Erection of building to provide 2 flats and associated parking at Land At 56 Birch Road, Farncombe GU7 3NU

Committee: Central Area
Meeting Date: 13/01/2016

Public Notice
Was Public Notice required and posted: N/A
Grid Reference: E: 498134 N: 145729

Town: Godalming
Ward: Godalming Binscombe
Case Officer: Tim Bryson
8 Week Expiry Date: 23/12/2015
Neighbour Notification Expiry Date: 27/11/2015
Time extension agreed: No

RECOMMENDATION
That permission be GRANTED subject to conditions.

Introduction

The application has been brought before the Area Committee at the request of the Local Member and because the proposal does not fall within the Council’s Scheme of Delegation.

Location Plan
Site Description

The application site measures 0.02 ha and is the side (north-eastern) and part rear (south-eastern) garden of no.56 Birch Road. The site is enclosed by close-boarded fencing to the south western and north eastern boundaries, a brick fence to the north western boundary and a chain link fence to the south eastern boundary.

The area has a variety of residential buildings, and all the buildings in the immediate vicinity have a road frontage.

Proposal

The proposal is for the erection of a two-storey building to provide two self contained one bedroom flats, one per floor. The building would be attached on its south-west side to number 56 Birch Road. The ground floor flat would have a floor area of 49 sqm and the first floor flat would have a floor area of 52 sqm.

The proposed extension would measure 6.4m in height, 10.8m in depth (excluding a front porch measuring 1.6m deep) and 6.1m in width (4.4m at its narrowest). The building would have a pitched roof with rooflights on the south eastern, south western and north eastern roof slopes, and rear projection.

The proposal includes two first floor windows in the north-east elevation, which are shown to be obscurely glazed and also two high level rooflights. The south eastern elevation at first floor would include a Juliet balcony facing the rear garden. There are no windows proposed to the south west elevation.

On-site parking spaces would be proposed at the front, with space for 1 car parking space per flat.
South-east elevation (rear)

North-east elevation (side)
North-west elevation (front)

![North-west elevation diagram]

South-west elevation (side)

![South-west elevation diagram]

Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Outcome</th>
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<tbody>
<tr>
<td>WA/2014/2388</td>
<td>Erection of a building to provide 2 flats and associated parking</td>
<td>Withdrewn 27/01/2015</td>
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<tr>
<td>WA/2014/0275</td>
<td>Erection of a building to provide 2 flats and associated parking (revision of WA/2013/2005)</td>
<td>Appealed non-determination Appeal Dismissed 30/09/2014</td>
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<td>WA/2014/0172</td>
<td>Erection of an extension</td>
<td>Full permission 24/03/2014</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Decision</td>
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<td>-----------------------------------------------------------------------------</td>
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<tr>
<td>WA/2013/2005</td>
<td>Erection of building to provide 2 flats and associated parking</td>
<td>Withdrawn</td>
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<td></td>
<td></td>
<td>05/02/2014</td>
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<tr>
<td>WA/1988/0892</td>
<td>Erection of houses and construction of roads and sewers (outline application)</td>
<td>Approve</td>
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<td></td>
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<td>15/09/1988</td>
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Planning Policy Constraints

Developed Area of Godalming

Development Plan Policies and Proposals

Saved Policies D1, D3, D4, D5, D8, D9, D13, D14, H10, M2 and M14 of the Waverley Borough Local Plan 2002

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Local Plan (2002) and the South East Plan 2009 (solely in relation to policy NRM6) therefore remain the starting point for the assessment of this proposal.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this case. In line with paragraph 215 due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The report will identify the appropriate weight to be given to the Waverley Borough Local Plan 2002.

The Council is in the process of replacing the adopted 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Development Management and Site Allocations) will follow the adoption of Part 1. The new Local Plan will build upon the foundations of the Core Strategy, particularly in those areas where the policy/approach is not likely to change significantly. Public consultation on potential housing scenarios and other issues took place in September/October 2014. In the latest provisional timetable for the preparation of the Local Plan (Part 1), the Council is scheduled approve the plan for publication in April 2016.

Other guidance:

- National Planning Practice Guidance (2014)
- Strategic Housing Land Availability Assessment (2014 update)
- West Surrey Strategic Housing Market Assessment (2015)
- Council’s Parking Guidelines (2013)
- Residential Extensions SPD (2010)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
Consultations and Town Council Comments

<table>
<thead>
<tr>
<th>County Highway Authority</th>
<th>No objections subject to conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council’s Environmental Health Officer</td>
<td>Advice given on bin/recycling requirements</td>
</tr>
<tr>
<td>Godalming Town Council</td>
<td>No objection</td>
</tr>
<tr>
<td>Thames Water</td>
<td>No objection. Informative recommended</td>
</tr>
</tbody>
</table>

Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” the application site notice was displayed around the site and neighbour notification letters were sent on 02/11/2015 to statutory neighbouring occupiers.

4 letters have been received raising objection on the following grounds:
- Impact of footings on culvert could cause collapse and lead to flooding.
- Parking problems in the road.
- Problems with communal sewer.
- Potential damage to surrounding buildings from water.
- Increase stress and pressure on the sewage systems.
- Narrow road causes vehicle near collisions.
- Plan submitted outlining path of existing sewer pipe.
- Why wasn’t the plot built on when the original houses were constructed?

1 letter making general observation on the following grounds:
- Garage erected does have planning permission.
- Garage would be less weight than the proposed dwellings.
- Thames Water has not visited number 47.

Submissions in support

In support of the application the applicant has made the following points:

- The culvert running under the road is a surface water sewer which carries uncontaminated rainwater to Broadwater Lake.
- Thames Water has surveyed the sewer and has no objections to the plans, it has granted full permission for the build-over.
- This sort of build-over agreement is normally only required once planning permission has been granted.
- The deed of grant has been drawn up and is registered with the Land Registry.
- Thames Water states ‘By applying and reaching approval with Thames Water you will have ensured that we are happy with your proposals and that together we have taken every possible measure to ensure that our sewer is not damaged and that we can continue to carry out maintenance and repair of our sewers in the future’.
- This is in accordance with Building Regulations H4.
- Sewer survey showed the culvert to be in good condition with no sign of subsidence.
- Demand for housing.
- Thames Water has no records of foul sewerage problems reported.
- SCC has accepted responsibility for future maintenance of the stream that the sewer pipe emerges into.
- Overcome the appeal Inspector’s decision.

Determining Issues

Principle of development
Planning history and differences with previous proposal
Housing land supply
Impact on visual amenity
Impact on residential amenity and of future occupiers of the proposed dwellings
Provision of amenity space
Parking, highway and servicing considerations
Drainage
Impact on local infrastructure
Financial considerations
Biodiversity and compliance with Habitat Regulations 2010
Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications
Environmental Impact Regulations 2011
Pre Commencement Conditions
Third party representation
Working in a positive/proactive manner

Planning Considerations

Principle of development

The site is located within the developed area of Godalming wherein new residential development may be considered acceptable subject to its impact on visual and residential amenities.

On the 27 March 2012, the Government adopted its National Planning Policy Framework (NPPF). This document superseded the majority of previous national planning policy guidance/statements (with the exception of PPS10: Planning for Sustainable Waste Management) and condensed their contents into a single planning document. Section 38(6) of the Planning and Compulsory Purchase Act 2004, still requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Waverley Borough Local Plan 2002 therefore remains the starting point for the assessment of this proposal.
The NPPF is a material consideration in the determination of this case. Paragraph 215 of the NPPF makes clear that where a local authority does not possess a development plan adopted since 2004, due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In this instance, the relevant Local Plan policies possess a good degree of conformity with the requirements of the NPPF. As such, considerable weight may still be given to the requirements of the Local Plan.

Paragraph 17 of the National Planning Policy Framework 2012 outlines the overarching roles that the planning system ought to play. A set of 12 core planning principles are set out which should underpin both plan making and decision-taking, which, inter alia, encourages the effective use of land by re-using land that has been previously developed. The Framework defines previously developed land (PDL) as ‘...land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed and any associated fixed surface infrastructure.’ However, there are a number of exclusions to this definition, including land in built-up areas such as private residential gardens, parks, recreation grounds and allotments. This definition is consistent with the definition contained in the former PPS3: Housing, which was superseded by the publication of the NPPF.

This national policy guidance does not mean that development on garden land within settlements in Waverley is unacceptable in principle. The focus remains on assessing the proposal against the criteria in the relevant development plan policies, as well as other relevant considerations such as the national guidance in other parts of the NPPF. Where a proposed housing development is contrary to development plan policies, the fact that the land is garden land and, therefore, not a priority location for development according to NPPF, may reinforce the case against allowing the scheme.

Planning history and differences with previous proposal

The planning history is a material consideration. Planning permission was dismissed at appeal for a similar scheme to that of the current application (WA/2014/0275). This is attached at Appendix 1.

The previous scheme was dismissed for the following reasons:
- Lack of a legal agreement securing contributions (transport, libraries, recycling and sports/leisure) towards the Council’s Planning Infrastructure Contributions (PIC).
- Uncertainty whether Thames Water would give consent for the proposal as it would develop over public sewer and therefore not appropriate to be subject to a condition.

The differences between the current proposal and that application are:
- The applicants have gained consent from Thames Water for the anticipated works required to accommodate the proposed residential development.
- No planning infrastructure contributions would be required.
Since the time of the previous application there has not been a material change in site circumstances. However, there has been a material change in planning legislation, with CIL Regulation 123 coming into effect in April 2015. The effect of this change means that the pooling of infrastructure contributions is now restricted to no more than 5 contributions for each specifically identified infrastructure project. This is a material change in circumstances which must be assessed for this application.

The test for Members is whether having regard to the changes within the proposal and in terms of CIL Regs, the current proposal has overcome the objections to the previously dismissed scheme and is acceptable in its own right.

Housing land supply

The provision of new market and affordable housing will assist in addressing the Council’s housing land supply requirements. Following the withdrawal of the Core Strategy from examination in October 2013, the Council agreed an interim housing target of 250 dwellings a year for the purposes of establishing five year housing supply in December 2013. That was the target in the revoked South East Plan and is the most recent housing target for Waverley that has been tested and adopted. However, as a result of court judgements, it is accepted that the Council should not use the South East Plan figure as its starting point for its five year housing supply and that the Council does not currently have an up-to-date housing supply policy from which to derive a five year housing land requirement.

It is acknowledged that the latest evidence in the Strategic Housing Market Assessment points to a higher level of housing need in Waverley than that outlined within the South East Plan. The West Surrey Strategic Housing Market Assessment September 2015 indicates an unvarnished figure of at least 519 dwellings per annum. The latest 5 year housing land supply assessment shows a supply of 4.33 years, based on the unvarnished housing supply figure above. This falls short of the 5 year housing land supply as required by the NPPF. This is a material consideration to be weighed against the other considerations for this application.

Impact on visual amenity

The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies D1 and D4 of the Local Plan 2002 accord with the NPPF in requiring development to have high quality design and to be well related in size, scale and character to its surroundings.

The site occupies a side garden area with street frontage. The development of the site would be unlikely to appear discordant with the character of the area
as the proposal would appear as a fifth terraced house on an existing row of four.

The separation distance from the frontage building to the northeast would be such that the proposal would not appear as an overly cramped form of development. Whilst there would not be much space retained on the site around the building, the staggered nature of the building would provide some visual relief.

The design of the building is considered to be commensurate with the character of residential development in the local surroundings.

The Inspector, in relation to the dismissed appeal under WA/2014/0275 did not raise objection on visual impact grounds and given the identical appearance in visual terms, it would be unreasonable to raise objection on this ground to the current proposal.

Officers consider that overall the visual impact would be acceptable having particular regard to the prevailing character of this area and is compliant with Policies D1 and D4 of the Local Plan in this regard.

**Impact on residential amenity and of future occupiers of the proposed dwellings**

The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. These principles are supported by Policies D1 and D4 of the Local Plan and guidance contained within the Council’s SPD for Residential Extensions.

The proposal has been designed with first floor side windows to the north east. However, these would be obscured glazed to prevent views of the neighbouring properties and their patio areas. The only outlook from first floor level would be to the southeast, providing views across the rear garden and the railway tracks (other than the rooflights to the southeast, southwest and northeast roof slopes). It is therefore considered that there would be no significant increase in the current levels of mutual overlooking arising as a result of the proposal. The Inspector did not raise objection to the position of the windows under the previous scheme, subject to condition for them to be obscurely glazed and fixed shut up to top-hung opening only. Officers therefore consider that a condition imposed such as this would be applicable in this case, if permission is granted.

The proposal would extend the built form further toward number 58. The Inspector under the previous scheme did not consider the proposal would have an overbearing impact on number 58. It would therefore be unreasonable to object on this ground, given the identical nature of the proposal in terms of its relationship to number 58.
The proposal is likely to cause an overbearing impact to the rear amenity area of the host property. However, planning permission has been granted in relation to the host property (WA/2014/0172), which is extant, for a single storey rear extension, which if constructed, would be likely to mitigate any adverse impact. In order to ensure that the relationship between the proposal and the host dwelling is acceptable it is considered reasonable and necessary to impose a condition, if permission is granted, requiring the joint implementation with the extant permission.

The separation distances to neighbouring properties would be such that there would be no material harm caused by the bulk and massing of the proposed building itself.

It is considered that, subject to conditions, there would be no material harm caused to residential amenity and is compliant with Policies D1 and D4 of the Local Plan.

**Provision of amenity space**

On promoting healthy communities, the NPPF sets out that planning policies and decisions should aim to achieve places which promote safe and accessible developments, with high quality public space which encourage the active and continual use of public areas. These should include high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities. Policy H10 of the Local Plan addresses amenity and play space in housing developments. Although there are no set standards for garden sizes, the policy requires that a usable ‘outdoor area’ should be provided in association with residential development and that ‘appropriate provision for children’s play’ is required.

The proposal is for 2 one bedroom flats. The scheme proposes a small outdoor shared amenity space. Having regard to the fact that the proposal is not for family housing, the level of amenity space provided is considered to be acceptable. The site is also located in reasonably close proximity to public open amenity space at Broadwater Park.

**Parking, highway and servicing considerations**

The NPPF supports the adoption of local parking standards for both residential and non-residential development. The Council has recently adopted a Parking Guidelines Document which was prepared after the Surrey County Council Vehicular and Cycle Parking Guidance in January 2012. Development proposals should comply with the appropriate guidance as set out within these documents.

The application would provide 2 nos. off-street parking spaces for the occupiers of the two flats. The Surrey County Council Guidance in relation to parking: “Vehicular and Cycle Parking Guidance” 2012 and the Waverley
Borough Council Parking Guidelines 2013 indicate that for a 1 bedroom flat, there should be 1 space per unit. The proposal complies with this guidance. Further, the County Highway Authority has raised no objection on highway safety grounds, subject to conditions.

The scheme indicates a cycle store would be provided, which would be sufficient to serve the needs of future occupiers.

Officers note the existing site could accommodate off-street parking for number 56. However, no objection was raised by the Inspector in regards to parking and highway safety under the previous appeal scheme and therefore officers raise no objection to the loss of the parking to number 56. Further, officers note that parking on the road is unrestricted.

Officers are satisfied the proposal complies with Policies M2 and M14 of the Local Plan and the Council’s Parking Guidelines 2013.

**Drainage**

The application site is crossed by a surface water sewer culvert. In order to protect public sewers and to ensure that Thames Water can gain access to the sewer for future maintenance; approval should be sought from Thames Water when the erection of the building would come within 3 metres of a public sewer (based on advice from Thames Water). In dismissing the previous proposal, the Inspector had specific regard to the public sewer and concluded that without evidence of Thames Waters’ consent, the appeal proposal would be likely cause harm to the public sewer and a condition was considered unsuitable.

Since the previously dismissed scheme, the applicants have gained consent from Thames Water for the anticipated construction works required to accommodate the proposal over the sewer.

Although no bespoke comments on the proposal have been submitted by Thames Water (informatives only), officers are satisfied that with the consent already given by Thames Water (as evidenced by the applicant) with regard to the proposal, the current scheme has now overcome the Inspector’s concerns raised on the appeal in this regard. Officers note the objections raised by third parties in this regard. However, it is considered that the proposal has satisfactorily addressed this issue.

**Impact on Local Infrastructure**

Policy D13 of the Local Plan states that “development will only be permitted where adequate infrastructure, services and facilities are available, or where the developer has made suitable arrangements for the provision of the infrastructure, services and facilities directly made necessary by the proposed development. The Council will have regard to the cumulative impact of development, and developers may be required to contribute jointly to necessary infrastructure improvements”. Local Plan Policy D14 goes on to set
out the principles behind the negotiation of planning obligations required in connection with particular forms of new development. The current tests for legal agreements are set out in Regulation 122 (2) of the CIL Regulations 2010 and the guidance within the NPPF.

From 6th April 2015, CIL Regulation 123 has been amended to mean that the use of pooled contributions under Section 106 of the Town Country Planning Act will be restricted. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6th April 2010 and it is a type of infrastructure that is capable of being funded by CIL. In light of this up to date guidance, the contributions that were previously sought under WA/2014/0275 are no longer justifiable. Therefore a contribution is not required in this instance under the current proposal.

Financial Considerations

Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application.

The weight to be attached to these considerations is a matter for Committee/decision maker.

Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus (NHB) is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the NHB would be payable for the net increase in dwellings from this development. The Head of Finance has calculated the indicative figure of £1,450 per net additional dwelling (total of £2,900) per annum for six years.

Biodiversity and compliance with Habitat Regulations 2010

The NPPF requires that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

In addition, Circular 06/2005 states ‘It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.’
The application property does not fall within a designated SPA, SAC, SNCI or SSSI. It is not within 200m of ancient woodland or water, and is not an agricultural building or barn. Having regard to this, and the completed biodiversity checklist, it is considered that a biodiversity survey is not required in this instance. However, an informative should be added to remind the applicant that protected species may be present at the property and that works should stop should they be found during the course of the works.

**Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications**

There are no implications for this application.

**Environmental Impact Regulations 2011**

The proposal is considered not to be EIA development under either Schedule 1 or 2 of the EIA Impact Regulations 2011 or a variation/amendment of a previous EIA development nor taken in conjunction with other development that is likely to have a significant environmental effect.

**Pre Commencement Conditions**

Article 35 of the DMPO 2015 requires that for any application for planning permission, the Notice must state clearly and precisely the full reasons, in the case of each pre-commencement condition, for the condition being a pre-commencement condition. This is in addition to giving the full reason for the condition being imposed.

“Pre commencement condition” means a condition imposed on the grant of permission which must be complied with: before any building/ other operation/ or use of the land comprised in the development is begun.

Where pre commencement conditions are justified, these are provided with an appropriate reason for the condition.

**Third party representation**

There have been four letters of representation, which have raised objections to the proposal.

The objections put forward have been acknowledged and carefully considered by officers. The proposal would provide adequate parking space provision in accordance with Waverley’s and Surrey County Council’s adopted Parking Guidelines and would be acceptable in terms of highway safety, policy and capacity grounds. The Highway Authority was consulted, and has raised no objection to the proposal. In addition, Officers can confirm that neighbours were notified in accordance with the statutory requirements, and that drawings are and have been on the Council’s website and available at the Council’s Offices for public viewing. Further, the applicants have confirmed that consent has been given by Thames Water for the proposed build over the culvert.
For the reasons set out in the above report, and subject to the inclusion of safeguarding conditions, Officers consider that the considerations raised by the third parties do not outweigh the benefits of the proposal.

Development Management Procedure Order 2015 - Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:-

- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

Conclusion/planning judgement

In conclusion, officers are satisfied the proposal has overcome the objections raised by the Inspector under the previous appeal scheme WA/2014/0275. The applicants have sought consent from Thames Water for the proposal to be constructed over a public sewer.

The proposal would provide two small units of residential accommodation which would make a welcome contribution to Waverley’s housing need. Whilst the site is constrained, the building would be well designed and in its siting, would not be injurious to the character and appearance of the area.

The level of on-site vehicle parking would be compliant with Council’s Guidelines. No objection has been raised from the County Highway Authority in respect of highway safety and vehicle movement.

Subject to the conditions, the proposal is considered to be acceptable in planning terms.

Officers consider that there are no adverse impacts of the development which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate that the proposal should be resisted.

Recommendation

That permission be GRANTED subject to the following conditions:
1. Condition
The plan numbers to which this permission relates are Birch Road 001 Revision C, Birch Road 001 Revision A, Birch Road 003 Revision A. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason
In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition
No development shall take place until samples of the materials to be used in the construction of the hard surface areas and external surface areas of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason
In the interests of the visual amenities of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002. This matter goes to the heart of the permission.

3. Condition
No development shall commence on the proposed development hereby permitted until a contract has been let for the construction of the permitted (WA/2014/0172) single storey rear extension in respect of the adjoining property and that the whole of the building works relating to the proposed development the subject of this application shall be completed at the same time.

Reason
In the interest of the amenities of the occupiers of the neighbouring property, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002. This matter goes to the heart of the permission.

4. Condition
The proposed windows in the first floor side (northeastern) elevation shall be glazed with obscure glazing to the extent that intervisibility is excluded and top-hung opening only set at a minimum of 1.7 m from internal finished floor level and shall be retained.

Reason
To prevent the overlooking of the neighbouring properties and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.
5. **Condition**

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 windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed in the northeast and southwest elevations of the development hereby permitted without the written permission of the Local Planning Authority.

**Reason**

In the interest of the amenities of the occupiers of the neighbouring properties, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

6. **Condition**

Before any other operations are commenced, the proposed vehicular access to Birch Road shall be constructed in accordance with the approved plans submitted to and approved in writing by the Local Planning Authority, all to be permanently maintained to a specification to be agreed in writing with the Local Planning Authority.

**Reason**

In order that the development should not prejudice highway safety, the free flow of traffic or cause inconvenience to other highway users in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

7. **Condition**

The new development shall not be occupied until space has been laid out within the site in accordance with the approved plans submitted to and approved in writing by the Local Planning Authority for two cars to be parked. The parking area shall be used and retained exclusively for its designated use.

**Reason**

In order that the development should not prejudice highway safety, the free flow of traffic or cause inconvenience to other highway users in accordance with Policies M2 of the Waverley Borough Local Plan 2002.

8. **Condition**

Prior to the first occupation of the development hereby permitted, details of proposed bicycle and bin stores shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details to be implemented prior to the first occupation of the development hereby permitted and thereafter retained.

**Reason**

Having regard to the amenities of the area and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.
9. **Condition**
   There shall be no burning of any materials on site during both the deconstruction and construction phase of the development hereby permitted.

   **Reason**
   In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

10. **Condition**
    No construction of the development hereby permitted shall take place during the hours of 08:00-18:00 on Monday to Friday, 09:00-13:00 Saturday, and no activities on Sunday and Bank Holidays.

    **Reason**
    In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

11. **Condition**
    Before any work on site begins, cross sections/details indicating the proposed finished ground levels surrounding the building and finished floor levels of the building shall be approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

    **Reason**
    In the interests of the visual amenities of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002. The matter goes to the heart of the planning permission.

1. "**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.

2. 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.
3. The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

4. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority Local Transportation Service before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

5. The permission hereby granted shall not be construed 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 Highway Authority Local Transportation Service.

6. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail waverley.snn@waverley.gov.uk.

7. The applicant is advised to contact Thames Water Developer Services on 08000093921 to discuss the public sewer which crosses the application site.

8. 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 paragraph 186-187 of the National Planning Policy Framework 2012.