developments at sites A, B, C, D and F an Event management plan shall be submitted to and approved in writing by for the written approval of the Local Planning Authority and then the approved Event management plan shall be implemented on occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Event management plan to the satisfaction of the Local Planning Authority.</p> <p>The Event management plan shall include, but not be limited to the following details:</p> <p>(a) Traffic management provision of all accesses to the site to ensure the free flow of traffic on all public highways.</p> <p>(b) Provision of and method of delivery of overspill car parking provision off site.</p> <p>(c) Measures to encourage visitors to the site to park in designated locations and measures to discourage parking on local streets that may result in increased highway safety or capacity risks.</p> <p>(d) A definition of what constitutes an Event and associated trigger points for the implementation of the Event Management Plan.</p> <p>(e) Communication methods and processes for relevant stakeholders - local residents, the local planning authority and the County Highways Authority LPA and CHA.</p> <p>(f) Provision of any additional access points to the site for Event use only.</p> <p>(g) Measures to encourage sustainable transport to and from the site during Events.</p>

Commented [PD150]: Covered above in condition 29

Commented [PD151]: Could this also be covered in condition 29?

Commented [AH152]: I have amended Condition 29 to cover these works. If this is accepted, Condition 31 can be deleted.

Commented [PD153]: Suggest deleting these words and then adding at the end of the condition: *Development shall be carried out and thereafter operated in accordance with the approved Event management plan.*

Commented [AH154]: Agreed.

Commented [PD155]: Redundant?

Commented [AH156]: Agreed.

Commented [PD157]: Can a condition control an unspecified off site location?

Commented [AH158]: A location off-site can be controlled using a Grampian condition, but I take the point that the condition leaves the location(s) unspecified. There is a reasonable expectation that the existing overspill parking mitigation would be continued so I have deleted this.

Commented [PD159]: In full

Commented [AH160]: Full titles added.

Commented [PD161]: Has this been assessed in the TA? Potential for significant localised impacts that may not have been assessed.

Commented [AH162]: I have deleted this part of the condition.

Condition No.	Item	Condition /Reasons
		<p><u>Development shall be carried out and thereafter operated in accordance with the approved Event management plan.</u></p> <p>Reason:</p> <p>In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmburgh Development Management Plan 2015.</p>
33	TREE RETENTION	<p>All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the proposed development.</p> <p>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.</p> <p>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.</p> <p>Reason:</p> <p>To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, DM6 of the Councils Core Strategy 2011 and Development Management Plan 2015.</p>
34	TRAVEL PLANS	<p>Prior to the occupation of the development an Umbrella Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy</p>

Commented [PD163]: Tree retention is dealt with at Condition 8. Is this condition needed? If it adds anything to condition 8 should the conditions be merged?

Commented [AH164]: I have added parts a) and b) to Condition 8 above. If this is accepted, Condition 33 can be deleted.

Commented [PD165]: 'Umbrella' not very clear. 'maintain and develop' travel plan not precise. Suggest: *Prior to the occupation of the development hereby permitted a Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel plan shall be in general accordance with the 'Sandown Park Racecourse Draft Residential Travel Plan', 'Sandown Park Draft Racecourse Travel Plan' and the Sandown Park Draft Hotel Travel Plan'.*

Development shall be carried out and operated in accordance with the approved Travel Plan.

Commented [AH166]: Amended as suggested.

Condition No.	Item	Condition /Reasons
		<p>Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Sandown Park Racecourse Draft Residential Travel Plan', 'Sandown Park Draft Racecourse Travel Plan' and the Sandown Park Draft Hotel Travel Plan'</p> <p>And then the approved Umbrella Travel Plan shall be implemented prior to occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Umbrella Travel Plan to the satisfaction of the Local Planning Authority.</p> <p>Prior to the occupation of the development hereby permitted a Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel plan shall be in general accordance with the 'Sandown Park Racecourse Draft Residential Travel Plan', 'Sandown Park Draft Racecourse Travel Plan' and the Sandown Park Draft Hotel Travel Plan'.</p> <p>Development shall be carried out and operated in accordance with the approved Travel Plan.</p> <p>Reason:</p> <p>The above condition is required in recognition of Section 9 "Promoting Sustainable Transport " in the National Planning Policy Framework 2019 and Policy DM7 of the Elmbridge Development Management Plan 2015.</p>
35	THAMES WATER INFRASTRUCTURE (PHASING OF DEVELOPMENT)	<p>There shall be no occupation beyond Site 4 (72 flats) and the first 52 flats on the remaining Sites (2, 3 and 4) until confirmation has been provided to the Local Planning Authority in writing that either:</p> <ul style="list-style-type: none"> - all water network upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. <p>Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>Reason:</p>

Commented [PD167]: It seems likely that Thames Water has a statutory duty to supply water to the development. What is the policy justification for restricting development on this basis?

Commented [AH168]: In their consultation response, Thames Water identified that some capacity exists within the network to serve Site 4 and the first 52 flats on the remaining sites, but beyond that there would need to be upgrades to the network. Thames Water suggested this condition in order to ensure that the residential development would not outpace the delivery of essential infrastructure. This is in accordance with Policy CS1 paragraph 5, which refers to working with utility companies "to ensure that local communities are provided by high quality infrastructure." It is also relevant to Policy DM10 which requires that residents are afforded an appropriate standard of living (as such a standard would not be achieved if there was no water available).

Condition No.	Item	Condition /Reasons
		To avoid low or no water pressure issues and to ensure that sufficient water capacity is made available to accommodate additional demand anticipated from the development.
36	ELECTRIC CHARGING VEHICLE	<p>The development at Sites 1, 2, 3, 4, and 5 hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements – 7 kw Mode 3 with Type 2 connector – 230v AC 32 Amp single phase dedicated supply) for electric vehicle charging in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority, and thereafter retained and maintained to the satisfaction of the Local Planning Authority.</p> <p><u>Development shall be carried out in accordance with the approved scheme and shall thereafter be permanently retained as such.</u></p> <p>Reason:</p> <p>In order to encourage and facilitate current and future use of electric vehicles in line with Policy DM7 of the Elmbridge Development Management Plan 2015 and national objectives for pollutants in accordance with the NPPF 2019.</p>
37	VERIFICATION REPORT (SUDS)	<p>Prior to the first occupation of each phase of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved for that phase 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).</p> <p>Reason:</p> <p>To ensure the Sustainable Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS and to comply with Policy CS26 of the Elmbridge Core Strategy 2011, Flood Risk SPD 2016 and the NPPF.</p>

Commented [PD169]: This reads like an informative. Suggest deleting as the details need to be approved in any event. Also suggest inserting 'for electric vehicle charging' after socket so this is clear within the condition.

Commented [AH170]: Agreed.

Commented [PD171]: Suggest new sentence: *Development shall be carried out in accordance with the approved scheme and shall thereafter be permanently retained as such.*

Commented [AH172]: Amended.

Commented [PD173]: Condition 24 (as suggested to be modified) required that *Development shall be carried out in accordance with the approved details and shall thereafter be permanently retained as such.* Is this further condition necessary?

Commented [AH174]: I have merged the requirements of this condition with Condition 24 above. If this is accepted Condition 37 can be deleted.

Condition No.	Item	Condition /Reasons
38	CAR PARKING MANAGEMENT PLAN	<p>Prior to the occupation of any of Sites 1, 2, 3, 4, and 5 a Car Parking Management Plan shall be submitted for the relevant site for the written approval of the Local Planning Authority and approved in writing by the local planning authority, and then the approved Car Parking Management Plan shall be implemented on occupation of the associated development, and thereafter maintained to the satisfaction of the Local Planning Authority. The Car Parking Management Plan shall be implemented as approved on occupation of the development and shall be permanently maintained thereafter.</p> <p>Reason:</p> <p>In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.</p>
39	SITE SUPERVISION (SITES 1, 2, 3, 5, A and F)	<p>The completion schedule/report of all arboricultural site supervision and monitoring submitted and approved in compliance with the Additional Arboricultural Information condition, shall be submitted to and approved in writing by the Local Planning Authority for the written approval of the local planning authority within 20 working days of the substantial completion of the development hereby approved. This shall include evidence of compliance through supervision and monitoring of the agreed activities by a suitably qualified arboriculturist, as well as any additional arboricultural measures considered necessary. If any such additional arboricultural measures are needed, they shall be implemented in full in accordance with the approved details.</p> <p>Reason:</p> <p>To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, DM6 of the Councils Core Strategy and Development Management Plan.</p>
40	LAYOUT AND PARAMETER PLANS	<p>The development shall be carried out generally in accordance with the submitted illustrative layout plans (drawing numbers 11071/PL 201-210) and the</p>

Commented [PD175]: Suggest new sentence:
The Car Parking Management Plan shall be implemented as approved on occupation of the development and shall be permanently maintained thereafter.

Commented [AH176]: Amended.

Commented [PD177]: What is the purpose and effect of this condition? What would happen if it is not complied with or if the schedule/report is not approved?

Commented [AH178]: The purpose is to ensure that the details approved under the 'Additional Arboricultural Information' condition have been implemented. In the event that they have not, the Developer would need to propose (and have approved) measures to redress this, e.g. additional planting or improvement of the soil quality. I have added some wording to reflect this.

Commented [AH179]: I have added this condition at the end so as not to interfere with the existing numbering.

Commented [JL180R179]: This condition is as proposed by the appellant, and is supported on that basis

Condition No.	Item	Condition /Reasons
		heights and ground levels specified on the parameter plans (drawing numbers 11071/PL 101-108). Reason: To ensure that the development is carried out in a satisfactory manner.