

# APPENDIX 1

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Date: 6<sup>th</sup> August 2009

## **TOWN AND COUNTRY PLANNING ACT 1990 (as amended)– WA/2008/0279**

Waverley Borough Council acting as Local Planning Authority under the provisions of Part III of the Town and Country Planning Act, 1990 (as amended), **DO HEREBY GRANT** planning permission for the development specified in the form of application for such permission, deposited by you with the Council on 18 February 2008 and described in the First Schedule, subject to the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended), and the conditions and reasons specified in the Second Schedule.

**NOTE: The effect of the Section 91 of the Town and Country Planning Act 1990 (as amended) is that the development for which permission is hereby granted shall be begun not later than the expiration of three years beginning with the date of this permission.**

### **FIRST SCHEDULE**

Mixed-use redevelopment comprising: 9,814 sq m of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site (as amended by plans and documents received 20/8/08)  
Land at East Street, Farnham.

### **SECOND SCHEDULE**

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

Reason

To comply with the provision of Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

2. Condition

Prior to the commencement of any development, details shall first be submitted to and approved in writing by the Local Planning Authority, if thought fit, of a Programme of Phased Implementation for the permission hereby granted. The development shall thereafter be carried out in accordance with the agreed Phasing Programme unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To ensure the proper and effective development of the site in the interests of the amenity of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009

3. Condition

The development hereby permitted shall be completed in accordance with the approved plans specifications. Any variation or departure from the approved plans will require the prior approval in writing of the Local Planning Authority, if thought fit, before works commence.

Reason

To ensure that the development hereby authorised is satisfactorily undertaken in the interests of the amenity of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

4. Condition

Before the first occupation of the dwellings hereby permitted the 240 residential car parking spaces shall be constructed and fully provided as shown on the approved plans. Thereafter they shall be permanently maintained in a condition allowing their use for the parking of vehicles and shall be used for that purpose only.

Reason

To ensure that adequate provision is made and maintained within the development for the parking of vehicles clear of existing or proposed highways in order to maintain the free flow of traffic and in the interests of highway safety in accordance with Policy M14 of the Waverley Borough Local Plan 2002 and Policy T4 of the South East Plan 2009.

5. Condition

Within six months of the commencement of the appropriate phase of development as agreed under Condition 2 above the arrangements for the provision and future maintenance of the open space and amenity areas of that phase of development where appropriate as shown on the approved plans shall be submitted to and approved in writing by the

Local Planning Authority if thought fit. Such a scheme shall provide for a maintenance period of not less than 10 years from the final laying out of those areas. The approved arrangements shall be fully implemented before 50% of the total residential units are occupied.

Reason

To secure the long term provision of the open space and amenity areas in accordance Policy H10 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

6. Condition

Before the commencement of the appropriate phase of development as agreed under Condition 2 above details of the existing and proposed ground levels of the development in relation to any adjacent building and road shall be submitted to and approved in writing by the Local Planning Authority if thought fit. Such details must be sufficient to clearly identify the completed height of the development in relation to the adjacent development.

Reason

To ensure that a satisfactory relationship results between the new development and adjacent buildings or public areas in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

7. Condition

Before the commencement of the appropriate phase of development as agreed under Condition 2 above samples of the materials to be used in the construction of the external surfaces of the development within that phase, including the surface materials for public spaces, hereby permitted shall be submitted to and approved in writing by the Local Planning Authority if thought fit. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials used in the construction of the development harmonise with its surroundings in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

8. Condition

Within six months of the commencement of the appropriate phase of development as agreed under Condition 2 above details of all proposed gates, railings, walls, fences, or similar structures for the residential amenity areas for that phase shall be submitted to and approved in writing by the Local Planning Authority if thought fit. Such gates, railings, walls, fences or similar structures as may be approved by the Local Planning Authority shall be erected before the occupation of the last dwelling unit is occupied. These means of enclosure shall

thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason

To ensure an appropriate standard of privacy and visual amenity in the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

9. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 above the details of the strategy for bringing into use the public car parking provision to serve the non-residential elements of the proposal shall be submitted to and approved in writing by the Local Planning Authority if thought fit. The non-residential elements of the scheme hereby permitted shall not be occupied prior to the public car parking spaces shown on the approved plans having been laid out in accordance with the approved strategy. Those public car parking spaces shall thereafter be made available and subsequently maintained for that purpose at all times.

Reason

To ensure that adequate areas are provided for the parking of cars clear of the highway in the interests of maintaining the free flow of traffic and safety on the highway and in accordance with Policy M14 of the Waverley Borough Local Plan 2002 and Policy T4 of the South East Plan 2009.

10. Condition

The first phase of development as agreed under Condition 2 above, shall not commence until the Riverside Car Park has been laid out to provide approximately 200 additional spaces, as approved under planning consent reference WA/2007/1967, to the satisfaction of the Local Planning Authority.

Reason

To ensure that adequate provision is made for car parking in accordance with Policy M14 of the Waverley Borough Local Plan 2002 and Policy T4 of the South East Plan 2009.

11. Condition

Before any of the commercial development hereby permitted is first occupied provision shall be made within the site for cycle storage for a minimum of 96 cycle stands. Such stands shall thereafter be retained and maintained.

Reason

To ensure that adequate provision is made for cycle storage to encourage cycle use in the interests of sustainable development in accordance with Policy M5 of the Waverley Borough Local Plan 2002.

12. Condition

No work to any shopfront or bar/restaurant front shall commence until a planning application including full detailed plans showing the design and external appearance of the front elevation including fascia has been submitted to and approved in writing by the Local Planning Authority if thought fit.

Reason

To ensure that the visual appearance of the area is not detrimentally affected and because these details were not considered as part of this application in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

13. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the use of those parts of the ground and first floor premises in buildings D4A, D8 and D12 as shown on the submitted plans for cafes, bars and restaurants shall be for uses within Use Class A3 and A4 of the Town and Country Planning Use Classes Order 1987 (as amended) only.

Reason

To ensure that the development is occupied for the purposes applied for and to comply with Policy S6 of the Waverley Borough Local Plan 2002.

14. Condition

Within one month of the commencement of any works to fit out any of the premises referred to in condition 13 above details of any equipment to be installed, which shall include an odour neutralizer plant, shall be submitted to and approved in writing by the Local Planning Authority if thought fit. None of the said premises shall be occupied prior to such approved measures having been implemented. The odour neutralizing plant shall be operated in a manner, which will effectively suppress the emission of fumes or smell from the premises, as long as the use continues.

Reason

To ensure that the occupiers of the nearby residential properties are not adversely affected in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

15. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2, final details shall be submitted to and approved in writing by the Local Planning Authority if thought fit showing the provision for the disposal of both foul and surface water

emanating from this development for the appropriate phase. Provision for the disposal of surface water shall be made at the initial stage of development of the phase and no impermeable drained area shall be created on the site prior to such approved provision having been completed and operational. No building on the site for the appropriate phase shall be occupied prior to approved facilities for the disposal of foul drainage having been completed.

Reason

To ensure that adequate provision for the drainage of the development is made in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

16. Condition

No building shall be occupied until the foul sewage disposal works and the surface water drainage works have been completed in accordance with the submitted and approved plans agreed pursuant to Condition 15.

Reason

To ensure that adequate provision for the drainage of the development is made in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

17. Condition

No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority if thought fit. The scheme shall include:

- (i) control of noise;
- (ii) control of dust, smell and other effluvia;
- (iii) control of surface water run-off;
- (iv) site security arrangements including hoardings;
- (v) proposed method of piling for foundations;
- (vi) construction and demolition working hours;
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking away materials are allowed to enter or leave the site.

Save for minor revision thereto as shall have been approved in writing by the Local Planning Authority, if thought fit, the development shall be carried out in accordance with the approved scheme.

Reason

To ensure that potential environmental impact arising from the development does not give rise to an unacceptable intrusion on the

amenities of nearby residential property in accordance with Policy D1 of the Waverley Local Plan 2002.

18. Condition  
Prior to the commencement of the appropriate phase of development as agreed under Condition 2, a scheme for protecting the proposed dwellings within that phase from noise generated by the commercial uses on the lower or same floor and the public and residents' parking area shall be submitted to and approved in writing by the Local Planning Authority if thought fit. None of the permitted dwellings shall be occupied prior to completion of such works unless agreed beforehand in writing by the Local Planning Authority.

Reason

To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

19. Condition  
Prior to the commencement of the appropriate phase of development as agreed under Condition 2 a scheme to provide sound attenuation between dwellings within that phase to a standard equivalent to that prescribed in the Building Regulations 1991 Regulation E, or to such standard as may be agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority if thought fit.

Reason

To ensure that noise disturbance between properties is kept to an acceptable level for the benefit of the future occupiers in accordance with Policy D1 of the Waverley Borough Local Plan 2002

20. Condition  
No part of the development within the appropriate phase agreed under Condition 2 with the exception of buildings D12, D14 and D21, hereby permitted shall be occupied prior to the approved insulation works resulting from the scheme required by Condition 19 above having been fully provided.

Reason

To ensure that noise disturbance between properties is kept to an acceptable level for the benefit of the future occupiers in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

21. Condition  
Prior to the commencement of the appropriate phase of development as agreed under Condition 2 a scheme indicating the provision to be made for disabled people to gain access to all the buildings and in the public spaces within that phase of development shall be submitted to and approved in writing by the Local Planning Authority if thought fit. No part of the development hereby permitted shall be occupied prior to

such approved measures having been implemented. Such approved measures thereafter must be retained and maintained.

Reason

To ensure that adequate access arrangements are made to the development for disabled and less mobile persons in accordance with Policy D9 of the Waverley Borough Local Plan 2002.

22. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 a scheme shall be prepared and submitted to and approved in writing by the Local Planning Authority if thought fit for the collection and disposal of litter in the public spaces of that phase of development including the design and siting of litterbins. No commercial unit shall be occupied prior to the approved scheme having been implemented

Reason

In the interests of the environment and to assist in maintaining the clean appearance of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

23. Condition

Prior to commencement of works a method of works statement indicating the sequence of demolition and reconstruction together with measures for temporary structural support during works shall be submitted to the Local Planning Authority for approval. The approval of the Local Planning Authority in writing shall be obtained prior to commencement of works and such approved measures shall thereafter be adhered to during construction works.

Reason

To maintain the integrity and the character of the building in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

24. Condition

No trees other than those shown to be felled shall be removed from the site except with the prior permission in writing of the Local Planning Authority.

Reason

In the interests of visual amenity and in accordance with Policy D7 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

25. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 and before any felling of any tree or other alteration of the existing condition of the site within that agreed phase



takes place, a scheme of tree protection, including ground protection, in line with BS 5837 (latest version) "Trees in relation to construction", shall be submitted to and approved in writing by the Local Planning Authority if thought fit. Design details of the proposed physical means of protection, as indicated through drawings and/or descriptive text, should be included on the tree protection plan. Where relevant such scheme shall also take "off-site" trees into consideration.

Reason

To ensure the protection of existing trees from damage during construction works and in the interests of the visual amenity and character of the locality in accordance with Policy D7 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

26. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 and before any felling or other alteration of the existing condition of the site within that agreed phase takes place, a method statement shall be submitted to and approved in writing by the Local Planning Authority if thought fit, detailing:

- (i) the method of demolition of structures and removal of surfaces near trees,
- (ii) roads, paths and cycleway and hard surface construction,
- (iii) boundary treatment,
- (iv) position and installation of new surface and utility runs,
- (v) site set-up including the position of all site huts, material storage areas, cement mixing and plant and equipment storage areas.

This statement must include arrangements for supervision by relevant professionals and the method statement shall be implemented and adhered to at all times during the construction process.

Reason

To safeguard the existing trees and/or hedges in the interests of the visual amenity and character of the locality in accordance with Policy D7 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

27. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 and before any felling or other alteration of the existing condition of the site within that agreed phase takes place, cross sections/details indicating the proposed finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within the protected zone around retained trees and hedges shall be submitted to and approved in writing by the Local Planning Authority if thought fit, and thereafter adhered to.

Reason

To safeguard the existing trees and/or hedges in the interests of the visual amenity and character of the locality in accordance with Policy D7 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

28. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 and before any felling or other alteration of the existing condition of the site within that agreed phase takes place, details of the layout, including depths or height, of all foul and surface water drains, soakaways (including capacity), all underground and overhead cables including telecommunications, electrical and cable TV, gas mains together with any associated plant and equipment showing their relationship to existing and proposed trees shall be submitted to and approved in writing by the Local Planning Authority if thought fit and thereafter adhered to.

Reason

To ensure that the services proposed and the retained and proposed trees and shrubs are compatible in the interests of amenity and character of the area in accordance with Policy D7 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

29. Condition

The burning of materials must be approved in advance in writing by the Local Planning Authority, and shall not take place within 10m of the furthest extent of the canopy of any tree or tree group to be retained on the site or on land adjoining.

Reason

To protect the health of trees to be retained in accordance with Policy D7 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

30. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 and before any felling or other alteration of the existing condition of the site within that agreed phase takes place, space shall be provided and clearly identified within the site or on other land controlled by the applicant to accommodate:

1. Parking of vehicles of site personnel, operatives and visitors.
2. Loading and unloading plant and materials.
3. Storage of plant and materials including demolition arisings.
4. Cement mixing.

The spaces referred to above and access routes to them to be a minimum of 8m away from mature trees or as may otherwise be agreed in writing by the Local Planning Authority.

Reason

To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems in accordance with Policy D7 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

31. Condition

Within six months of the commencement of the appropriate phase of development as agreed under Condition 2 a detailed landscaping scheme including the species and position of all proposed trees and hedges, plant sizes, planting distances, numbers and provisions for maintenance of the trees and shrubs, and showing areas to be grass seeded or turfed has been submitted to, and approved in writing by, the Local Planning Authority if thought fit and thereafter adhered to.

Reason

In the interests of the visual amenity and character of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees in accordance with Policy D7 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

32. Condition

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant parts of appropriate British Standards or other recognised codes of good practice.

To be carried out prior to the occupation of any part of the development or in accordance with a timetable to be first agreed in writing with the Local Planning Authority if thought fit. Any trees or plants which, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policy D4 of the Waverley Borough Local Plan 2002.

33. Condition

The landscaping scheme shall be implemented in the first planting season (October - February) following the occupation of the first

building or in the case of phased development in accordance with a timetable submitted to and approved in writing by the Local Planning Authority if thought fit, before the first building is occupied.

Reason

In the interests of the visual amenity and character of the locality in accordance with Policy D4 of the Waverley Borough Local Plan 2002.

34. Condition

Concurrent with the details required by the above conditions and within six months of works commencing a landscape management plan, including a maintenance schedule indicating proposals for the long-term management of landscape areas, other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority if thought fit and thereafter implemented in its entirety.

Reason

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historical significance in accordance with Policy D4 of the Waverley Borough Local Plan 2002.

35. Condition

No development shall take place until a detailed scheme showing the scope and arrangement of foundation design and all new groundworks, which may have an impact on archaeological remains, has been submitted to and approved in writing by the Local Planning Authority if thought fit, the scheme to include arrangements for monitoring by the Council.

Reason

The site is of potential archaeological importance and it is therefore important to control ground disturbance and that the development is carried out in a manner for which an archaeological mitigation strategy has been designed and agreed in accordance with Policy HE14 of the Waverley Borough Local Plan 2002.

36. Condition

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority if thought fit.

Reason

It is possible that minor items or features of archaeological interest will be disturbed in the course of development and they should be rescued or recorded before they are lost in accordance with Policy HE14 of the Waverley Borough Local Plan 2002.

37. Condition

No development shall start until a Method of Construction Statement, to include details of:

- (a) temporary access from and to A31 Farnham Bypass (Eastbound only), subject to planning permission being obtained
- (b) parking for vehicles of site personnel, operatives and visitors
- (c) loading and unloading of plant and materials
- (d) storage of plant and materials
- (e) programme of works (including measures for traffic management and access/junction, Highways works scheduling)
- (f) provision of boundary hoarding behind any visibility zones

has been submitted to and approved in writing by the Local Planning Authority if thought fit. The approved details shall be adhered to throughout the construction period.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

38. Condition

Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as shall have been agreed in writing with the Local Planning Authority if thought fit, in order that the public highway be kept reasonably clean and to prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

39. Condition

No part of the development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 426 car parking spaces and 240 secure, undercover cycle spaces for residential use, and a further 96 publicly available cycle parking spaces, and for the loading and unloading of service vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. All such approved parking/turning areas shall thereafter not be used for other than their designated purposes and shall be maintained thereafter.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

40. Condition  
The development shall not be occupied until there have been implemented such measures for the management and use of the proposed parking as shall have been submitted to and approved in writing beforehand by the Local Planning Authority if thought fit, such measures to include a barrier control system to prevent through movements between Dogflud Way and South Street (unless a vehicle has parked in the course of this movement). Only the approved measures shall be implemented.

Reason

In the interests of public safety in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

41. Condition  
Prior to the commencement of the appropriate phase of development as agreed under Condition 2 a drainage strategy detailing any on-and/or off-site drainage works in relation to the agreed phase shall first be submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker if thought fit. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

42. Condition  
Before any demolition works take place and development commences further bat surveys and emergence surveys must be carried out, as recommended in the bat roost survey report and any mitigation must be carried out prior to any demolition works taking place or development commencing.

Reason

In the interests of ecology and the terms of the application and in accordance with Policy D5 of the Waverley Borough Local Plan 2002.

43. Condition  
There shall be no light spill into the watercourse or adjacent river corridor habitat. To achieve this, and to comply with sustainability, artificial lighting should be directional and focused with cowlings to light sources in close proximity to the river corridor.

Reason

Artificial lighting disrupts the natural diurnal rhythms and night time migration behaviour of a range of wildlife using/inhabiting the river and its corridor habitat and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

44. Condition  
There should be no shrub or tree clearance during the months of February - August inclusive.

Reason

In the interests of ecology and in accordance with Policy D5 of the Waverley Borough Local Plan 2002 and Policy NRM5 of the South East Plan 2009.

45. Condition  
Prior to the commencement of the appropriate phase of development as agreed under Condition 2.

(a) a written desk top study shall be carried out by a competent person appointed by the developer and approved in writing by the Local Planning Authority if thought fit, which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information; and using this information, a diagrammatic representation (conceptual mode) for the site of all potential contaminant sources, pathways and receptors. The desk top study shall be submitted to and approved in writing by the Local Planning Authority if thought fit;

(b) should it be required, based on the information obtained by the desk top study, a site investigation shall be carried out by a competent person appointed by the developer and approved in writing by the Local Planning Authority if thought fit, to determine the nature and extent of any contamination. The investigation shall be carried out in accordance with a protocol, which shall be submitted to and approved in writing by the Local Planning Authority if thought fit.

(c) a written report of the site investigation shall be prepared by a competent person appointed by the developer and approved in writing by the Local Planning Authority if thought fit. The report shall include the investigation results and details of a remediation scheme to contain, treat or remove any contamination, as appropriate. The report shall be submitted to and approved in writing by the Local Planning Authority if thought fit;

(d) the accepted remediation scheme shall be fully implemented in relation to the relevant phase, as appropriate); and

(e) a completion report and certification of completion shall be provided to and approved in writing by the Local Planning Authority if thought fit stating that remediation has been carried out in accordance

with the accepted remediation scheme and the site is suitable for the permitted end use.

Reason

To ensure that any contamination of the site is properly dealt with to avoid any hazard, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

46. Condition

If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a written addendum to the original remediation scheme and such additional measures as the approved addendum specifies have been carried out. This addendum to the scheme must detail how this unsuspected contamination shall be dealt with.

Reason

To ensure that the development adequately deals with any contaminated land or water found during the development in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

47. Condition

Notwithstanding that such measures may not require express planning permission no sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc), designed to be audible outside buildings constructed within the permission, shall be installed or operated on the site.

Reason

In the interests of protecting the local residents from unreasonable noise levels in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

48. Condition

The service yards shall not be used other than between the hours of 06.30 to 22.00 Mondays to Fridays, and 06.30 to 20.00 on Saturdays, and 09.30 to 16.30 on Sundays and Bank or Statutory Holidays.

Reason

In the interests of the amenities of adjoining residents and to limit noise disturbance in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

49. Condition

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise coming from it does not at any time, increase the ambient equivalent continuous noise level as measured according to



British Standard BS4142:1997 at any adjoining or nearby residential property.

Reason

In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

50. Condition

Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind installed within the site, shall be submitted to and approved in writing by the Local Planning Authority if thought fit, before installation and thereafter such installations/items shall not be operated or maintained other than in accordance with manufacturer's instructions and in accordance with the approved scheme.

Reason

To ensure that the industrial use hereby approved remains an acceptable use in or adjacent to this residential area in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

51. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 a full detailed scheme for insulating Block D8a from traffic noise from the surrounding road network (South Street/East Street/Dogflud Way) shall be submitted to and approved in writing by the Local Planning Authority if thought fit. The scheme shall comprise such works as are necessary to ensure compliance in general terms with PPG24 (Planning and Noise). Thereafter, the development shall not be carried out other than in accordance with such approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason

To protect the occupants of the new development from noise disturbance in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

52. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 a fully detailed scheme for insulating Blocks D4c, D8 and D6 from noise and vibration from the adjacent and nearby commercial premises shall be submitted to and approved in writing by the Local Planning Authority if thought fit. The scheme shall comprise such works as are necessary to ensure compliance in general terms with (Planning and Noise). Thereafter, the development shall not be carried out other than in accordance with such approved

scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason

To protect the occupants of the new development from noise disturbance in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

53. Condition

Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the A3 uses and any other ancillary cooking activities or catering operations (e.g. in the cinema) on the site. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority if thought fit prior to commencement of the development or conversion works. The details to include outlet height, which in general should be at least 1m above ridge height of the nearest building. The approved equipment for any such use/operation shall be installed and in full working order prior to the commencement of and thereafter it shall be operated and maintained in accordance with the manufacturer's instructions for as long as such use/operation takes place.

Reason

To ensure that the use has adequate ventilation equipment to ensure that neighbouring properties are not unreasonably polluted by odours from the use in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

54. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 details of the equipment for venting the underground car park area shall be submitted to and approved in writing by the Local Planning Authority if thought fit. The approved equipment shall be installed and in full working order prior to the commencement of use of the underground car park area and thereafter it shall be operated and maintained in accordance with manufacturer's instructions.

Reason

To ensure that neighbouring properties are not unreasonably polluted by odours from the use and that operators are also protected from potential harmful fumes and protect the users of the car park in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

55. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 details of facilities to be provided for the storage of refuse bins and recycling containers within the site within

that phase shall first have been submitted to and approved in writing by the Local Planning Authority if thought fit. No part of the development in that phase shall be occupied until the facilities have been provided in accordance with the approved details such approved facilities shall be thereafter be permanently retained and maintained.

Reason

To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

56. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 details of any external floodlighting of the site within that phase shall be submitted to and approved in writing by the Local Planning Authority if thought fit. Any floodlighting that is permitted shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason

To protect the appearance of the area and to protect local residents from light pollution in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

57. Condition

No development shall take place until a Public Path Diversion Order diverting the routes of Public Footpaths 169 and 170 Farnham has been made and confirmed by the Local Planning Authority.

Reason

To ensure that proper arrangements are made in the interests of highway safety in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

58. Condition

No development shall take place until the design and construction details of the proposed shared use cycleways are agreed with the Highway Authority.

Reason

To ensure that proper arrangements are made in the interests of highway safety in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

59. Condition

That no development take place until cycle routes are legally defined, linking the development site with South Street at Borelli Walk, Brightwells Road and with the proposed cycleway at Hatch Mill.

Reason

To ensure that proper arrangements are made in the interests of highway safety in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

60. Condition

All the residential units shall achieve at least Code Level 3 of the Code for Sustainable Homes. Details of how the scheme shall meet this level (or above) including a timeframe to complete the process shall be submitted to and approved in writing by the Local Planning Authority if thought fit. The post construction review document and final certification showing that at least Level 3 has been achieved shall be submitted to the Local Planning Authority in accordance with the timeframes specified.

Reason

To ensure that the sustainable energy principles of the scheme are delivered in accordance with the Planning and Climate Change Supplement to PPS1 2007.

61. Condition

All the retail units shall meet at least a "very good" standard of BREEAM. Details of how the scheme shall meet this level (or above) including a timeframe to complete the process shall be submitted to and approved in writing by the Local Planning Authority if thought fit. The post construction review document and final certification showing that at least "very good" has been achieved shall be submitted to the Local Planning Authority in accordance with the timeframes specified.

Reason

To ensure that the sustainable energy principles of the scheme are delivered in accordance with the Planning and Climate Change Supplement to PPS1 2007.

62. Condition

Prior to development commencing, details of the Combined Heat & Power (CHP) plan, community heating system and private wire network and associated equipment including a timeframe for installation shall be submitted to and approved in writing by the Local Planning Authority if thought fit. These shall be operational in accordance with the agreed timeframe unless otherwise agreed with the Local Planning Authority. If the CHP plant is removed it must be replaced with an alternative renewable energy technology or low carbon technology that achieves at least a 227 tonnes CO<sub>2</sub>/yr saving.

Reason

To ensure that the sustainable energy principles of the scheme are delivered in accordance with the Planning and Climate Change Supplement to PPS1 2007.

63. Condition  
The development must not be constructed other than in accordance with the Sustainability Statement and its associated annexes unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the sustainable energy principles of the scheme are delivered in accordance with the Planning and Climate Change Supplement to PPS1 2007.

64. Condition  
Prior to the commencement of the appropriate phase of development as agreed under Condition 2 details shall first be submitted to and approved in writing by the Local Planning Authority if thought fit of a long-term management plan for the maintenance of all voids for the lifetime of the development. The approved details shall be carried out and thereafter complied with.

Reason

To ensure voids do not become blocked and cause increased flood risk to the development and surrounding area and in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

65. Condition  
All floodplain compensation works shall not be carried out other than in accordance with calculations in the revised Flood Risk Assessment and the proposed levels and contours plan from addendum August 2008 plans as submitted by the applicant (Ref. 13512.TPN-M-024).

Reason

To ensure ground levels and consequent flow paths for the submitted compensation scheme are maintained and the designated flood storage areas are kept free-filling and free-draining and in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

66. Condition  
All flood compensation storage works as specified in the Flood Risk Assessment Appendix F shall be completed prior to the commencement of development of any buildings located within the 1 in 100 year plus climate change flood extent (up to 64m AOD(N)).

Reason

To ensure the development does not result in the increased risk of flooding at any stage during construction and in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

67. Condition

The end of building D4 shall be constructed with underfloor voids. The voids shall be constructed such that the openings extend from the ground level to 300mm above the 1 in 100 year plus climate change level of 64m AOD(N) and have a total width of at least 1000mm, or 20% of the length of the wall (whichever is greatest).

Reason

To prevent the increased risk of flooding due to impedance of flood flows and reduction of floodwater storage capacity and in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

68. Condition

The surface water drainage system shall not be constructed other than in accordance with the calculations and drawings as submitted in Appendix H of the Amended Environmental Statement dated 05/09/08.

Reason

To ensure the development does not increase the risk of surface water flooding and in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

69. Condition

The permanent cycle/footbridge shall be a clear spanning structure that will not impede the river corridor, in accordance with drawing no. G11939/G/SK10'A'. It shall be a maximum 2.5m wide with gaps in the timber deck of minimum width of 2cm, as advised by the Environment Agency

Reason

To maintain a continuous buffer strip to provide a corridor for the passage of wildlife and reduce the amount of shading of the channel and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

70. Condition

A buffer zone minimum 8m wide alongside the River Wey shall be established in accordance with details, which shall be submitted to and approved in writing by the Local Planning Authority if thought fit before the development commences.

Reason

To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

71. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 2 details of an Ecological Management Plan shall first be submitted to and approved in writing by the Local Planning

Authority if thought fit. Development shall be carried out in accordance with the approved details. This scheme shall outline the detailed design of all ecological mitigation; compensation and enhancement measures listed within the Environment Statement dated January 2008 relevant to the agreed phase of development. This shall include design plans and layout, materials, timings, methods of construction and species lists for planting. The works shall be undertaken in accordance with the approved details.

Reason

To protect, conserve and enhance the natural features of importance for biodiversity across the site and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

72. Condition

There shall be no new development including no hardstanding or fences within a buffer 8m wide alongside the River Wey.

Reason

To maintain the character and value of the watercourse and provide undisturbed refuges for wildlife using the river corridor and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

73. Condition

There shall be no storage of materials within 8m of the River Wey unless otherwise first agreed in writing with the Local Planning Authority in consultation with the Environment Agency. This must be suitably marked and protected during development, ideally with fencing erected on the landward side of the buffer zone, and there shall be no access during development within this area unless first agreed with the Local Planning Authority in consultation with the Environment Agency. There shall be no fires, dumping or tracking of machinery within this area.

Reason

To reduce the impact of the proposed development on wildlife habitats upstream and downstream, including bankside habitats and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

**SUMMARY OF REASONS FOR GRANTING PERMISSION**

The development hereby granted has been assessed against the policies of the South East Plan, Waverley Borough Local Plan and National Planning Policy Statements and Guidance. Regard has been had to the Environmental Statement that accompanies the application and material planning considerations, including consultee responses and third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest.

Matthew W Evans

Matthew Evans  
Head of Planning Services

Informatives:

1. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Protection Team of the Council. Contact EHO Regarding food safety matters.
2. You are advised to contact the Department in order to ensure that all regulations, licensing, etc. is carried out in the Environmental Health section of the Environment and Leisure Department in order to comply with the requirements of Food Hygiene Legislation. Contact EHO re Health and Safety at Work.
3. You are advised to contact the Environmental Health section of the Environment and Leisure Department in order to ensure that all regulations, licensing, etc. is carried out in order to comply with the requirements of the Health and Safety at Work Act 1974.
4. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council.
5. The permission hereby granted should not be construed in any way as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the County Highway Authority.
6. The developer is advised that it is an offence to allow materials to be carried from the site and deposited on or cause damage to the highway from uncleaned wheels or badly loaded vehicles. The County 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, Section 131, 148, 149).
7. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency will be required for the construction of this bridge. For this consent we will require a further water vole survey prior to works commencing and a detailed method statement including pollution prevention measures.
8. The applicants are advised that the permission hereby granted does not include a "balancing pond".



9. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
10. On 6 April 2008 a new fee was introduced by the Town and Country Planning (Fees of Applications and Deemed Applications) (Amendment) (England) Regulations 2008. This fee relates to requests to discharge a condition on a planning consent. The fee payable is £85.00 or a reduced rate of £25.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

WA/2008/0279

No variation from the deposited plans and particulars will be permitted unless previously authorised by Waverley Borough Council. The permission hereby granted relates only to that which may be necessary under the Town and Country Planning Act 1990. Consent under the Building Regulations may also be necessary.

