

**To:** Planning & Regulatory Committee

**Date:** May 2024

**By:** Planning Development Manager

**District(s)** Elmbridge Borough Council

**Electoral Division(s):**

**West Molesey**

**Mr Mallett**

**Case Officer:**

**Lyndon Simmons**

**Purpose:** For Decision

**Grid Ref:** 512825 168525

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**Title: Surrey County Council Proposal EL2022/2183**

### Summary Report

**Land at former John Nightingale School site, now Hurst Park Primary School, Hurst Road, West Molesey, Surrey KT8 1QS.**

**The construction of a new single, one and a half and two storey Hurst Park Primary School (420 Places) and Nursery (30 Places) together with provision of 26 parking spaces, and cycle and scooter parking; access off Hurst Road; laying out of outdoor learning and play areas and sports pitches; landscape planting and ecological habitats without compliance with Condition 1 (Approved Plans), Condition 7 (Landscape Planting and Habitat Creation Schemes) and Condition 8 (Landscape Planting and Maintenance) of planning permission ref: EL/2020/0021 dated 4 December 2020 to enable material changes to details.**

Hurst Park Primary School was built on land previously occupied by John Nightingale School in Hurst Road, West Molesey following the grant of permission in 2014 (EL2014/0356). The school replaced the previous Hurst Park Primary School and was completed in September 2015.

This permission was subject to a number of conditions, including those relating to the provision of landscape planting and ecological habitats, and their maintenance (Conditions 11 and 12). A landscaping scheme was delivered on site, including habitat creation, however as some of the required details were not submitted for approval these conditions remain outstanding. These conditions were re-imposed and re-numbered Conditions 7 and 8, following the approval of a Section 73A application in 2020 under reference EL/2020/0021.

Since the original permission was granted, a number of changes have been made to the site's layout including the provision of additional buildings/structures. An additional parent pick-up and drop off facility has been formed, together with staff parking and pedestrian access. A new modular building for out-of-hours care has been installed, an extended bin store enclosure established, and two new storage sheds erected. There have been other minor additions and variations to the site and its layout, including the installation of play equipment, soft surfaces and sheds. Consent has been given for these changes as required.

The changes outlined above are such that further details of landscaping, habitat creation and management could not be submitted as they would have been in conflict with the site's layout as originally approved in 2014. These changes are considered to constitute minor material changes to the original scheme and as such the applicant has submitted this application under Section 73A to vary Conditions 7 and 8 (and Condition 1 – approved plans) of planning permission ref: EL/2020/0021 to regularise the situation.

Six letters of representation were received in relation to this application as originally submitted, with one further representation received following re-consultation in March 2024. These relate

primarily to the proximity of vegetation to the site boundaries and encroachment of the same into neighbouring residences, and raise objection accordingly. These issues have been clarified and addressed as appropriate. Objection was also raised in relation to noise and is addressed in the report below.

Following the submission of additional details, including additional planting along the northern front of the site and additional landscaping and management details, the County Council's Arboriculturalist, Ecologist and Landscape Officer are now satisfied that the details are acceptable.

Officers consider that the details provided by the applicant in support of their application are adequate for the purposes of addressing the aims of Conditions 7 and 8 of planning permission ref: EL/2020/0021 dated 4 December 2020 (and those of the original permission granted in 2014) and correcting the layout of the site. They provide a landscape scheme that delivers a diverse and suitable array of planting, and a management plan of sufficient detail to ensure its management and maintenance over a period of 5 years. As such, Officers recommend that the Conditions 1, 7 and 8 be varied and planning permission granted.

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## **Application details**

### **Applicant**

SCC Property

### **Date application valid**

6 July 2022

### **Period for Determination**

5 October 2022

### **Amending Documents**

Application Form dated 18 September 2023

Rev 6 Hurst Park Primary School Photographic Record Document dated 19 January 2024

Document No. 10021.03 rev 6 Planning Statement: S73a Application Hurst Park Primary School dated 23 January 2024

Document No. 60640449 rev 6 Landscape and Ecology Management Plan dated 18 September 2023

Addendum to Landscape and Ecology Management Plan (LEMP) dated 8 March 2024

Drawing No. 60640449-ACM-00-XX-DR-AR-1 rev 00 Location and Block Plan dated 12 December 2023

Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0001 rev 6 Hurst Park Primary School Updated Landscape Plan SHEET 1 OF 3 dated 8 January 2024

Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0002 rev 4 Hurst Park Primary School LANDSCAPE PLAN SHEET 2 OF 3 dated 8 January 2023

Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0003 rev 5 Hurst Park Primary School PLANTING PLAN SHEET 3 OF 3 dated 18 September 2023

Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0002 rev 01 Hurst Park Primary School Tree Pit Detail dated 7 June 2022

Hurst Park Tree Specification dated 15 May 2024

Email From Agent Dated 14 May 2024 Maintenance Boundary Height And Watering Details

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## Summary of Planning Issues

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Environment and Amenity	Yes	38-45

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## Illustrative material

### Site Plan

Drawing number 60640449-ACM-00-XX-DR-AR-1 Location and Block Plan

Drawing number 60640449\_ACM\_XX\_XX\_DD\_LA\_0001 Rev 6 Hurst Park Primary School

Updated Landscape Plan SHEET 1 OF 3 dated 08 January 2024

Drawing number 12261.05/L(PA)101 Rev P3 Landscape Site Plan dated 27 March 2014

### Aerial Photographs

Aerial 1: Surrounding Area

Aerial 2: Application Site

Aerial 3: School boundary

### Site Photographs

Figure 1 – Site frontage proposed planting

Figure 2 – North-east corner proposed planting

Figure 3 – Western boundary proposed planting

Figure 4 – Soft play surface proposed planting

Figure 5 – Existing boundary planting and gap

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## Background

### Site Description

1. Hurst Park Primary School encompasses a site of approximately 1.8 hectares (ha) and lies in the urban area of West Molesey and the Thames Valley National Character Area. The school is situated just south of Hurst Road (A3050) and between the junctions of Boleyn Drive and Freeman Drive. The school is neighbored by residential premises on its southern and western sides with Public Footpath 3 separating the school from further residential premises to its east. The school replaced the former Hurst Park Primary School which was located approximately 400 metres (m) east of the site and was granted planning permission in 2014.
2. The site grounds comprise a main school building, with single, 1.5 and two storey parts, located in the northern area of the site closest to Hurst Road. The building includes 14 classrooms, a library, hall, kitchen, and nursery. A staff car park resides in the north-eastern corner of the site, accessed from Hurst Road and a pickup and drop off facility is situated in a southwestern area of the site, accessed from Freeman Drive. The remainder of the school grounds comprises an outdoor learning area, Multi-Use Games Area (MUGA), hard surfaced play area, trees, vegetation and landscaped gardens, sports pitch and a variety of other associated school infrastructure.

### Planning History

3. The below planning permission history is not exhaustive and lists only those relevant to this proposal.

4. EL2014/0356           Erection of new single, one and a half and two storey Hurst Park primary school (420 places) and nursery (30 places) together with provision of 26 parking spaces, and cycle and scooter parking; access off Hurst Road; laying out of outdoor learning and play areas and sports pitches; landscape planting and ecological habitats. Permitted subject to condition 27 August 2014.
5. EL/2015/0789           Details of parents' pickup and drop off facility, additional staff parking and pedestrian access from eastern boundary of site submitted pursuant to Conditions 3(a) and 8 of planning permission reference EL2014/0356 for construction of new primary school. Approved 23 June 2015.
6. EL15/4579            Details of speed management measures, parking restrictions and pedestrian improvements on Hurst Road and at the Hurst Road/Freeman Drive Junction submitted pursuant to Condition 4 of planning permission reference EL2014/0356 dated 27 August 2014 for new 420 place primary School. Approved 15 March 2016.
7. EL/2018/1152           Installation of a modular building to the rear of the main School building to allow for a space for an out-of-hours care club facility. Permitted subject to condition 19 June 2018.
8. EL/2018/2166           Details of a Construction Transport Management Plan pursuant to Condition 3 of planning permission ref: EL/2018/1152 dated 19/06/2018. Approved 31 August 2018.
9. EL/2020/0021           The construction of a new single, one and a half and two storey Hurst Park Primary School (420 places) and Nursery (30 places) together with provision of 26 parking spaces, and cycle and scooter parking; access off Hurst Road; laying out of outdoor learning and play areas and sports pitches; landscape planting and ecological habitats without compliance with (variation of) Condition 15 (BREEAM assessment) of planning permission Ref: EL/2014/0356 dated 27 August 2014 (retrospective). Granted 4 December 2020.
10. EL2021/0261           Details of School Travel Plan submitted pursuant to Condition 4 of planning permission ref: EL/2020/0021 dated 4 December 2020. Approved 23 February 2021.
11. EL/2021/0768           Details of a Drainage Management Plan submitted pursuant to condition 9 of planning permission ref: EL/2020/0021 dated 4 December 2020. Approved 29 June 2021.
12. EL2023/2098           Erection of bin store enclosure and two storage sheds (Retrospective). Granted 29 August 2023.

### **The proposal**

13. This application has been submitted under Section 73A of the Town and Country Planning Act 1990 (as amended). Section 73A applications allow for planning permission to be given for development of the same description as development already permitted and carried out, without complying with some conditions attached to an earlier permission. As such, developments that Section 73A applications seek to amend will have been judged to be acceptable in principle at the date and time that the earlier planning permission was granted.
14. This application seeks to amend Conditions 1, 7 and 8 of planning permission ref: EL/2020/0021 to enable compliance with the original landscaping, habitat creation and management requirements for the site, updating the plans to the correct existing layout of the site and the timescales for compliance.
15. Condition 7 as approved reads:

Within 6 months of the date of this permission further details of the landscaping planting and habitat creation schemes submitted with the application shall be submitted to the County Planning Authority for approval in writing. Such details shall include:

- i) Soft landscaping plans
- ii) Landscape management plan
- iii) A sectional drawing of the tree pits for the larger trees proposed to be planted along Hurst Road.

16. Condition 8 as approved reads:

*The landscaping scheme as required under Condition 7 shall be carried out no later than the first planting season after the approval of the details or in accordance with a programme which has first been agreed in writing by the County Planning Authority. Thereafter the landscape planting shall be maintained for a period of five years. Such maintenance shall include the replacement of any tree or shrub which is removed, uprooted, destroyed, dies or becomes in the opinion of the County Planning Authority seriously damaged or defective. The replacement shall be of the same species and size and in the same location as that originally planted.*

17. The reason for both Conditions 7 and 8 as set out on the decision notice is:

*To maintain landscape character and biodiversity and to secure appropriate mitigation for loss of trees and other vegetation, pursuant to Policies CS14 and CS15 of the Elmbridge Core Strategy 2011 and Policy DM6 of the Elmbridge Local Plan Development Management Plan 2015.*

18. The applicant is proposing to amend Condition 7 to:

*The landscaping planting and habitat creation schemes must be fully implemented and retained in accordance with the following approved details:*

1. Landscape Plan 60640449\_ACM\_XX\_XX\_DD\_LA\_0001 dated 18.09.2023
2. Landscape Plan 60640449\_ACM\_XX\_XX\_DD\_LA\_0002 dated 18.09.2023
3. Landscape Plan 60640449\_ACM\_XX\_XX\_DD\_LA\_0003 dated 18.09.2023
4. Landscape and Ecology Management Plan (reference 60640449) dated June 2023.

19. The applicant is proposing to amend Condition 8 to:

*The landscaping scheme as required under Condition 7 shall be carried out in full no later than the first planting season after the approval of the details or in accordance with the approved Landscape and Ecology Management Plan or another programme which has first been agreed in writing by the County Planning Authority. Thereafter the landscape planting shall be maintained for a period of five years, in accordance with the approved Landscape and Ecology Management Plan. Such maintenance shall include the replacement of any tree or shrub which is removed, uprooted, destroyed, dies or becomes in the opinion of the County Planning Authority seriously damaged or defective. The replacement shall be of the same species and size and in the same location as that originally planted.*

20. Condition 1 lists the approved plans and would be amended to include all updated plans accordingly.

21. As set out in the Planning Statement, the following changes to the landscape planting and habitat creation scheme on site would be reflected in the updated plans:

- Alterations to the design and scale of soft landscaped areas and planted areas.
- Alternative species used for new planting.

22. Other changes to the original scheme also include a mix of native and ornamental shrubs, sections of hedgerow (including native species), meadow grassland and amenity grass, and woodland.
23. Other changes proposed to be implemented as part of the scheme include the replanting of two trees that have failed and the planting of one tree that was never planted along the northern site frontage along Hurst Road; the planting of six additional trees (two groups) in a western area of the site, and; the replanting of two trees that have failed adjacent to the car park and playing field in a southern area of the site.
24. A new landscaping management document has been provided that separates the site into different compartments with detail on how each will be maintained over a 5-year period including pruning, watering and replacement of any newly planted trees that have failed to survive post planting over a period of 5 years.

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## Consultations and publicity

### District Council

25. Elmbridge Borough Council No objection

### Consultees (Statutory and Non-Statutory)

26. County Arboriculturist No objection  
subject to replacement planting for two trees in south of site, planting/replacement planting of three trees along the site front and additional tree specification being provided.
27. Landscape No objection  
subject to the amendment of condition 8 to ensure implementation of new scheme and its management.
28. Surrey Wildlife Trust – Ecology No objection

### Parish/Town Council and Amenity Groups

29. None

### Summary of publicity undertaken and key issues raised by public

30. Two rounds of publicity were undertaken as part of this application. The first round included the posting of 2 site notices and an advert was placed in the Surrey Advertiser 15 July 2022. A total of 184 owner/occupiers of neighbouring properties were directly notified by letter. 5 letters of representation have been received, 4 were in relation to vegetation encroaching onto neighbouring gardens and the other expressed concern with noise generated from an outdoor play area. The second round of publicity was undertaken and included neighbour letters sent to the same owner/occupiers on 15 March 2024 due to updated and corrected landscaping documents. 1 additional representation was received regarding traffic.

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## Planning considerations

31. The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
32. In this case the statutory development plan for consideration of this application consists of the Elmbridge Core Strategy 2011 and the Elmbridge Development Management Plan 2015. The Elmbridge Development Management Plan 2015 was adopted after the original planning permission was approved in 27 August 2014 and this report therefore includes additional policies relevant to this application from this adopted plan.

33. Elmbridge Borough Council (EBC) are in the process of replacing the adopted Core Strategy 2011 and Development Management Plan 2015 with a new Local Plan, to shape how Elmbridge is developed over a 15-year period. This long-term plan for the borough will also seek to respond to the shortage of new and affordable housing as well as ensure that future development happens with the necessary infrastructure while protecting the environment.
34. An independent inspector was appointed to examine the Draft Elmbridge Local Plan 2022, following submission to the Secretary of State for Levelling Up, Housing and Communities on 10 August 2023. The Planning Inspector will consider the soundness of the Draft Local Plan based on the 'tests of soundness' as set out in paragraph 35 of the National Planning Policy Framework (NPPF).
35. In accordance with Paragraph 48 of the NPPF (December 2023), weight can be given to relevant policies in emerging plans according to the stage of preparation (the more advanced its preparation, the greater the weight that can be given), the extent to which unresolved objections relevant to policies and the degree of consistency to the relevant policies in the emerging plan to the NPPF. Despite the Draft Elmbridge Local Plan 2022 having not yet been examined by the planning inspector, it is still at a late stage in its production and Officers thereby consider that limited weight can be attached. Relevant policies are thereby included and considered in this report.
36. In dealing with applications made under Section 73A, the National Planning Practice Guidance (NPPG) (2014) advises that local planning authorities must only consider the condition that is the subject of the application, it is not a complete re-consideration of the original application, however a new planning permission is issued if permission is granted, which sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. The NPPG also advises that such applications be considered against the Development Plan and other material considerations, although local planning authorities should focus attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of planning permission.
37. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are the landscaping, biodiversity and ecological implications as a result of the proposed amendments to Conditions 1, 7 and 8.

## **TREES, LANDSCAPING, ECOLOGY AND AMENITY**

### **Elmbridge Core Strategy 2011**

Policy CS14 – Green Infrastructure

### **Elmbridge Local Plan: Development Management Plan 2015**

Policy DM6 – Landscape and trees

### **Draft Elmbridge Local Plan 2022 (Regulation 19)**

Policy ENV1 – Green and Blue Infrastructure

Policy ENV2 – Landscape, trees and woodlands

Policy ENV6 – Protecting, enhancing and recovering biodiversity

38. Policy CS14 of the Elmbridge Core Strategy 2011, Policy DM6 of the Elmbridge Local Plan: Development Management Plan 2015 (EDMP 2015), Policy ENV6 of the Draft Elmbridge Local Plan 2022 (DELP 2022) and Paragraph 180 of the NPPF seek to protect and provide net gains for biodiversity through development. At the time of the original 2014 officers report for the development of the new school, it was considered that the removal of poorer quality trees would provide an opportunity to improve the overall quality of the tree population through landscape planting, including shrubs, hedgerow and meadow planting that would supplement the newly planted trees on site.

Additional planting has since been proposed as set out in paragraph 19 above which would increase the biodiversity of the site over and above the original proposal.

39. Policy DM6 of the EDMP 2015, Policy ENV1 and ENV2 of the DELP 2022 require landscaping schemes that reflect, conserve or enhance the existing landscape and its character, including through tree retention and/or planting and integrate development into its surroundings adding scale, visual interest and amenity. Further the policies require landscaping to conserve existing and create new habitats, be successfully implemented, maintained and managed and encourage adaptation to climate change, for instance through a balance of hard and soft elements and tree planting for shade, shelter and cooling; resilient disease and climate change resistant native trees.
40. The proposal includes a diverse mix of hard and soft landscaping elements and planting within the school providing new habitats, visual interest, increased scale and amenity. A proposed 0.5 metre boundary between vegetation and the edge of the school reduces the risk of encroachment respecting the surrounding landscape. The additional trees are of suitable species to provide resilience in the face of disease and protect from climate change impacts, providing shade for shelter and cooling. The updated Landscape and Ecology Management Plan (LEMP) provides more detail and covers every area of the up-to-date landscaping scheme spanning a management period of 5 years, ensuring the protection of new and existing planting on site.
41. The County Ecologist was consulted on the application and raised no objection, noting that the proposed landscaping and habitat creation scheme is appropriate. The County Landscape Architect was consulted and raised no objection to the additional planting along the school front. However, he noted that the proposed wording for Condition 8 by the applicant should be altered to ensure a landscape ecology management plan is adhered to as well as the carrying out of the proposed scheme within the next available planting season. This is reflected in an amended Condition 8.
42. The County Arboricultural Officer was consulted and raised no objection to the proposal provided two *Corylus Colurna* trees that failed to survive are replaced in the southern end of the site next to the playing field, and the planting/re-planting of the *Tilia Cordata*, *Carpinus Fastigiata* and *Sorbus Torminalis* takes place along the northern front of the site. Additional tree sizes, specification and an extended watering regime for a minimum of three years were requested. The applicant updated their submission documents to include these requirements.
43. Concerns were expressed in four representations received from members of the public regarding encroachment of vegetation from the school site into neighbouring residential gardens, particularly along the western boundary of the site. Consequently, the 0.5m corridor as mentioned above was included in the scheme and the site will benefit from regular maintenance over a 5-year period once details have been approved. The issue of noise and associated neighbour amenity was a matter for the original application, and cannot now be taken into account. Regarding the objection on traffic grounds, the proposals would not cause any impact to traffic over details already considered and approved in previous applications and this objection thereby falls outside its scope.
44. It is acknowledged that Biodiversity Net Gain (BNG) has recently become a legal requirement however as this application was made prior to 12 February 2024 and is an application under Section 73A it is exempt from this requirement, in accordance with the NPPG.
45. Taking the above into account, the additional planting proposed alongside the range of planting across the site as a whole and its updated management arrangements over a 5 year period are considered sufficient for maintaining the landscape character of the area and its biodiversity and secures appropriate mitigation for loss of trees and other vegetation in compliance with the reasons for Conditions 7 and 8 and thereby accords with the relevant planning policies in this regard. Officers recommend that permission is



granted and the wording for Conditions 1, 7 and 8 amended to include the updated plans, proposals and timescales to enable compliance in this regard.

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### **Human Rights Implications**

46. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
47. The Officers view is that the proposal does not engage any of the articles of the Convention and has no Human Rights implications.

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### **Conclusion**

48. This application seeks to amend conditions 1, 7 and 8 of planning permission ref: EL/2020/0021 dated 4 December 2020, to provide a satisfactory landscaping and habitat scheme and management of the same, and to update the approved plans for the site.
49. Officers consider that the details provided by the applicant in support of their application are adequate for the purposes of addressing the aims of conditions 7 and 8 of planning permission ref: EL/2020/0021 dated 4 December 2020. They provide a landscape scheme that benefits from a diverse and suitable array of planting, and, a management plan of sufficient detail to ensure its management and maintenance over a period of 5 years. Resultingly, Officers consider the proposal accords with the relevant policies regarding landscape, trees, biodiversity and ecology. The plans provided reflect the current site layout and are thereby suitable. As such, Officers recommend that the conditions be varied and planning permission be granted, subject to conditions.

### **Recommendation**

**That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. EL2022/2183 be permitted subject to the following conditions:**

**Conditions:**

1. The development hereby approved shall be maintained in all respects strictly in accordance with the following plans/drawings:

Drawing No. 60640449-ACM-00-XX-DR-AR-1 rev 00 Location and Block Plan dated 12 December 2023

Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0001 rev 6 Hurst Park Primary School Updated Landscape Plan SHEET 1 OF 3 dated 8 January 2024

Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0002 rev 4 Hurst Park Primary School LANDSCAPE PLAN SHEET 2 OF 3 dated 8 January 2024

Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0003 rev 5 Hurst Park Primary School PLANTING PLAN SHEET 3 OF 3 dated 18 September 2023

Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0002 rev 01 Hurst Park Primary School Tree Pit Detail dated 7 June 2022

Drawing No. 12261.05 / L(PA)107 rev P2 Existing Site Plan dated 17 December 2013

Drawing No. 12261.05 / L(PA)001 rev P2 Proposed Ground Floor GA Plan dated 27 March 2014

Drawing No. 12261.05 / L(PA)002 rev P2 Proposed First Floor GA Plan dated 17 December 2013

Drawing No. 12261.05 / L(PA)102 rev P3 Site Sections - Sheet 1 dated 9 January 2014

Drawing No. 12261.05 / L(PA)102 rev P3 Site Sections - Sheet 2 dated 9 January 2014

Drawing No. 12261.05 / E(PA)001 rev P3 Proposed Elevations Sheet 1 dated 17 January 2014

Drawing No. 12261.05 / E(PA)002 rev P3 Proposed Elevations Sheet 2 dated 17 January 2014

Drawing No. 12261.05 / E(PA)003 rev P3 Proposed Elevations Sheet 3 dated 17 January 2014

Drawing No. 12261.05 / L(PA)003 rev P3 Proposed Roof Plan dated 17 January 2014

Drawing No. CS-064160-400 rev C1 Drainage Layout dated 1 April 2014

Drawing No. CS-064160-401 rev C1 Drainage Construction Details dated 24 June 2014

Drawing No. CS-064160-402 rev C1 Impermeable Areas Layout dated 24 June 2014

Drawing No. CS-064160-403 rev C1 Proposed Levels Layout dated 24 June 2014

Drawing No. CS-064160-404 rev C1 Road Construction Details dated 24 June 2014

Drawing No. CS-064160-450 rev T1 Earthworks Analysis dated 20 January 2014

Drawing No. CS-064160-002 rev T1 Proposed Foundation Plan - Option 2 dated 21 January 2014

Drawing No. CS-064160-010 rev T1 Proposed Foundation Details dated 2 December 2013.

2. The scheme for the additional parking for staff vehicles and a drop off and pick up facility on the former John Nightingale site, shall be maintained and monitored in accordance with the details approved in writing by the County Planning Authority under planning permission Ref: EL/2015/0789 dated 23 June 2015, for the benefit of the development hereby permitted.
3. The scheme for speed management measures, parking restrictions and pedestrian improvements on Hurst Road and at the Hurst Road/Freeman Drive junction, shall be maintained in accordance with the details approved in writing by the County Planning Authority under planning permission ref: EL2015/4570 dated 15 March 2016, for the benefit of the development hereby permitted.
4. The School Travel Plan approved under planning application ref: EL2021/0261 dated 23 February 2021, shall be maintained, monitored, and kept updated to the satisfaction of the County Planning Authority.
5. The 16 bicycle parking spaces installed on the site as part of the development hereby permitted, shall be maintained.
6. The pedestrian gate as installed on the footpath that adjoins the eastern boundary of the site shall be maintained in accordance with the details approved in writing by the County Planning Authority under planning permission Ref: EL/2015/0789 dated 23 June 2015.
7. The landscaping planting and habitat creation schemes must be fully implemented and retained in accordance with the following approved details:
  - i) Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0001 rev 6 Hurst Park Primary School Updated Landscape Plan SHEET 1 OF 3 dated 8 January 2024
  - ii) Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0002 rev 4 Hurst Park Primary School LANDSCAPE PLAN SHEET 2 OF 3 dated 8 January 2023
  - iii) Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0003 rev 5 Hurst Park Primary School PLANTING PLAN SHEET 3 OF 3 dated 18 September 2023
  - iv) Drawing No. 60640449\_ACM\_XX\_XX\_DD\_LA\_0002 rev 01 Hurst Park Primary School Tree Pit Detail dated 7 June 2022
  - v) Document No. 60640449 rev 6 Landscape and Ecology Management Plan dated 18 September 2023
  - vi) Addendum to the Landscape and Ecology Management Plan (LEMP) dated 8 March 2024

vii) Hurst Park School Tree Specification dated 15 May 2024

viii) Email From Agent RE Maintenance Boundary Height And Watering Details Dated 14 May 2024

- 8.
- The landscaping scheme as required under Condition 7 shall be carried out in full no later than the first planting season after the approval of the details and in accordance with the approved Document No. 60640449 rev 6 Landscape and Ecology Management Plan dated 18 September 2023 and the Addendum to the Landscape Ecology Management Plan (LEMP) dated 8 March 2024 and Hurst Park School Tree Specification dated 15 May 2024 and Email From Agent RE Maintenance Boundary Height And Watering Details Dated 14 May 2024. Thereafter the landscape planting shall be maintained for a period of five years, in accordance with the approved Landscape and Ecology Management Plan and addendum to the Landscape and Ecology Management Plan. Such maintenance shall include the replacement of any tree or shrub which is removed, uprooted, destroyed, dies or becomes in the opinion of the County Planning Authority seriously damaged or defective. The replacement shall be of the same species and size, or be a suitable substitute approved by the County Planning Authority and be in the same location as that originally planted.
9. The development hereby permitted shall be maintained in accordance with the following details of external materials, as contained in an email dated 2 May 2014 and approved under planning permission ref: EL/2014/0356 dated 27 August 2014:
- i) Facing Brickwork - Engels Baksteen The Tatra (26155011)
  - ii) Cladding - arborClad Thermo-D Redwood (stain covering all surfaces).

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interest of the amenities of the locality pursuant to Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 and to manage and mitigate the transportation implications of the development, thereby not prejudicing highway safety nor causing inconvenience to other highway users, pursuant to Policy CS25 of the Elmbridge Core Strategy 2011 and Policies DM9 and DM7 of the Elmbridge Local Plan Development Management Plan 2015.
3. In the interest of the amenities of the locality pursuant to Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 and to manage and mitigate the transportation implications of the development, thereby not prejudicing highway safety nor causing inconvenience to other highway users, pursuant to Policy CS25 of the Elmbridge Core Strategy 2011 and Policies DM9 and DM7 of the Elmbridge Local Plan Development Management Plan 2015.
4. To manage and mitigate the transportation implications of the development, thereby not prejudicing highway safety nor causing inconvenience to other highway users, pursuant to Policy CS25 of the Elmbridge Core Strategy 2011 and Policies DM9 and DM7 of the Elmbridge Local Plan Development Management Plan 2015.
5. To manage and mitigate the transportation implications of the development, thereby not prejudicing highway safety nor causing inconvenience to other highway users, pursuant to Policy CS25 of the Elmbridge Core Strategy 2011 and Policies DM9 and DM7 of the Elmbridge Local Plan Development Management Plan 2015.

6. To manage and mitigate the transportation implications of the development, thereby not prejudicing highway safety nor causing inconvenience to other highway users, pursuant to Policy CS25 of the Elmbridge Core Strategy 2011 and Policies DM9 and DM7 of the Elmbridge Local Plan Development Management Plan 2015.
7. To maintain landscape character and biodiversity and to secure appropriate mitigation for loss of trees and other vegetation, pursuant to Policies CS14 of the Elmbridge Core Strategy 2011 and Policy DM6 of the Elmbridge Local Plan Development Management Plan 2015.
8. To maintain landscape character and biodiversity and to secure appropriate mitigation for loss of trees and other vegetation, pursuant to Policy DM6 of the Elmbridge Local Plan Development Management Plan 2015.
9. In the interest of the amenities of the locality pursuant to Policy DM9 of the Elmbridge Local Plan Development Management Plan 2015.

### **Informatives:**

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; and liaised with consultees and the applicant to resolve identified issues. Issues of concern have been raised with the applicant including impacts of and on trees and vegetation and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.
2. The applicant is advised that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.
3. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment. It is recommended that all trees grown abroad, but purchased for transplanting, shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees entered the UK, their origin and the length of time they have been in the nursery should be requested before the commencement of any tree planting. If this information is not available, alternative trees sources should be used. You are advised to consult the relevant UK Government agencies such as the Animal and Plant Health Agency (APHA) and the Forestry Commission for current guidance, Plant Passport requirements and plant movement restrictions. Quality Assurance Schemes followed by nurseries should also be investigated when researching

suppliers. For larger planting schemes, you may wish to consider engaging a suitably qualified professional to oversee tree / plant specification and planting.

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**Contact Lyndon Simmons**

**Tel. no. 07971 674 771**

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**Background papers**

The deposited application documents and plans, including those amending or clarifying the proposal, and responses to consultations and representations received, as referred to in the report and included in the application file.

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Elmbridge Borough Council planning register entry for this application can be found under application reference EL2022/2183.

**Other documents**

The following were also referred to in the preparation of this report:

**Government Guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

**The Development Plan**

[Elmbridge Core Strategy 2011](#)

[Elmbridge Development Management Plan 2015](#)

**Other Documents**

Planning Permission ref: EL/2014/0356 dated 27 August 2014

Planning Permission ref: EL/2020/0021 dated 4 December 2020

Draft Elmbridge Local Plan 2022 (Regulation 19)

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