

Application Number and Registration Date	MO/2019/0342 (Detailed) 07-Mar-2019
Applicant	c/o agent
Case Officer	Sue James
Amendments /amplifications	Amplified and amended by plans and documents received on 15/04/2019.
Committee Date	5 June 2019
Ward(s)	Leatherhead South Within 20m of Leatherhead North Ward
Proposal	Erection of a two storey side extension and single storey rear extension to create one additional dwelling.
Site Description	Grantchester, Linden Gardens, Leatherhead, Surrey, KT22 7HB

RECOMMENDATION: Approve subject to conditions

Summary

Planning permission is sought for the erection of one additional dwelling in the form of a two storey side and single storey rear extension to the existing house to form an asymmetrical pair of semi-detached dwellings. The proposal would involve the creation of two parallel parking spaces to the front and an additional crossover.

The current application follows a recently approved householder application for a two storey side extension and single storey rear extension to enlarge the existing house. The current application proposes creating an additional dwelling in almost the same form as the permitted two storey side extension.

1. Development Plan

1.1. Built up area

2. Relevant Planning History

MO/2018/0757 THANET	Erection of two detached dwellings following demolition of existing.	Refused. 21/06/2018. Appeal dismissed 14/03/2019.
MO/2018/2118 GRANTCHESTER	Erection of a two storey side extension and a single storey rear extension.	Approved. 08/02/2019. Not implemented.

3. Description of Development

- 3.1. The application site is located on the south side of Linden Gardens in Leatherhead. Linden Gardens is a no-through road. The site hosts a detached two storey house on a spacious plot. It is situated in a row of mostly early twentieth century detached houses on spacious plots that are mixed in design and character. Opposite the row of houses are playing fields connected with St Johns School. Grantchester features cream painted pebble dash and render and brown interlocking roof tiles.



- 3.2. The current application seeks planning permission for the erection of one additional dwelling in the form of a two storey side extension and a single storey rear extension to the existing house to form an asymmetrical pair of semi-detached dwellings. The proposal would involve the creation of two parallel parking spaces to the front of the proposed dwelling and the creation of an additional crossover.
- 3.3. Following concerns raised by neighbours and by the Council, amended plans were received removing a first floor window on the west side elevation; removing the front porch and moving the front entrance to the side elevation; setting down the roof and reducing the width of the dwelling by 0.7 metres to a width of 6 metres. The third

bedroom has been moved to the roof space and would be lit by the insertion of two roof lights into the rear roof slope. In terms of the width and the set down of the roof of the proposed dwelling, the dimensions are now identical to the dimensions of recently permitted two storey side extension under MO/2018/2118

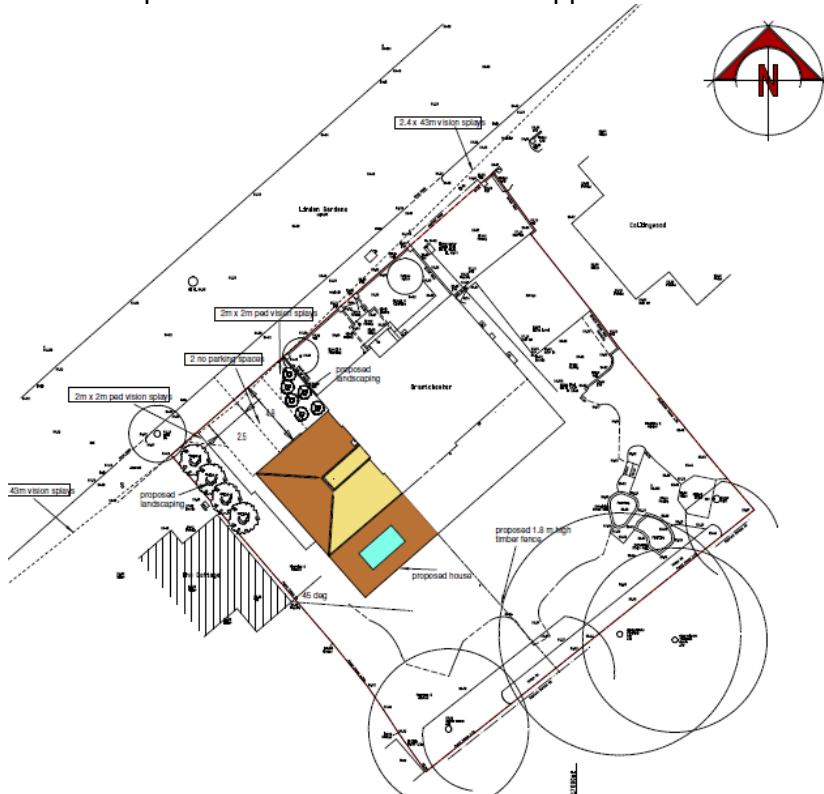
- 3.4. At the same time the applicant submitted a supporting document addressing some of the points raised by the neighbours. The document presents a background explanation to the proposal and goes on to address neighbours' parking issues, providing photos of existing crossovers. It also addresses the Thanet appeal. In April 2018 the Council received a planning application to demolish the house known as Thanet in Linden Gardens and build two replacement detached dwellings, reference MO/2018/0757. The application was refused and subsequently dismissed at appeal.

Neighbours were re-notified and given a further 21 days to respond.

- 3.5. For information, the drawing below shows the householder extension approved under MO/2018/2118:



The block plan below is from the current application:



The drawing below is from the current application and shows the proposed front elevation:



The site from within the street scene of Linden Gardens, below:



4. Consultations

- 4.1. SCC Highways: No objections. Planning conditions recommended regarding the provision of visibility zones (condition 12); that space is laid out within site for parking (condition 13); and stating that a Construction Transport Management Plan is required before the development commences (condition 3).
- 4.2. Environmental Services (re refuse storage): No queries or concerns.
- 4.3. Tree Officer: There are no major tree related concerns regarding this scheme. The proposed new dwelling is situated well away from the larger trees to the rear of the site and the access would not impact the pollarded street Lime tree. Therefore no trees of public amenity interest would be lost or adversely affected.

5. Representations

- 5.1. Ten representations were received following the initial neighbour notification, in which the following summarised points are raised:

- Detrimental effect on the character of Linden Gardens.

Officer comment: Addressed in the report under paragraphs 7.15, 7.16 and 7.18.

- Querying the applicant's motives and disregard for the proper planning process.

Officer comment: The applicant's motives in making a planning application do not form a material consideration and are therefore not addressed by this report.

- Overcrowding of the site.

Officer comment: Addressed under paragraph 7.15.

- Out of character with the pattern of detached houses on relatively wide plots.

Officer comment: Addressed under paragraph 7.15.

- The house would be wider and higher than the previously approved extension.

Officer comment: This has now been addressed by amendments to the scheme. The house would be the same width and the same height as the recently approved householder scheme.

- It would create an unbalanced pair, not symmetrical like numbers 2 and 4 Linden Gardens.

Officer comment: Addressed under paragraph 7.18.

- The site has already been divided into two by the erection of a fence and a single storey extension is being built in contravention of the recent approval.

Officer comment: A single storey extension is being built to the rear of the existing house that appears to comply with permitted development limits. The applicant has stated that an application for a lawful development certificate for this extension will shortly be submitted although there is no requirement to do so. It has a different roof form to the single storey rear element recently approved under the householder permission.

- The wide hard standing area would be unsightly and out of keeping.

Officer comment: Addressed in the report under paragraph 7.18.

- The front porch would encroach onto one of the parking spaces making it unusable.

Officer comment: This has been addressed by amendments to the scheme to remove the front porch and move the entrance door to the side.

- The new crossover would mean the loss of two on-street parking places. Existing parking problems caused by the new yellow lines elsewhere in Leatherhead, and the road being used by school run parents would be exacerbated by the proposed development. The refuse vehicle has, at times, not been able to get down the road.

Officer comment: Traffic and parking issues have been addressed in the report

under paragraphs 7.23 to 7.25. MVDC Environmental Services were consulted regarding waste and recycling, and raised no queries or concerns.

The neighbours were re-notified on 12/04/2019 following the receipt of amended plans and given a further period of 21 days in which to respond. A further seven representations were received in which the following summarised points were raised:

- Concerns raised regarding the transparency of the planning process.
- Concern raised regarding procedural issues.
- Query raised regarding the applicant's motives.

Officer comment: The applicant's motives in making a planning application do not form a material consideration and are therefore not addressed by this report.

- Moving the front door does not make the scheme any more palatable.

Officer comment: Addressed in the report under paragraphs 7.14, 7.15 and 7.18.

- The hard boundary between Grantchester and the new dwelling would be out of character with the area.

Officer comment: Addressed under paragraphs 7.15 and 7.18.

- Unbalanced semi-detached pair would be out of keeping with the character of the area.

Officer comment: Addressed under paragraph 7.18.

- Loss of on-road parking would have a negative impact on residents.

Officer comment: Addressed under paragraphs 7.24 and 7.25.

- A precedent has been set by the dismissal of the appeal against the refusal of MO/2018/0757 for new dwellings at Thanet.

Officer comment: Addressed under paragraph 7.17.

6. Main Planning Policies

6.1. National Planning Policy Framework

Section 2: Achieving Sustainable Development

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.

6.2. Mole Valley Core Strategy

CS1 – Where Development will be Directed.

CS2 – Housing Provision and Location

CS3 – Balancing Housing Provision

CS14 – Townscape, Urban Design and the Historic Environment

CS15 – Biodiversity and Geological Conservation

CS20 – Flood Risk Management

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria
ENV23 – Respect for setting
ENV53 – Trees in the Built-up Area
ENV24 – Density of Development and the
MOV2 – Movement implications of new development
MOV5 – Parking standards

6.4. Other documents

Built Up Area Character Appraisal – Leatherhead

7. Main Planning Issues

7.1. The main planning issues for consideration are:-

- Principle of the development
- Effect on the character and appearance of the area
- Impact on the amenities of adjoining properties
- Highways and parking
- Impact upon trees.

Principle

7.2. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that, in terms of the decision-making process, this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

i. the application of policies in the Framework that protect areas or assets of particular importance; or

Such areas include land designed as Green Belts, an Area of Outstanding Natural Beauty, and Conservation Areas. (This does not apply in this case).

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

7.3. The Council can currently only demonstrate 2.17 years of Housing Land Supply. As the Council does not have a 5-year Housing Land Supply, the 'tilted balance' in paragraph 11 is engaged. This means granting permission for residential development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the NPPF as a whole, or there is a clear reason for refusing development because of a conflict with policies in the NPPF that protects areas or assets of particular importance.

7.4. In assessing the benefits, the proposal would contribute one residential unit to the housing market and the District's wider housing supply. The site lies within reasonable walking distance of Leatherhead town centre and Leatherhead Station. In this respect it is a sustainable location and this fact attracts weight.

7.5. Paragraph 127 of the NPPF states that planning policies and decisions should ensure the developments, inter alia: (a) will function well and add to the overall quality of an

area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 7.6. At paragraph 130, it is stated that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions.
- 7.7. Policies CS1 and CS2 advise that new development will be directed towards previously developed land within the built up areas of Leatherhead, Dorking, Bookham, Fetcham and Ashted. The site lies within the built up area of Leatherhead: the principle of residential development is therefore acceptable.
- 7.8. Policy CS3 states that the Council will particularly seek the provision of two and three bedroom dwellings. The proposal would provide one 3 bedroom dwelling and therefore accords with this policy.
- 7.9. Mole Valley Core Strategy policy CS14 advises that all new development must respect and enhance the character of the area in which it is proposed whilst making the best possible use of the land available.
- 7.10. Mole Valley Local Plan policy ENV22, General Development Control Criteria sets out seven general criteria for sound development control practice. Criterion 1 requires that development should be appropriate to the site in terms of its scale, form and appearance. Criterion 2 requires that the proposal does not significantly harm the amenities of neighbouring occupiers by reason of overlooking or its overshadowing or overpowering effect. Criterion 3 requires that development should respect the character and appearance of the locality.
- 7.11. Mole Valley Local Plan policy ENV23, Respect for Setting requires that development should take account of the scale, character, bulk and proportions of the surrounding built environment, and that it should not comprise overdevelopment in relation to the size of the plot and/or surrounding developments. Criterion 3 requires that new development has regard to established townscape features, including the space around buildings.
- 7.12. Mole Valley Local Plan policy ENV24 advises that development will not be permitted where it would result in a cramped appearance having regard to the general spacing around buildings in the locality.

Effect on the character and appearance of the area

- 7.13. The site lies within the area defined as Central Leatherhead in the Built up Area Character Appraisal for Leatherhead. The document does not provide a detailed description of Linden Gardens but gives an overview of the wider area's character. The key characteristics of the area are set out as follows:-

Key characteristics of Central Leatherhead:

- Much of the housing dates from the 1930s or 1950s, comprising mostly medium but some larger houses and bungalows, the vast majority of which are detached or semi-detached;

- Some streets with a homogenous style, others more varied, but designs fit together in a harmonious manner

- Building materials are generally typical of the locality, with red brick, pale render and clay tiles being the most common, especially on the early 20th century houses;

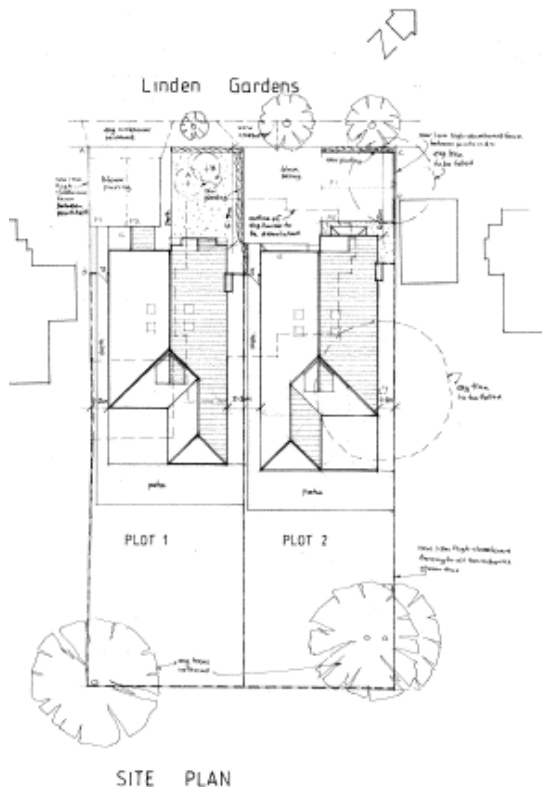
- Designs are generally traditional and typical of domestic development in the south east.

- 7.14. Linden Gardens is a no-through road that is formed in two sections. The application site is located in the first section accessed from Garlands Road. There are five detached houses in this section on the south side of the road – all early 20th century except for one 1960s house. Opposite these houses are playing fields connected with St Johns School. The second section is reached via a sharp right-hand bend in the road where the houses, all early 20th century, face each other in a cul-de-sac. The houses in Linden Gardens are all two storey, and take different forms, but are all similar in their use of red brick, tile hanging, painted render and clay tiles.
- 7.15. The application property, Grantchester, is in its original form when viewed from the road and occupies a significantly wider plot than the other houses in the row. There is greater spacing at both sides of the house than can be seen generally in the road. The widest open area is to the west side (currently a garden area) and this is the site for the proposed dwelling. The proposed house would have a width of 6.0 metres. There would be a separation gap between the proposed house and the western side boundary of 3.7 metres. This is in keeping with the spacing around other properties in the road.
- 7.16. The ridge height of the proposed dwelling has a lower height than the existing house and this will break up the mass of the extended building whilst maintaining the integrity of the building as a pair of semi-detached houses.
- 7.17. A number of the representations make reference to the recent refusal and dismissal at appeal of a scheme to erect a pair of detached houses following demolition of one detached house known as Thanet, located in the cul-de-sac in Linden Gardens (planning reference MO/2018/0757). The two proposed houses were to be noticeably narrower in form, significantly lower height than the existing houses, and with reduced spacing to adjoining properties. It was found by the inspector that they would detract from the surrounding area's appearance and coherent character. The inspector also found that the proposal would harm the living conditions of the occupiers of the adjacent property due to the closeness to the boundary and depth of the houses at the rear. Each application should be judged on its own merits and it is not considered that the reasons for refusal and dismissal at appeal are applicable to the current scheme.

Below is a street scene drawing submitted with MO/2018/0757 indicating the two houses proposed at Thanet:



Below is the proposed block plan submitted with MO/2018/0757 showing the two houses proposed:



7.18. The proposed dwelling has been designed in such a way that the semi-detached pair would have the appearance of one single dwelling. In this respect the proposal does not alter the street's character. Neither would the proposed parking spaces at the front of the proposed dwelling alter the character of the area. There are other examples in Linden Gardens of wide crossovers, more than one at some properties, and parking areas immediately off the road. The separation distance to the side boundary would be in keeping with the general spacing around the houses in the area. It is not considered that the proposed dwelling would cause harm to the street's spacious character and its development pattern and form.

Impact on the amenities of adjoining properties

- 7.19. The neighbouring property most likely to be impacted by the proposal is the two storey property to the western side known as The Cottage. This property has been extended to the side closest to the application site and features a catslide roof at the side, from the ridge down to the eaves of the garage to form the roof of the garage with a bedroom above. The garage is built to the side boundary but the bedroom above is set in away from the boundary. There are no windows, dormer windows or roof lights in the eastern side of this property facing the application site.
- 7.20. The single storey rear element of the proposed dwelling would have a depth of approximately 3.7 metres. It would extend beyond the rear of The Cottage. However, there would be a considerable separation between the dwellings, and a line drawn at 45 degrees from the neighbour's closest rear window would not cut into the proposed dwelling. The two storey element of the proposed dwelling would not extend beyond the front or rear of this neighbouring dwelling, and there would be a separation distance of 3.7 metres. There are no windows or roof lights indicated in the side elevation of the proposed dwelling that would face this property.
- 7.21. No other neighbouring properties would be directly impacted by the proposal. There are no houses opposite the site in Linden Gardens. There is a block of flats to the rear known as Tregarthen Place but this building is a considerable distance away.
- 7.22. Overall, it is considered that the proposal would not have a detrimental impact on neighbouring amenities.

Traffic and parking

- 7.23. The proposal would provide two parking spaces within the development, which would be sufficient to meet the standards for one three bedroom dwelling in this town centre location.
- 7.24. A number of the representations raise concerns regarding problems around the level of on-street parking in Linden Gardens. It is noted that a number of other properties in Linden Gardens have double width crossovers or in/out driveways, and furthermore, Highways have not objected to the proposal. It would be difficult to refuse permission on the grounds of an additional crossover alone.
- 7.25. In paragraph 109 of the NPPF, it is advised that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Surrey Highways Authority has been consulted on the current proposal and raised no objections.

Community Infrastructure Levy

- 7.26. The Localism Act 2011 amended the Town and Country Planning Act 1990 to state that Authorities should also take into account 'any local finance considerations, so far as material to the application'.
- 7.27. 'Local finance considerations' include 'sums that a relevant Authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)'.
- 7.28. Policy CS17 of the Core Strategy states that development should make provision for new infrastructure where necessary. However the Community Infrastructure Levy (CIL) has now been introduced, which places a mandatory charge on new residential developments to be used to fund infrastructure projects within the District. The Council

has produced the following list of infrastructure types that will be funded through CIL receipts (known as the Council's Regulation 123 List.

- Transport schemes other than site-specific access improvements
- Education
- Primary Health Care
- Leisure and Recreation
- Community Facilities
- Flood Defences and Mitigation Works
- Waste Collection and Recycling Facilities.

7.29. This development is CIL liable and a CIL contribution of £19,987.30 would be generated from the development. However, this figure may be amended if further information is forthcoming, and it may also be subject to an application for exemption.

Conclusion

7.30. When assessed against the policies in the Framework taken as a whole, it is considered that the development would simultaneously achieve the social, economic and environmental dimensions necessary to be considered as sustainable development as defined and sought by the NPPF. The adverse impacts identified above would be limited and would not significantly and demonstrably outweigh the benefits of these proposals when measured against the policies in the NPPF. Noting that the proposal also accords with Development Plan policies. Taking all of these factors into account it is concluded that planning permission should be granted.

8. Recommendation

Permission be **GRANTED** subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plans received on 15/04/2019 and numbered 1102/19/01 rev C and 1102/19/04 rev A, contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) no HGV movements to or from the site shall take place between the hours of 8.15 to 9.15am and 3.00 to 4.15pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Linden Gardens or St Johns Close during these times

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

4. Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

The approved drainage scheme shall be implemented prior to the first occupation of the development.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted and, in the interests of sustainable development, in accordance with the advice contained in the National Planning Policy Framework and policy CS20 of the Mole Valley Core Strategy.

5. Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

6. Prior to any above ground works commencing, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.

Reason: To optimise renewable energy and its conservation, in accordance with policy CS19 of the Mole Valley Core Strategy.

7. The Arboricultural method statement submitted in support of the application, dated 20/02/2019 shall be adhered to in full, following effective supervision by a suitably qualified pre-appointed tree specialist to be retained during the development process. This condition may only be cleared on completion of the development subject to satisfactory written evidence of contemporaneous compliance, monitoring and supervision by the appointed tree specialist during the construction.

Reason: In the interests of visual amenity and to ensure the retention of trees which enhance the existing character of the locality in accordance with Mole Valley Local Plan policies ENV25 and ENV53, Mole Valley Core Strategy policies CS14 and CS15, and the current British Standard 5837 (Trees in relation to design, demolition and construction).

8. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions within Schedule 2, Part 1, Classes A, B, or C to any dwelling hereby permitted shall be erected.

Reason To control any subsequent enlargements in the interests of the visual and residential amenities of the locality, in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

9. No part of the development hereby permitted shall be first occupied unless and until the proposed vehicular access to Linden Gardens has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
10. 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. Thereafter the parking area shall be retained and maintained for its designated purpose.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with the National Planning Policy Framework, the Surrey Transport Plan, and saved policies MOV2 and MOV5 of the Mole Valley Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, dormer windows or roof lights shall at any time be inserted in the southwest elevation of the dwelling hereby permitted.

Reason: To protect the amenity and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.

12. Any new or altered hard surfacing to be provided to the front of the property shall be constructed from either porous materials or shall make adequate provision for the direction run-off from the hard surface to a permeable or porous area.

Reason: To prevent the increased risk of flooding, in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS20 of the Mole Valley Core Strategy.

Informatives

1. Birds may be found nesting in trees, hedges and associated plants such as Ivy, especially between March and September. All wild birds are protected by law under the wildlife & Countryside Act 1981 and it can be an offence to intentionally disturb, injure or kill a nesting bird or to take, damage or destroy an occupied nest or a viable egg. If nesting birds are discovered, works on the trees should be deferred until the nests are

abandoned. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install a dropped kerb.

Please see:

www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs

2. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
3. 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.
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).