

COMMITTEE AGENDA REFERENCE: 5B

APPLICATION REF:	RU.22/1933
LOCATION	Barbara Clark House, St Jude's Road, Englefield Green
PROPOSAL	S73 application seeking permission for the proposed removal of planning condition 17 (affordable housing scheme) under application RU.18/1908 (to allow for the affordable housing to be secured through a s106 legal agreement) for the proposed demolition of the existing building and the redevelopment of the site to provide a five storey building comprising 26 residential units with associated access, parking and new landscaping.
TYPE	Full Planning Permission (S73 application)
EXPIRY DATE	27.04.2023
WARD	Englefield Green East
CASE OFFICER	Louise Waters
REASON FOR COMMITTEE DETERMINATION	Number of letters of representation
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the CHDMBC:	
A.	To grant planning permission subject to conditions and the prior completion of a S106 Legal Agreement.
B	To refuse planning permission at the discretion of the CHDMBC should the S106 Agreement not progress to their satisfaction.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site fronts St Judes Road along its front (western boundary) and has an existing pedestrian access from the west. The site has an existing rear vehicular access to the east, which runs from South Road (to the south) into Greenacre Court. The site originally comprised a four storey building previously used as a hostel for the homeless. This building has since been demolished. The application site is surrounded by existing residential development to the rear (east) and sides (north & south). Existing flatted development is positioned towards the rear of the site known as 11-33

Greenacre Court. 'Green Acre' a detached two storey Victorian property is located to the south, with 1-9 Greenacre Court (terraced residential units) to the east of 'Green Acre'. Existing and proposed residential units are located to the north of the site known as Alexandra Court. The Cemetery is located opposite the application site to the west of St Judes Road. Existing terraced commercial properties are located to the north of the site.

- 2.2 The application site is located within the Urban Area of Englefield Green. The site also falls within 5km of the Thames Basin Heaths SPA. St Judes Church and the Mausoleums (located some 50 metres to the north west) are Statutory Listed Buildings (Grade II*). The site is located within Flood Zone 1. Existing mature trees are located to the front (west) and side (south) of the site.

3. APPLICATION DETAILS

- 3.1 This site has Full Planning Permission under planning application RU.18/1908 for the proposed demolition of the existing building and the redevelopment of the site to provide a five storey building comprising 26 residential units (including affordable housing units) with associated access, parking and new landscaping. This planning application has been implemented on site through the demolition of the existing building, the permission is extant and therefore constitutes a legitimate fallback position.
- 3.2 This application proposes to make changes under Section 73 (S73) of the Town and Country Planning Act to this original planning permission (RU.18/1908). The proposed change relates purely to the affordable housing provision. Under planning application RU.20/0325 a non-material amendment was approved in respect of affordable housing including a revision to planning condition 17 (affordable housing) of RU.18/1908 to allow the affordable housing provision to be amended from 4 x 2 bedroom (4 person) affordable rented housing units to provide 4 x 1 bedroom (2 person) affordable rented housing units and 2 x 1 bedroom (2 person) discounted market sale (DMS) apartments.
- 3.3 Given that the council was the applicant under RU.18/1908 the affordable housing provision could not be secured through a s106 legal agreement. On this basis the affordable housing provision was secured through a planning condition. The affordable housing provision (as amended) can now be secured through a s106 legal agreement as PA Housing are the applicants for the development.

4. RELEVANT PLANNING HISTORY

- 4.1 The following history is considered relevant to this application:

Reference	Details
RU.22/0576	Application seeking approval of details reserved by planning condition 8 (i) (land contamination) of planning application RU.18/1908 for the proposed demolition of the existing building and the redevelopment of the site to provide a five storey building comprising 26 residential units (including 4 x 2 bed (4

	person) affordable housing units) with associated access, parking and new landscaping. Granted.
RU.20/0325	Non-material amendment application seeking a revision to the description of planning application RU.18/1908 in respect of affordable housing and a revision to planning condition 17 (affordable housing) of applications RU.18/1908 and RU.19/1608 to allow the affordable housing provision to be amended from 4 x 2 bedroom (4 person) affordable rented housing units to provide 4 x 1 bedroom (2 person) affordable rented housing units and 2 x 1 bedroom (2 person) discounted market sale (DMS) apartments. (Flats 1-26 Barbara Clark House) Granted
RU.19/1806	Application seeking a non-material amendment to planning condition 19 (sustainable drainage) of RU.18/1908 to amend the trigger of the condition to allow the drainage details to be submitted to the local planning authority prior to the 'above ground construction' of the development to allow for the demolition of the existing building. Granted.
RU.19/1749	Application seeking approval of details reserved by planning condition 11 (Construction Transport Management Plan) of RU.18/1908. Granted.
RU.19/1703	Application seeking the approval of details reserved by planning condition 21 (Construction and Environmental Management Plan) of RU.18/1908. Granted.
RU.19/1608	Application seeking a non-material amendment to planning condition 17 (affordable housing scheme) to revise the wording of the condition to include 'excluding demolition' under application RU.18/1908. Granted.
RU.18/1908	Proposed demolition of the existing building and the redevelopment of the site to provide a five storey building comprising 26 residential units (including 4 x 2 bed (4 person) affordable rented housing units) with associated access, parking and new landscaping. Granted.

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- 5.3 SPD's which might be a material consideration in determination:
 - Infrastructure Delivery and Prioritisation SPD
 - Thames Basin Heaths Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

- Runnymede Design SPD (July 2021)
- The Green and Blue Infrastructure Supplementary Planning Document (SPD) (November 2021)
- Runnymede Parking Guidance Supplementary Planning Document (November 2022)

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
Councils Housing Section	No objections
Englefield Green Village Neighbourhood Forum	No comments received
Englefield Green Village Residents Association	No comments received

Representations and comments from interested parties

- 6.1 Site notices have been displayed and a press notice published. 104 Neighbouring properties were consulted in addition to being advertised on the Council's website. In response to these consultations 16 letters of representation have been received which are summarised below:
- Back in 2018 RBC planning agreed that this development needed to be affordable housing for local families and not for students. This is still the case as there is plenty of student accommodation and this is not a student village (Officers comments: This application does not propose student accommodation and the s106 legal Agreement will secure the amended affordable housing provision)
 - There needs to be a condition that the affordable housing is for applicants on the housing register and not for students.
 - 26 flats are too many, it is too big.
 - It is an inappropriate development and not in keeping with the historic and beautiful Victorian village.
 - Concerns raised regarding parking. This area of the village is already horrendously clogged with traffic. The site is beside a small roundabout that gives access to two schools and a housing estate and more traffic would not help. Local residents have problems parking near their properties.

- Village residents have invested a huge amount of time in creating a Village Neighbourhood Plan and a Design Code which reflects the history of the village.
- The design approved in 2018 would look amazing in the centre of Staines or Addlestone but is totally at odds with the historic centre of the village and the Design Codes.
- The council should take the opportunity during the sale of the land to revise the design in line with the Design Codes, appreciating that this was not in place in 2018 and is still to be formally adopted.
- The commitment to affordable housing should be maintained through the sale on a long term basis (Officers comments: The affordable housing provision will be secured through the S106 legal Agreement)
- The old building was demolished and now it is important to build a new set of houses or apartments and create a pretty area which can enhance the beauty of our community and green space. This will attract more families and improve the quality of life.
- The plans should be revised to accord with the surroundings and the Village setting in order to create a nice and pretty complex of houses or apartments, which can properly complete and enhance the aspect of the Village (ie similar to the development granted in between Albert Road, Victoria Street and Armstrong Road)
- The new project needs to respect the history of the area and maintain the characteristics of the past and present architecture.
- Englefield Green demands more care: we live in a beautiful place, surrounded by fantastic Nature, Virginia Water Lake and Windsor Great Park and all the green areas.
- The height is out of proportion in this mainly Victorian run of 2 storey buildings and the design detracts from its surroundings.
- Confusion regarding the affordable housing scheme. The original planning permission for this site was agreed based on affordable housing being included. This condition should remain (Officers comments: The S106 will secure the affordable housing provision)
- Englefield Green needs truly affordable rented housing and no objections are raised if the rental is truly affordable for working families. This area needs to attract families with children to the area. Our local schools need children to ensure they are not at risk of closure.
- The 1 bed units need to be let to applicants on the housing register and not to students. This needs to be controlled through a planning condition.
- It is accepted that the mass of the building (from the St Jude's Road side) is not dissimilar to what was there before (Ashdene House), but something could be done with the style and architecture of the building to make it more sympathetic to its surroundings.
- The development is a blight on the village.

- There has been a massive change in demographic. This is due to a huge increase of HMO's and large flat developments. Many families are leaving the once lovely village.
- Local schools are struggling to find pupils.
- This development and other future ones represent a tipping point in the future of the village.
- This site is in one of the most prominent locations in the village and within the historic centre of Englefield Green Village and the (largely) Victorian street scene.
- The council should open the road for people to turn left from Bagshot Road back onto St Jude's Road. Instead the council have planted 3 redundant garden planters and blocked further parking spaces by putting bolders into that area.
- The council must think about the replanning of the village to ease the traffic bottlenecks before there is a tragic fatality. Building yet more flats is not going to assist the village.
- Residents oppose any part of the development being allowed to be re-let and occupied by students and this should be a specific clause before development is allowed.
- The council's housing register shows a huge demand for affordable one bedroom accommodation and this would be an ideal opportunity to reduce that demand.
- The current planning application should be withdrawn and a further application submitted addressing the points raised by local residents.
- There seem to be a rash of applications to build tall buildings in this part of Englefield Green, and it will definitely change the character of the approach to the village from the A30 in a negative way.
- The density will also impact on already strained services such as health care.
- What was there was local authority housing and it has not been replaced.
- Too many young people have had to leave the village due to high housing costs affecting local school numbers and the future of the village.

7. PLANNING CONSIDERATIONS

- 7.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. S73 of the Town and Country Planning Act 1990 enables an applicant to apply to vary conditions attached to a previous planning permission. Under this section a Local Planning Authority may amend, add, or remove conditions but may not amend any other part of the permission which includes the original description of the development proposal. S73 also specifically excludes the reconsideration of issues other than those covered by the conditions that are subject of the application.
- 7.2 The principle of development and the planning merits have been considered under application RU.18/1908. The key planning matters under this S73 application relate to the acceptability of the amendments proposed to the affordable housing scheme and whether

the amended proposal would comply with the relevant policies of the Runnymede 2030 Local Plan and the NPPF.

Affordable Housing

- 7.3 Policy SL20 (Affordable Housing) of the Runnymede 2030 Local Plan confirms that over the period of the Local Plan the Council will seek to deliver 30% of all net additional dwellings as affordable units of which about 70% will be provided as Affordable/Social Rent and 30% provided as other forms of affordable housing. Development proposals of 10 or more (net) additional dwellings will be expected to provide 35% of dwellings as affordable units with a tenure split as above which includes 10% of homes for affordable home ownership (starter homes, discounted market sales housing and/or other products which provide affordable routes to home ownership in line with the definition contained in the 2019 NPPF)
- 7.4 Under RU.18/1908 (taking into account vacant building credit) the application was required to provide 4 affordable housing units, which was agreed by the Head of Housing to be 2 bed (4 person) affordable housing units. Under RU.18/1908 the Government's policy regarding 'vacant building credit' (VBC) was applied when calculating the affordable housing requirement under the previous planning approval.
- 7.5 Under planning application RU.20/0325 a non-material amendment was approved in respect of affordable housing including a revision to planning condition 17 (affordable housing) of applications RU.18/1908 to allow the affordable housing provision to be amended from 4 x 2 bedroom (4 person) affordable rented housing units to provide 4 x 1 bedroom (2 person) affordable rented housing units and 2 x 1 bedroom (2 person) discounted market sale (DMS) apartments.
- 7.6 Under this revised S73 application PA Housing are seeking to amend the affordable housing provision to provide 6 x 1 bedroom (2 person) affordable rented housing units. This will be secured through a s106 legal agreement. The Councils Housing Section fully support these proposals confirming that there are currently 1,185 applications to the Council's Housing Register, with over half of those households (657 applications) seeking one bedroom accommodation. On this basis the Housing Section supports the change that will increase the number of affordable homes to rent.
- 7.7 Since the adoption of the Local Plan the Government has introduced its First Homes policy and to take account of this, Runnymede has published a 'First Homes Interim Policy Statement' (Jan 2022). This changes the required affordable tenure mix to 25% First Homes, 53% Social/Affordable and 22% Other forms of affordable. However, it is acknowledged that the 2018 planning permission has been implemented and is a material planning consideration to the determination of this application. Following discussions with the councils local planning section it has been agreed that given the nature of this application this application will not be required to provide first homes as part of the affordable housing mix. On this basis the development is considered to comply with policy SL20 of the Runnymede 2030 Local Plan.

The impacts on the Thames Basin Heaths SPA.

- 7.8 The site lies within 5 km of the Thames Basin Heaths Special Protection Area. In accordance with guidance from Natural England, the Habitats Regulations Assessment requirements are that plans or projects which may have a likely significant effect on a European designated site (such as the TBHSPA) can only proceed if the competent authority is convinced they will not have an adverse effect on the integrity of the European site. Recent case law has suggested that likely significant effects cannot be ruled out at this screening stage, and in

accordance with the Natural England guidance and national legislation, the application proposal must be made subject to an appropriate assessment. In accordance with the Council's SPG, and without consideration of potential mitigation regarding the TBHSPA this application is 'screened in' to the need for appropriate assessment as it lies within a zone of influence where recreational disturbance arising from new occupation in proximity to the TBHSPA is likely to have an adverse effect.

- 7.9 Natural England agreed the framework for relevant development proposals affected by the TBHSPA in 2008 and the Council has been following this framework. It therefore falls to the Council to undertake the Appropriate Assessment of the application, which includes the consideration of any proposed mitigation, to reach a conclusion as to whether the proposal has any residual adverse effects that lead to a likely significant effect on habitats at the THBSPA.
- 7.10 The 2018 permission was subject to a 'Memorandum of SAMM and SANG Payment Transfer'. This mechanism was utilised as a s106 legal agreement could not be secured under RU.18/1908 as the council was the applicant for the development. This memorandum secured the payment of £16,380.00 for the SAMM Contributions (i.e. £630 x 26 net additional dwellings) and the payment of £52,000.00 (i.e. £2000 x 26 net additional dwellings) for the SANG contributions. In order to secure this previously agreed mitigation it is now considered necessary to include this previously agreed mitigation within the S106 legal agreement to be secured as part of this S73 application.
- 7.11 It is acknowledged that since the approval of the 2018 application the council has published an updated Thames Basin Heaths Supplementary Planning Document (SPD) which has introduced revisions to how the SANG & SAMM contributions are calculated. However, as this application (S73) is seeking revisions to the 2018 permission which has been implemented on site it is considered that the mitigation previously agreed under this 2018 application provides the necessary mitigation for the development. It is however considered necessary to secure this mitigation through the S106 legal Agreement to be secured as part of this revised application. On this basis the development is considered to comply with policy EE10 of the Runnymede 2030 Local Plan.

Planning Infrastructure

- 7.12 The 2018 planning permission was subject to a 'Statement of Intent' to secure a financial contribution of £17,499 (and a monitoring fee of £875) towards the refurbishment of 'The Nursery' at Englefield Green. In order to secure the education contributions secured under RU.18/1908 it is now considered necessary to include this requirement within the S106 legal agreement to be secured as part of this S73 application.

Other matters

- 7.13 The letters of representation have been carefully considered by officers. This application however does not seek any revisions to the scale and design of the development. The scale and design of the development was considered under the 2018 planning application and revisions were sought under this application with respect to the design. Under RU.18/1908 the development was considered to result in a design, layout, scale and massing of development which would both protect and enhance the character of the local area and would respect the existing local context. Planning application RU.18/1908 has been implemented on site through the demolition of the existing building. This S73 application is not seeking any revisions to the design of the building.

A number of letters have requested changes to the design of the building via this application. This however is not material to the application being considered and therefore cannot be achieved through the consideration of this application.

- 7.14 This S73 application proposes no revisions to the parking and layout of the development including the accesses to the site as approved under RU.18/1903. Under the 2018 application a new pedestrian access bridge was to be provided to link the building with St Judes Road and cycle parking was to be provided beneath the undercroft of the building at ground level. The existing rear vehicular access was to be utilised and a total of 18 parking spaces provided beneath the undercroft of the building and towards the rear of the building. These will continue to be provided as part of this S73 application.
- 7.15 A detailed Transport Statement was submitted under RU.18/1908 which predicted the likely impacts of the development upon the surrounding highway network. The County Highway Authority raised no objections to this development concluding that the development was not considered to be significant or severe in terms of the impact upon the local highway network.
- 7.16 The County Highway Authority acknowledged the concerns raised by local residents under RU.18/1908 with respect to existing parking pressures within Englefield Green. The County Highway Authority advised that given the sustainable location of the site, the presence of public transport, good cycling and pedestrian links and the availability of local services within walking distance of the site, it was considered that a reduced level of parking provision could be supported in this specific location. Planning conditions were imposed under RU.18/1908 with respect to parking provision, the provision of visibility zones, the submission of a Construction Transport Management Plan and a Car Parking Management Plan. It is recommended that these conditions be reimposed on this S73 application.
- 7.17 The Englefield Green Village Neighbourhood Forum has officially submitted their draft Neighbourhood Plan to the Council and is currently being publicised for 6 weeks prior to it being examined. In accordance with para 48 of the NPPF and supporting PPG only limited weight can be given to this document. Given the nature of this S73 application, the application has been assessed based upon the proposed revisions to the 2018 scheme in relation to affordable housing, the Development Plan and other material considerations as listed above.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposed development would not be liable for the Community Infrastructure Levy (CIL) as this Section 73 application proposes no additional floor area over and above the previous scheme which was approved prior to the Council adopting CIL.

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

10. CONCLUSIONS

- 10.5 The development has been assessed against the following Development Plan policies –SL20, SD5 and EE10 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. The amended affordable housing scheme is fully supported by the Councils Housing Section. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

11. FORMAL OFFICER RECOMMENDATION

The CHDMBC be authorised to grant planning permission subject to the completion of a s106 Legal Agreement to secure the amended affordable housing provision, the SAMM & SANG contributions and the education contributions and subject to the following planning conditions.

1.Details of materials

Before the above ground construction of the development hereby permitted is commenced, samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority and no variations in such materials when approved shall be made without the prior approval, in writing, of the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order that the development harmonises with the surroundings in the interests of visual amenity and to comply with Policy EE1 of the Runnymede Borough 2030 Local Plan and guidance within the National Planning Policy Framework.

2. Approved plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:

Computer Generated Image providing more details of the roof design received 03.01.2019.

Arboricultural Impact Assessment and Arboricultural Method Statement received 14.12.2018.

Day and Sunlight Study received 14.12.2018.

Transport Statement received 11.12.2018.

Statement of Community Involvement received 10.12.2018.

Preliminary Ecological Appraisal received 10.12.2018.

Plant Noise Guidance Report received 10.12.2018.

Planning Statement received 10.12.2018.

Schedule of materials received 10.12.2018.

SuDS Proforma received 10.12.2018.

Mechanical and Electrical Report received 10.12.2018.

Fire Strategy received 10.12.2018.

Covering letter received 10.12.2018.

Combined Geotechnical and Ground Contamination Risk Assessment received 10.12.2018.

Sustainability Statement and Energy Strategy Report received 10.12.2018.

Design & Access Statement received 10.12.2018.

Drainage Strategy Report received 10.12.2018.

Ecology Report received 10.12.2018.

Landscape general Arrangement Plan received 10.12.2018.

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Reason: To ensure an acceptable scheme and to comply with Policies SD3, SD4, EE1, EE2, EE9, EE11 and EE13 of the Runnymede Borough 2030 Local Plan and policy within the NPPF.

3.Design of the PV Panels.

Prior to the commencement of the above ground construction of the building hereby approved, details of the proposed design and positioning (including the projection from the roof) of the proposed photovoltaic panels shall be submitted to and approved in writing by the local planning authority. When approved, the development shall be carried out in accordance with the agreed details.

Reason: In order to ensure a satisfactory scale and design to comply Policy EE1 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

4.New planting

Prior to the commencement of the above ground construction of the building hereby approved, full details (including species, type and size at time of planting) of all proposed new planting (including tree planting and the new green roof), and the proposed times of planting shall be submitted to and approved in writing by the Local Planning Authority. All new planting shall be carried out in accordance with the approved details and by the approved times.

Reason: To accord with the terms of the proposal and to enhance the character and appearance of the surrounding area to comply with and Policies EE1, EE9 and EE11 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

5.Existing trees and hedgerows

All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

a) no retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information.

b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.

Reason: To accord with the terms of the proposal and to enhance the character and appearance of the surrounding area and to comply with Policies EE1, EE9 and EE11 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

6.Lighting

Prior to installation, details of any external lighting including floodlighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and be retained as such thereafter.

Reason: In order to protect legally protected species within and surrounding the application site in accordance with policy contained within the NPPF and policy EE9 of the Runnymede Borough 2030 Local Plan.

7. Land Contamination

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment of the nature and extent of contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and shall assess any contamination on the site whether or not it originates on the site. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

- adjoining land
- ground waters and surface waters
- ecological systems
- archaeological sites and ancient monuments.

Where remediation is necessary, a remediation scheme, together with a timetable for its implementation must be submitted to and approved in writing by the Local Planning Authority to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal and remedial options, proposal of the preferred option(s), a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

If found to be required, the remediation scheme shall be implemented in accordance with the approved timetable of works. Upon completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with guidance in the NPPF and policy EE2 of the Runnymede 2030 Local Plan.

8.Parking

No development shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning areas shall be used and retained exclusively for its designated purpose.

Reason: In the interests of highway safety and to comply with Policies SD3 and SD4 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

9.Visibility zones

The development hereby approved shall not be first occupied unless and until the proposed pedestrian access to St Judes Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. When approved the development shall be undertaken in complete accordance with the details as approved by the local planning authority.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

10. Construction Transport Management Plan

The development hereby permitted shall be undertaken in accordance with the councils decision under application RU.19/1749.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

11. Car Parking Management Plan

Prior to the occupation of the development hereby approved, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. When approved, the Car Parking Management Plan shall be implemented in full accordance with the approved details upon occupation of the development hereby approved and for each and every subsequent occupation of the development.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

12. Ground levels

Prior to the commencement of the above ground construction of the building hereby approved further details of the proposed finished ground levels within the application site and any associated earthworks (including the positioning and design of any proposed retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the existing and proposed finished land levels showing the relationship of the proposed earthworks to existing planting (in order to assess any associated impacts) and surrounding land levels. When approved the development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory scale and form of development in order to protect the character of the area, existing trees and the amenities of neighbouring residential properties and to comply with Policies EE1 and EE11 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

13. Bat and bird boxes

Prior to the commencement of the construction of the building hereby approved, a scheme to provide bat and bird boxes within the application site (to include the number, design and positions) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated into the development prior to the first occupation of any part of the development hereby granted, and permanently maintained thereafter.

Reason: In accordance with the terms of the application and to ensure the provision of suitable mitigation in accordance with policy EE9 of the Runnymede Borough 2030 Local Plan and guidance in the NPPF.

14.Privacy screen

Prior to the occupation of the building hereby permitted further details of the proposed design and positioning of an obscurely glazed privacy screen along the side elevations of the proposed rear balconies shall be submitted to and approved in writing by the Local Planning Authority. When approved the privacy screen shall be provided in complete accordance with the approved plans prior to the occupation of the building and thereafter retained.

Reason: To avoid overlooking into the adjoining neighbouring residential properties and their garden areas to comply with Policy EE1 of the Runnymede Borough 2030 Local Plan and guidance in the National Planning Policy Framework.

15.Flat roof - no sitting out area

The flat roof area of the building hereby approved shall not be used as a balcony, roof terrace, sitting out area or similar amenity area nor shall any railings or other means of enclosure be erected on top of or attached to the side of the roof without the grant of further specific permission from the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the neighbouring residential properties and their garden areas and to comply with Policy EE1 of the Runnymede Borough 2030 Local Plan and guidance in the National Planning Policy Framework.

16.Tree Protection

Prior to the commencement of any works hereby approved and before any equipment, machinery or materials are brought on to the site, tree protective measures shall be installed in accordance with the approved Arboricultural Impact Assessment and Arboricultural Method Statement received 14.12.2018 under RU.18/1908. The works shall be carried out in accordance with the approved protection plan and method statement and the tree protective measures shall remain in place until all works are complete and all machinery and materials have finally left the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access, other than that detailed within the approved plans, be made without the written consent of the Local Planning Authority.

Reason: To protect the existing trees to be retained in order to protect and enhance the character and appearance of the surrounding area to comply with Policy EE1, EE9 and EE11 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

17.Sustainable Drainage

The above ground 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) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+20% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum Greenfield discharge rate of 3 l/s (as per the SuDS pro-forma or otherwise as agreed by the LPA).
- b) 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.).
- c) 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.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- 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.

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 and to comply with policy EE13 of the Runnymede Borough 2030 Local Plan and policy within the NPPF.

18. Verification report - drainage

Prior to the occupation of the development hereby approved a verification report shall be submitted to and approved in writing by the local planning authority to demonstrate that the Sustainable Urban Drainage System has been undertaken in accordance with the details as approved under planning condition 17.

Reason: To ensure that an acceptable Sustainable Urban Drainage System has been undertaken in accordance with policy EE13 of the Runnymede Borough 2030 Local Plan and policy within the NPPF.

19. Construction and Environmental Management Plan

The development hereby approved shall be undertaken in accordance with the details as approved under RU.19/1703.

Reason: In order to reduce noise and dust during the demolition and construction phases of the development and to protect neighbouring residential amenities and to comply with policy EE2 of the Runnymede Borough 2030 Local Plan and policy within the NPPF and the PPG.

20. Noise Assessment

Prior to the occupation of the development hereby approved a Noise Assessment Report shall be submitted to and approved in writing by the Local Planning Authority in respect of the proposed external plant room. Details shall include acoustic data to demonstrate that there will be no increase in the background noise level and that there will be no tonal noise emitted

from the unit, as well as details of the location of the units and its distance to the closest dwelling. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenities of neighbouring residential occupiers and to comply with Policy EE2 of the Runnymede Borough 2030 Local Plan and policy within the NPPF.

21. Boundary screening

No above ground development shall take place until details of all screen and boundary walls (including the design of the new pedestrian access link) fences, hedges and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority (LPA); such approved means of enclosure to be erected and hedges, etc. shall be planted in accordance with the approved details before the buildings hereby approved are occupied, unless a variation in timescales for the development is agreed in writing by the Local Planning Authority. Any hedges and/or enclosure and boundary planting included in the scheme shall be maintained for a period of 5 years, from the time of planting, including the replacement of any plant which may die.

Reason: To protect and enhance the appearance of the surrounding area and to protect neighbouring residential amenities and to comply with Policies EE1 and EE11 of the Runnymede Borough 2030 Local Plan and guidance within the NPPF.

Informatives

1. The applicant is advised to ensure that development activities such as vegetation or site clearance should be undertaken to avoid the bird nesting season (Early March to August inclusive). If this is not possible, the application site should be inspected for active nests by an Ecologist immediately prior to clearance works. If any nests are found, they should be left undisturbed with a buffer zone around them, until it can be confirmed by an Ecologist that the nest is no longer in use.

2. The applicant is advised that in respect of planning condition 4 (submission of a landscaping scheme), the applicant is advised of the requirements of the Surrey Wildlife Trust under RU.18/1908 to incorporate native species, preferably of local provenance.

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

4. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

5. The permission hereby granted shall not be construed as authority to erect a structure including bridges and related equipment without a detailed design assessment. The applicant is advised that a detailed design must be approved from Surrey County Council Structures Team before any works are carried out on any footway, footpath, carriageway, or verge. Please telephone 0300 200 1003 to arrange for the detailed design to be assessed by Surrey County Council Structures Team.

6. The applicant is advised of the comments received from Surrey Police (within an e-mail dated 02.01.19) under RU.18/1908 with respect to Secured By Design principles.

7. The applicant is advised that the councils Recycling Officer has advised under RU.18/1908 that they would prefer to see 8 bins in total but will be happy with the provision of 6. The applicant will also need to make provision for a communal food waste bin within the bin store and each individual unit should also be provided with 1 x internal grey food caddy. All containers should be purchased via the councils customer services team by contacting 01932 838383. Please allow 10 working days delivery time for all bin orders.

8. 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 their 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. Please use their reference number under RU.18/1908 in any future correspondence.

Recommendation Part B:

The CHDMBC be authorised to refuse planning permission should the S106 not progress to his satisfaction or if any significant material considerations arise prior to the issuing of the decision notice that in the opinion of the CHDMBC would warrant refusal of the application. Reasons for refusal relating to any such matter are delegated to the CHDMBC.