

## 25 FEBRUARY 2020 PLANNING COMMITTEE

7c PLAN/2019/0722

WARD: Canalside

LOCATION: Land Rear of 151-152 Maybury Road, Woking, GU21 5JR

PROPOSAL: Demolition of existing commercial buildings and erection of a block of 6 flats with associated parking and amenity space (amended proposal).

APPLICANT: Rushmon Homes Ltd

OFFICER: James Kidger

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### **REASON FOR REFERRAL TO COMMITTEE**

The proposal is for the erection of residential units which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **PROPOSED DEVELOPMENT**

Planning permission is sought to demolish the existing buildings on the site and to erect a block of six flats with associated parking and amenity space. The proposed flats would be accessed from Monument Road and Monument Mews.

The scheme has been amended during the course of the application in order to reduce the impact to nos. 1-3 Monument Mews. As part of this the originally proposed eight flats were reduced to six and the footprint of the proposed building altered.

### **PLANNING STATUS**

- High Density Residential Area
- Priority Places
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Shopping Parades
- Surface Water Flooding

### **RECOMMENDATION**

GRANT planning permission subject to conditions and Section 106 legal agreement.

### **SITE DESCRIPTION**

The site is currently part of the rear curtilage of 151-152 Maybury Road, a detached two storey building at the western end of the shopping parade fronting Maybury Road. This building is in retail use, though there is a current resolution to grant planning permission under PLAN/2019/0777 for the conversion of the first floor to two flats, subject to a legal agreement.

The site itself currently contains a detached warehouse to the rear and an elongated workshop-type building attached to the main part of 151-152 Maybury Road. A shipping container is sited between the two structures.

### **PLANNING HISTORY**

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- PLAN/2009/0007 – extension to warehouse – approved 21<sup>st</sup> May 2009.
- PLAN/2015/0568 – Monument Mews development – approved 1<sup>st</sup> March 2017.

### **CONSULTATIONS**

Arboricultural Officer – Arboricultural information required prior to determination.

Drainage & Flood Risk – No objection subject to recommended condition.

Environmental Health – No objection.

Highway Authority – No objection subject to recommended conditions.

### **REPRESENTATIONS**

Three representations were received objecting to the originally proposed scheme for 8 units, for the following reasons:

- Overlooking of nos. 1-3 Monument Mews;
- Overbearing impact to 1 Monument Mews;
- Loss of outlook from 1 Monument Mews;
- Loss of light to 1 Monument Mews; and
- Additional traffic may impact the vehicular access to nos. 1-3 Monument Mews.

One representation has been received objecting to the amended scheme for 6 units, for the following reasons:

- Overlooking of 2 Monument Mews; and
- Additional traffic may impact the vehicular access to nos. 1-3 Monument Mews.

### **RELEVANT PLANNING POLICY**

#### National Planning Policy Framework (NPPF) (2019):

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

#### Development Management Policies DPD (2016):

DM2 – Trees and landscaping

DM7 – Noise and light pollution

#### Woking Core Strategy (2012):

CS1 – A spatial strategy for Woking Borough

CS4 – Local and Neighbourhood Centres and shopping parades

CS5 – Priority Places

CS8 – Thames Basin Heaths Special Protection Areas

CS9 – Flooding and water management

CS10 – Housing provision and distribution

CS11 – Housing mix

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- CS12 – Affordable housing
- CS18 – Transport and accessibility
- CS21 – Design
- CS22 – Sustainable construction
- CS24 – Woking's landscape and townscape
- CS25 – Presumption in favour of sustainable development

### Supplementary Planning Documents (SPDs):

- Parking Standards (2018)
- Woking Design (2015)
- Climate Change (2013)
- Outlook, Amenity, Privacy and Daylight (2008)

### **PLANNING ISSUES**

1. The main planning considerations material to this application are the principle of development on the site, the standard of accommodation to be provided, the impact on the character of the area, the impact on the amenity of neighbouring properties and the impact on transport.

#### Principle of development

2. The site is part of the curtilage of 151-152 Maybury Road, which in turn is part of the Maybury Road shopping parade. Policy CS4 of the Woking Core Strategy seeks, amongst other provisions, to 'protect and retain local shops and other small scale economic uses' within shopping parades.
3. The separation of the rear curtilage from the remainder of the unit would leave only the main building in retail use, and it is further noted that the first floor may also be taken out of retail use under PLAN/2019/0777, should it be granted and implemented. However, a reasonable amount of ancillary space would remain at the rear of the ground floor, and this is considered sufficient to preserve the viability of the existing retail unit.
4. The site is within an area identified by policy CS10 of the Woking Core Strategy as suitable for high density residential development. The proposal site is also within an area identified as a 'Priority Place' by policy CS5 which requires planning decisions to seek to redress identified local issues, including housing and employment. This policy seeks to redress the tenure imbalance in the area by providing more family accommodation and affordable housing and seeks to safeguard employment uses in Employment Areas. The proposal site does not form part of an Employment Area and the proposal would result in the provision of new dwellings, including family accommodation, which is considered consistent with the aims of policy CS5. There is therefore no objection in principle to further residential development, subject to the usual planning considerations which are discussed below.

#### Standard of accommodation

5. All six proposed flats would be two bedroom units and there would be two on each floor. Units 1, 3 and 5 would have a floor area of 70 square metres each and units 2, 4 and 6 would have 69 square metres each. The former would therefore accord with, while the latter would be 1 square metre short of, the floor areas recommended within the Government's Nationally Described Space Standards.

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6. Each of the bedrooms would be adequately sized with reasonable outlook and natural lighting, and each flat would have a relatively spacious open plan kitchen/living area which would ensure sufficient circulation space. In these circumstances the minor shortfall in floor space within units 2, 4 and 6 is not considered significantly harmful to the amenity of future occupiers.
7. Due to the constraints of the site and the nature of development proposed it would not be possible to provide any private outdoor amenity space. However, this is not unusual for flatted developments and it is noted there would be small areas of communal amenity space at the northerly and westerly sides of the building.
8. The Outlook, Amenity, Privacy and Daylight SPD suggests that, in the most dense urban locations where no suitable outdoor amenity space can be provided, the developer makes a contribution to off-site amenity provision to compensate. This contribution has since been incorporated within the Community Infrastructure Levy (CIL) which the development is liable for.
9. Though not ideal, the lack of private outdoor amenity space for the proposed development is not considered sufficiently harmful to the amenity of future occupiers to warrant the refusal of the application, while some mitigation would be obtained via CIL.

### Character of the area

10. The site is currently warehouse space ancillary to the retail use of 151-152 Maybury Road. Residential gardens lie to the south and west, residential development in the form of nos. 1-3 Monument Mews lies to the north, while to the east is the residential parking area of the flats within Humberstone Court beyond. The area is therefore predominantly residential in character and the intensification represented by the six proposed flats is considered in keeping with this existing character.
11. The proposed building would be three storeys with the third storey partially set into the roof. This compares to the two storey semi-detached properties on Maybury Road to the south, the two storey plus roof dormers of nos. 1-3 Monument Mews to the north, and the four storey Humberstone Court building to the east.
12. The proposed flats would be accessed from Monument Road via Monument Mews, and this would also be the principle viewpoint from the public realm. The building would therefore be perceived in the context of the four storey Humberstone Court, compared to which its scale would be somewhat less as befits a backland development.
13. The footprint of the building would be broadly comparable with that of nos. 1-3 Monument Mews (collectively) and Humberstone Court, and would form the third side of a rough courtyard centred on Monument Mews. The proposed boundary fence would front this area and is considered unattractive, but it is noted that it would be no worse than the existing situation.
14. Overall the proposed building would fit into the emerging urban grain in this location and is not considered harmful to the character of the area.

### Impact on neighbouring amenity

15. The proposed building would be L-shaped and the north-westerly portion would be offset from nos. 1-3 Monument Mews to the north. Only the easterly part of the 'L' would be directly opposite no. 1 Monument Mews, with the buildings being separated

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by the proposed communal amenity space and the existing access driveway to no. 1. The total separation distance would amount to 16.8m, which compares favourably with the 15m recommendation for three storey buildings set out within the Outlook, Amenity, Privacy and Daylight SPD. Both buildings would be dual aspect and neither would be unacceptably overlooked.

16. The distance would also successfully obviate any significantly harmful overbearing impact. The proposed building would pass the BRE 25 degree test with regard to 1 Monument Mews opposite, which indicates a good standard of light would be retained.
17. It is further noted that the applicants propose to obscure glaze the upper storey windows on the north elevation of the easterly part of the 'L'. Whilst this would all but eliminate any overlooking, it is not considered essential for the reasons set out above and would be detrimental to the living conditions in two of the proposed flats. As such the obscure glazing will not be conditioned.
18. The distances to Humberstone Court to the east would be in excess of 22 and 30m for the easterly and north-westerly portions of the 'L' respectively, and there would be no significant harm to amenity. Similarly, the distances of 20m to the rear of 151-152 Maybury Road, 18m to the nearest residential property to the south (150 Maybury Road) and 29m to the nearest westerly property (12 Kerry Terrace) are all considered sufficient. Some overlooking of neighbouring gardens along Maybury Road would be facilitated, but this is a feature of the area already with two storey dwellings in close proximity and the additional minor harm does not warrant refusal.
19. The proposed car parking arrangements would bring an element of noise further along the rear of Maybury Road. However, the seven spaces would facilitate only a limited number of comings and goings, and subject to appropriate boundary treatment between the site and the rear garden of 150 Maybury Road is considered acceptable. Such boundary treatment will be secured via condition.

### Transport

20. The proposed development would be accessed via the existing gateway at the south-west of Monument Mews, and turning space for large vehicles would be facilitated by the existing Monument Mews car park as denoted on the submitted 'Fire Access' drawing. This arrangement is considered acceptable by the Highway Authority subject to conditions.
21. The recommended minimum parking standard for the proposed development, as set out in the Parking Standards SPD, amounts to one off-road parking space per flat. The seven spaces proposed would exceed this standard, and it is further noted that the site is within 15-20 minutes' walk of Woking Railway Station.
22. It is noted that the Highway Authority have recommended that all of the proposed parking spaces be fitted with electric vehicle charging points. However, the Climate Change SPD recommends a minimum of 20% of spaces be so fitted, and to insist upon a higher figure is considered unjustified. A condition will therefore be added requiring two charging points, one active and one passive.

### Thames Basin Heaths Special Protection Area (TBH SPA)

23. The site is within 5km of the TBH SPA and the proposed development would result in additional residential units. Natural England have demonstrated that additional

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residential development within such proximity can have a significant effect upon the rare bird population of the SPA.

24. Policy CS8 of the Woking Core Strategy requires an appropriate contribution toward Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM) in order to mitigate these effects. An appropriately worded legal agreement under Section 106 of the Town and County Planning Act 1990 securing this contribution will therefore be required prior to the grant of planning permission.

### Affordable housing

25. Policy CS12 of the Woking Core Strategy states that new residential development on brownfield land, where the number of new units is between five and nine, will be expected to provide either 20% affordable housing on site or an equivalent financial contribution toward the provision of affordable housing off-site.
26. However, paragraph 63 of the National Planning Policy Framework (NPPF) (2019) states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The site is not within a designated rural area and does not constitute major development (development where 10 or more dwellings will be provided or, if the number of dwellings is not known, the site has an area of 0.5 hectares or more).
27. Whilst weight should still be afforded to policy CS12 it is considered that greater weight should be afforded to the policies within the NPPF. As such, given that the proposed development would not be major development no affordable housing or financial contribution is sought.

### Sustainability

28. Following a Ministerial Written Statement to Parliament on 25 March 2015, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This was expected to happen alongside the introduction of Zero Carbon Homes policy in late 2016. The government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4.
29. Until the amendment is commenced, Local Planning Authorities are expected to take this statement of the Government's intention into account in applying existing policies and setting planning conditions. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4. Subject to such conditions, the proposal is considered acceptable in terms of sustainability.

### Other matters

30. It is noted that the Council's arborist has requested full arboricultural information prior to decision. However, none of the trees on the site are protected and there is therefore nothing to prevent the applicant clearing the site prior to the commencement of works,

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while subsequent planting will be addressed via a landscaping condition. In these circumstances the information sought would not be justified.

31. The site is within an area at medium (1 in 1000 year) risk of surface water flooding. The Council's drainage team have recommended that a surface water drainage scheme is provided prior to the commencement of works, and this will be secured via condition in order to ensure the risk of flooding is not worsened.
32. The side roof slope of 1 Monument Mews and the front roof slope of 3 Monument Mews are fitted with photovoltaic panels. The separation distance and orientation of the proposed building would ensure there would be little impact on the ability of these panels to harvest sunlight.

### Local Finance Considerations

33. The proposed development would result in new residential units and is thus liable for a financial contribution under the Community Infrastructure Levy (CIL). CIL would be payable on the gross new build floor space of 468m<sup>2</sup>.

### CONCLUSION

The proposed development would provide six additional units of accommodation in the Borough. The standard of accommodation to be provided is considered acceptable and there would be no significant harm to the character of the area or to neighbouring amenity. The application is therefore recommended for approval subject to a legal agreement securing a SAMM contribution.

### BACKGROUND PAPERS

Site Photographs dated 3<sup>rd</sup> October 2019 and 31<sup>st</sup> January 2020.

### RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the completion of a legal agreement securing a SAMM contribution and the following conditions:

1. The development for which permission is hereby granted shall be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

FE102p – Proposed Location Plan – received 16<sup>th</sup> January 2020  
FE105h – Proposed Block Plan – received 20<sup>th</sup> January 2020  
FE125q – Proposed Ground Floor Plan – received 9<sup>th</sup> January 2020  
FE126q – Proposed First Floor Plan – received 9<sup>th</sup> January 2020  
FE127q – Proposed Second Floor Plan – received 9<sup>th</sup> January 2020  
FE129o – Proposed Roof Plan – received 9<sup>th</sup> January 2020  
FE130n – Proposed South Elevation – received 9<sup>th</sup> January 2020  
FE131p – Proposed East Elevation – received 9<sup>th</sup> January 2020

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FE132q – Proposed North Elevation – received 9<sup>th</sup> January 2020  
FE133o – Proposed West Elevation – received 9<sup>th</sup> January 2020  
FE141h – Proposed Section B-B – received 9<sup>th</sup> January 2020  
FE142h – Proposed Fire Access – received 20<sup>th</sup> January 2020  
FE145f – Proposed General Section – received 9<sup>th</sup> January 2020

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

3. ++ No above ground development associated with the development hereby permitted shall commence until details and samples of the materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

4. ++ No above ground development associated with the development hereby permitted shall commence until details of all screen and boundary walls, fences, hedges and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure will be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved unless otherwise agreed in writing by the Local Planning Authority. Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenity and privacy of the occupants of neighbouring properties and to preserve and enhance the character and appearance of the locality.

5. ++ No above ground development associated with the development hereby permitted shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality.

6. No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The

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drainage scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event.

The drainage scheme details to be submitted for approval shall also include:

I. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.

II. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.

III. Detail drainage plans showing where surface water will be accommodated on site.

IV. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first use of the development hereby permitted and thereafter it shall be managed and maintained in accordance with the approved details in perpetuity.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of these in accordance with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

7. ++ Prior to the commencement any above ground works in connection with the development hereby permitted, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:
- a. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
  - b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

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Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

8. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

9. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans:

(a) Secure parking for a minimum of 8 bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority; and

(b) Fast charge sockets for electric vehicles, of which at least one shall be active, shall be fitted to two of the parking spaces in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a high standard of sustainability with regards to cycle storage and electric vehicle charging infrastructure requirements.

### **Informatives:**

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2019.
2. The applicant is advised that Council Officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours: 8.00 a.m. - 6.00 p.m. Monday to Friday; 8.00 a.m. - 1.00 p.m. Saturday; and not at all on Sundays and Bank Holidays.
4. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential extensions), it is essential that

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a Commencement Notice be submitted at least one day prior to the starting of the development. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from:

[http://www.planningportal.gov.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

Claims for relief must be made on the appropriate forms which are available on the Council's website at:

<https://www.woking.gov.uk/planning/service/contributions>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

5. Your attention is specifically drawn to the condition(s) above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
7. This permission grants consent only for development within the red line boundary of the site as shown on the submitted location plan (FE102p). The applicant is advised that the section of fence shown outside this area on the approved block plan (FE105h) is not covered by this permission.