

5 JUNE 2018 PLANNING COMMITTEE

5g 18/0282 Reg'd: 27.03.18 Expires: 12.06.18 Ward: GP
Nei. 23.05.18 BVPI 13 (Dwellings) Number 10/11 On Yes
Con. Target of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: 51 Hawkswell Close, Woking, GU21 3RS

PROPOSAL: Erection of detached two storey 2 bedroom dwelling following demolition of existing conservatory with associated vehicular crossover (amended plans received 01.05.2018 and amended description).

TYPE: Full Application

APPLICANT: Land Solutions

OFFICER: Benjamin
Bailey

REASON FOR REFERRAL TO COMMITTEE

The proposal is of a development type which falls outside the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

This is a full planning application for the erection of a detached two storey 2 bedroom dwelling following demolition of existing conservatory with associated vehicular crossover.

Red lined application site only

Site Area: 0.0178 ha (178 sq.m)
Existing units: 0
Proposed units: 1
Existing density: 0 dph (dwellings per hectare)
Proposed density: 56 dph

Red lined application site and adjacent existing No.51 Hawkswell Close

Site Area: 0.0446 ha (446 sq.m)
Existing units: 1
Proposed units: 2
Existing density: 22 dph (dwellings per hectare)
Proposed density: 44 dph

PLANNING STATUS

- Urban Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- 1 in 1000 year Surface Water Flood Risk

RECOMMENDATION

Grant planning permission subject to recommended conditions and SAMM (TBH SPA) contribution secured by Legal Agreement.

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SITE DESCRIPTION

The red-lined application site forms part of the residential curtilage of adjacent No.51 Hawkswell Close. The front of the site is laid to lawn with some low level planting abutting the adjacent footway. Running level with the two storey front elevation of No.51 is a close boarded timber fence to the rear of which is an existing conservatory attached to No.51 which is proposed to be demolished. The area around the conservatory is laid to gravel with some patio hard surfacing. The side and rear boundaries of the application site are enclosed by close-boarded timber fencing and there is a small shed located in the south-west corner of the site.

RELEVANT PLANNING HISTORY

PLAN/2017/0462 - Erection of a two-bedroom detached house within the curtilage of 51 Hawkswell Close following demolition of an existing conservatory.

Refused (20.10.2017) for the following reasons:

- 01. The proposal's principle of development and its impact on character would be unacceptable. This would be by way of its shallow frontage, small separation distances at first floor level to side boundaries and shallow rear garden making the property appear cramped and contrived within its plot, making it create an unacceptable 'terracing effect' within the street scene and making it appear incongruous with the prevailing urban grain of Hawkswell Close. This is contrary to Section 7 of the National Planning Policy Framework (2012), Policy CS21 of the Woking Core Strategy (2012), Policy DM10 of the Development Management Policies Development Plan Document (2016) and Woking Design SPD (2015).*
- 02. The proposal would have an unacceptable impact on neighbouring amenity. This would be by way of the size and location of the first floor rear obscure glazed windows creating a perception of overlooking towards the rear gardens of 49 and 51 Tregarth Place to the rear. This is contrary to Section 7 of the National Planning Policy Framework (2012), Policy CS21 of the Woking Core Strategy (2012), Woking Design SPD (2015) and Outlook, Amenity, Privacy and Daylight (2008).*
- 03. The proposal would have an unacceptable quality of accommodation. This would be by way of 'Bedroom 2' being served by solely by two obscure glazed windows which would create a poor quality of outlook. This is contrary to Section 7 of the National Planning Policy Framework (2012), Policy CS21 of the Woking Core Strategy (2012), Woking Design SPD (2015) and Outlook, Amenity, Privacy and Daylight (2008).*
- 04. The proposal would have an unacceptable impact on private amenity space. This would be by way of its rear garden having a limited area and depth which would not be sufficient to provide a meaningful level of amenity for the proposed house. This is contrary to Section 7 of the National Planning Policy Framework (2012), Policy CS21 of the Woking Core Strategy (2012), Woking Design SPD (2015) and Outlook, Amenity, Privacy and Daylight (2008).*
- 05. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwelling would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to policy CS8 of the Woking Core Strategy (2012), the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 – the "Habitats Regulations").*

CONSULTATIONS

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County Highway Authority (CHA) (SCC): The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, recommends conditions 12 and 13 be attached to any permission granted.

REPRESENTATIONS

x2 letters of objection have been received raising the following main points:

- Will cause a high density and over development of the garden of No.51 Hawkswell Close
- Change in the character of the area
- Loss of sense of spaciousness
- Increased road parking/parking pressure
- Loss of current parking space in front of site will result in overflow parking opposite the driveway, and in front of, No.53 Hawkswell Close
- Noise/disturbance
- Overlooking and loss of privacy
- Adverse impact upon No.53 Hawkswell Close, including garden area, due to proximity and overshadowing
- Impact upon trees within No.53 Hawkswell Close
- Existing sewerage problem from No.45, 47, 49 and 51. Another property will only create more problems.

(Officer Note: Sewerage does not constitute a material planning consideration on development of this scale (1 net dwelling) and would be addressed under the Building Regulations)

COMMENTARY

Amended plans were requested, and accepted, during consideration of the application. Amended plans made the following changes:

- Internal layout re-arranged to result in only non-habitable rooms being served by rear-facing first floor level windows.
- Omission of initially proposed attached garage (which did not meet the minimum size of 6m x 3m required by SPD Parking Standards (2018) when contributing towards parking provision) in order to facilitate the on-site parking of x2 cars.
- Application site red-line amended to include the proposed vehicular crossover with Hawkswell Close, Certificate B amended and Notice 1 served on Surrey County Council Highways Department.
- Omission of pathway (parallel with pavement) to frontage of dwelling.

A further x21 days of public consultation was undertaken on amended plans, expiring on 23.05.2018.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012)

Core planning principles

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

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Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough
CS8 - Thames Basin Heaths Special Protection Area
CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS25 - Presumption in favour of sustainable development

Development Management Policies Development Plan Document (DMP DPD) (2016)

DM10 - Development on Garden Land

Supplementary Planning Documents (SPD's)

Design (2015)
Outlook, Amenity, Privacy and Daylight (2008)
Parking Standards (2018)
Climate Change (2013)
Affordable Housing Delivery (2014)

Other Material Considerations

South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Areas
Thames Basin Heaths Special Protection Area Avoidance Strategy
Planning Practice Guidance (PPG)
Written statement to Parliament - Planning update - 25th March 2015
Written Ministerial Statement - 28th November 2014
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Woking Borough Council Strategic Flood Risk Assessment (November 2015)

PLANNING ISSUES

01. The main planning issues to consider in determining this application are:
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon neighbouring amenity
 - Amenities of future occupiers
 - Highways and parking implications
 - Thames Basin Heaths Special Protection Area (TBH SPA)
 - Affordable housing
 - Energy and water consumption
 - Surface water flood risk
- having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Principle of development

02. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010

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and 2027. The reasoned justification text to Policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling.

03. The proposed dwelling would measure approximately 80 sq.m in gross floorspace, providing 2 bedrooms, and would therefore constitute 'family accommodation'. Both Policy CS11 of the Woking Core Strategy (2012), and the Strategic Housing Market Assessment (SHMA) (2015), identify a need for 2 bedroom dwellings. The proposal would therefore assist in meeting this local need and demand.
04. Policy CS10 of the Woking Core Strategy (2012) sets out an indicative density range of between 30 - 40 dph (dwellings per hectare) for infill development within the rest of the Urban Area (ie. those areas outside of Woking Town Centre, West Byfleet District Centre and Local Centres), as in this instance, stating that density will not be justified at less than 30 dph unless higher densities cannot be integrated into the existing urban form. Taking only the red lined application site the existing density is 0 dph. Taking both the red lined application site together with adjacent existing No.51 Hawkswell Close the existing density is 22 dph. Taking only the red lined application site the proposed density would be 56 dph. Taking both the red lined application site together with adjacent existing No.51 Hawkswell Close the proposed density would be 44 dph. The existing density of the surrounding area varies between 28 dph and 64 dph, although the prevailing density is between 40 dph and 64 dph. Overall, the resulting density is considered to integrate into the existing density of the area.
05. The application site is situated within the designated Urban Area within the Goldsworth Park area of the Borough, outside of the 400m exclusion zone of the Thames Basin Heaths Special Protection Area (TBH SPA), where the principle of residential development is considered to be acceptable. Paragraph 53 of the National Planning Policy Framework (NPPF) (2012) states that, "*Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*". Policy DM10 of the Development Management Policies DPD (2016), notes that such development may not be considered favourably if it has a significant adverse impact upon the character or the amenities of existing housing areas. This is assessed in further detail within the paragraphs below.

Design and impact upon the character of the area

06. One of the core principles of the NPPF (2012) is to seek to secure high quality design. Furthermore Policy CS21 of the Woking Core Strategy (2012) states that buildings should respect and make a positive contribution to the street scene and the character of the area paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
07. The red-lined application site forms part of the residential curtilage of adjacent No.51 Hawkswell Close. The proposed dwelling constitutes housing development on garden land to the side of an existing property. Policy DM10 (Development on Garden Land) of the Development Management Policies DPD (2016) states that housing development on garden land and/or that to the rear or side of an existing property will be supported provided that it meets the other relevant Development Plan policies and that:

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- *it does not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area, taking account of the need to retain and enhance mature landscapes;*
 - *it presents a frontage in keeping with the existing street scene or the prevailing layout of streets in the area, including frontage width, building orientation, visual separation between buildings and distance from the road;*
 - *the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area; and*
 - *suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality.*
08. The application site is within the Goldsworth Park area, a large area of Post-War housing with a sinuous road layout. Goldsworth Park was deliberately laid out as closes, clusters and small groups of houses to break up the scale of the development and create individual areas accessed from distributor roads.
09. Hawkswell Close is a residential cul-de-sac accessed from a distributor road (Kirkland Avenue) and predominantly characterised by two storey semi-detached, link-detached and detached dwellings. There are also some short two storey terraces. The buildings are primarily faced in brick (shades of buff and red brick are apparent) with some first floor tile hanging apparent below tiled roofs. Parking is generally provided within individual curtilages on hard surfaced driveways and within garages. Dwellings are generally dual-pitched with examples of monopitched attached garages and porches. The front building lines vary, exposing the side gable profiles of dwellings with some dwellings also presenting side gable profiles to the street scene.
10. No.51 Hawkswell Close, the residential curtilage within which the additional dwelling is proposed, demonstrates an 'L' shape, which is somewhat unique within Hawkswell Close. The area of the curtilage to the rear of No.51 is predominantly laid to lawn and extends rearwards to a block of garages adjacent to No.49 Tregarth Place. The area around the existing conservatory proposed to be demolished is laid to gravel with some patio hard surfacing.
11. Whilst plot widths vary within Hawkswell Close the plot width of the proposed dwelling would measure approximately 10.0m and would therefore remain consistent with the plot width of No.49, which also measures approximately 10.0m. Nos.45 and 47 demonstrate narrower plot widths of approximately 8.0m. The retained dwelling of No.51 would demonstrate a resulting plot width measuring approximately 9.0m. The proposed dwelling is therefore not considered to involve the inappropriate sub-division of an existing curtilage to a size substantially below that prevailing in the area.
12. Whilst the proposed dwelling would project approximately 3.8m forwards of the two storey front elevation of adjacent No.51 it would nonetheless reflect the front building line of adjacent No.53. As previously set out there is no consistent building line on this southern side of Hawkswell Close and, whilst projecting forwards of No.51, the resulting visibility of the side gable profile is not considered to appear discordant within this street scene context. Furthermore the resulting front building line would also form a transition between the front building line of existing No.51 and adjacent No.53. The proposed dwelling would demonstrate a relatively narrow 6.0m deep side profile at

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two storey level which would reflect the simple dual-pitched form of buildings within Hawkswell Close.

13. Approximately 3.8m separation would be maintained between the proposed dwelling and No.51. Due to the intervening footway and the plot shape and orientation of No.53 approximately 10.4m separation would be maintained to the two storey elevation of No.53. These retained levels of separation would ensure that the proposed dwelling would not appear cramped within the street scene. The retained separation to the footway at the front of the site would vary between approximately 2.8m and 1.9m; these separation levels would remain commensurate with that apparent between adjacent No.53 and the front footway. Furthermore the resulting frontage would largely be laid to soft landscaping and planting. The provision of a driveway to the front and side of the dwelling would remain commensurate with other examples within Hawkswell Close and is not considered to appear harmful. For these reasons the proposed dwelling is considered to present a frontage in keeping with the existing street scene including frontage width, building orientation, visual separation between buildings and distance from the road. Furthermore the means of access is considered to be appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and in keeping with the character of the area.
14. In terms of design and scale the proposed dwelling would reflect the maximum height and eaves height of adjacent No.51 and would utilise a simple dual-pitched form consistent with the prevailing character of Hawkswell Close. The approximate 7.2m two storey width of the proposed dwelling would form something of a transition between the approximate 5.0m two storey width of adjacent No.51 and the approximate 8.3m two storey width of adjacent No.53. A single storey monopitched projection to the rear would project for a further 1.2m depth and would appear as a clearly subordinate element proportionate in scale to the 6.0m two storey depth of the proposed dwelling. With regard to external materials the proposed dwelling would utilise facing brick, with tile hanging applied at first floor level on the front elevation, below a tiled roof. White window frames are proposed; these external materials are considered to integrate into the street scene although condition 03 is recommended to secure further details.
15. It is not considered that the proposal could be readily replicated at other properties/plots within Hawkswell Close. The shape and size of the residential curtilage of No.53 is unique within Hawkswell Close. It is therefore not considered that granting planning permission for the current proposal would set a precedent for further proposals of this nature within Hawkswell Close, which would be considered on their merits in any instance.
16. Overall the proposed dwelling is considered to respect and make a positive contribution to the street scene of Hawkswell Close and the character of the area more generally, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM10 of the Development Management Policies Development Plan Document (DMP DPD) (2016), SPD Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

Impact upon neighbouring amenity

17. Policy CS21 (Design) of the Woking Core Strategy (2012) advises that proposals for

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new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. More detailed guidance, in terms of assessing neighbouring amenity impacts, is provided by SPD 'Outlook, Amenity, Privacy and Daylight (2008)'.

No.51 Hawkswell Close:

18. No.51 Hawkswell Close is the 'host' dwelling to the east. Whilst the existing conservatory would be demolished to accommodate the proposed dwelling the side elevation of No.51 otherwise contains no windows or other openings which would be impacted by the proposed dwelling. The proposed dwelling would not project beyond the existing rear elevation of No.51 and therefore no harmful impact would arise to the rear elevation. Whilst the proposed dwelling would project approximately 3.8m forwards of the two storey front elevation of adjacent No.51 a separation distance measuring approximately 3.9m would be retained such that no significantly harmful overbearing effect due to bulk, proximity or loss of outlook would occur to the existing windows and openings within the front elevation of retained No.51. Overall therefore no significantly harmful impact, by reason of potential overbearing effect due to bulk, proximity or loss of outlook is considered to occur to No.51.
19. In terms of daylight impacts upon the existing windows and openings within the front elevation of No.51 SPD 'Outlook, Amenity, Privacy and Daylight (2008)' states that "*significant loss of daylight will occur if the centre of the affected window (or a point 2m in height above the ground for floor to ceiling windows) lies within a zone measured at 45° in both plan and elevation*". The proposed dwelling complies with this '45° angle test' and therefore no significantly harmful loss of daylight is considered to occur to No.51. The proposed dwelling would be located predominantly west of No.51 and therefore no significantly harmful loss of sunlight is considered to occur. No windows or other openings are proposed within the north-eastern side elevation which would face towards No.51 and therefore no harmful loss of privacy is considered to occur.
20. The area of the curtilage to the rear of No.51 (predominantly laid to lawn) would be retained to serve No.51. Following demolition of the existing conservatory the gross floorspace of No.51 would measure approximately 92 sq.m. The area of garden retained to the rear would measure approximately 110 sq.m, therefore exceeding the gross floorspace of No.51 and providing a suitable sunlit (prevaillingly south-facing) area of predominately soft landscaped private amenity space, appropriate in size and shape for the outdoor domestic and recreational needs of existing and future occupiers of No.51. Overall the impact upon the neighbouring amenity of No.51 Hawkswell Close is considered to be acceptable.

No.53 Hawkswell Close:

21. No.53 Hawkswell Close is located to the south-west side, on the opposing side of the intervening footway, and benefits from a conservatory to its north-eastern side (PP Ref: PLAN/2001/0448) and what appears to be a patio area to the side of this. The conservatory is part brick built and demonstrates a glazed roof with a large extent of glazing to both the side (north-east) and rear elevations. Twin glass panel doors lead from the conservatory to the lounge which benefits from a front-facing window. The private amenity space of No.53 also wraps around to the rear, where it appears to be mainly laid to lawn.
22. In terms of daylight impacts to the conservatory, taking account of the large extent of

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glazing to both the side (north-east) and rear elevations, and the glazed roof, any potential loss of daylight is not considered to be significant to this structure. In terms of daylight impacts upon the twin glass panel doors leading to the lounge from the conservatory (within the 'original' side gable) SPD 'Outlook, Amenity, Privacy and Daylight (2008)' sets out that, in relationships such as this, suitable daylight to an existing dwelling is achieved where an unobstructed vertical angle of 25° can be drawn from the middle of the existing opening towards the proposed development. Whilst the proposed dwelling would fail this '25° angle test' the lounge is also served by a front-facing window which would be unaffected in daylight terms by the proposed dwelling. Furthermore the existing conservatory already restricts the amount of daylight achieved to the lounge via the twin glass panel doors within the 'original' side gable of No.53. No.53 also demonstrates a first floor level side-facing (north-eastern) window which appears to serve as single aspect to a bedroom (a habitable room). The proposed dwelling complies with the '25° angle test' and therefore no significantly harmful loss of daylight is considered to occur to the side-facing bedroom window.

23. Whilst it is acknowledged that the presence of the proposed dwelling would be apparent from the conservatory of No.53 the proposed dwelling would demonstrate a relatively narrow (approximately 6.0m) side profile at two storey level with the single storey rear monopitched element being largely screened from No.53 by intervening boundary treatments. The proposed dwelling would be sited approximately 2.8m from the boundary of the curtilage of No.53, approximately 8.0m from the conservatory and approximately 10.4m from the side-facing first floor bedroom window. Furthermore No.53 benefits from garden space to the rear which would be materially unaffected by the proposed dwelling notwithstanding that the garden area to the side would be affected to a degree. Given these factors it is not considered that a significantly harmful overbearing effect by reason of bulk, proximity or loss of outlook, would occur to No.53 contrary to Policy CS21.
24. The proposed dwelling would be located predominately north-east of No.53. Whilst some overshadowing may occur to part of the side garden area of No.53 any such overshadowing would be restricted to early morning and limited in extent. As the sun moves from east-to-west throughout the day/evening the proposed dwelling would not materially impact No.53 in terms of loss of sunlight or overshadowing.
25. A single opening is proposed to face towards No.53, at first floor level within the side elevation. This window is small in size, would serve the landing at the top of the staircase and is shown with a fanlight style top-opening. Given that this window would serve non-habitable space, and in order to protect the privacy of No.53, condition 16 is recommended to secure the obscure-glazing and top-opening only of this window. Subject to this recommended condition the impact upon the privacy of No.53 is considered to be acceptable. Overall the impact upon the neighbouring amenity of No.53 Hawkswell Close is considered to be acceptable.

Nos.48 and 49 Tregarth Place:

26. Nos.48 and 49 Tregarth Place are a pair of semi-detached two storey dwellings situated to the rear (south-east). SPD 'Outlook, Amenity, Privacy and Daylight (2008)' sets out recommended minimum separation distances for achieving privacy. For two storey rear elevation-to-rear elevation relationships, as would result between the proposed dwelling and Nos.48 and 49 Tregarth Place, a separation distance of 20.0m is recommended. In measuring approximately 20.5m the proposed dwelling would comply with this guidance. Whilst the rear elevation-to-boundary separation distance, in measuring approximately 9.0m, would fall 1.0m short of the relevant guidance the internal arrangement is such that only non-habitable rooms (dressing/en-

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suite/bathroom) would be served by first floor level rear-facing windows. These windows have also been annotated to be obscure-glazed and are shown with high-level fanlight style openings. Condition 16 is recommended to secure the obscure-glazing and high-level only opening of these windows and, subject to this recommended condition; it is not considered that a significantly harmful loss of privacy would occur to Nos.48 and 49 Tregarth Place.

27. The two storey form of the proposed dwelling would be located approximately 9.0m from the common boundaries with Nos.48 and 49 and would demonstrate an approximate 5.4m eaves height with the maximum approximate 7.5m height occurring a further approximate 3.0m from these common boundaries. Whilst a single storey element would project approximately 1.2m further than the two storey form this element would terminate in a relatively modest approximate 2.7m eaves height. Taking these factors into account no significantly harmful impact, by reason of potential overbearing effect due to bulk, proximity or loss of outlook, is considered to occur to Nos.48 and 49 Tregarth Place.
28. The proposed dwelling would be located predominately north-west of Nos.48 and 49 and is therefore not considered to result in a significantly harmful loss of sunlight or overshadowing to Nos.48 and 49 Tregarth Place. Overall the impact upon the neighbouring amenity of Nos.48 and 49 Tregarth Place is considered to be acceptable.

Nos.48 and 50 Hawkswell Close:

29. Nos.48 and 50 Hawkswell Close are situated to the north-west on the opposite side of the carriageway. These dwellings are set back from the carriageway and demonstrate front garden areas which are open to the street scene. There is a garage sited forwards of No.50. In excess of 25.0m separation would be retained between the front elevation of the proposed dwelling and the front elevations of Nos.48 and 50. Taking the retained level of separation into account, together with the form, scale and resulting 'across the street' relationship it is not considered that a significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook, would occur to Nos.48 and 50 Hawkswell Close.
30. Whilst a letter of representation raises concern regarding noise and disturbance the proposal is for x1 net dwelling within an established residential area. Any potential additional noise and disturbance would be residential in nature and would not result in significant harm. Whilst it is acknowledged that some noise and disturbance is likely to occur during the course of site works this would be temporary and is not a reason to refuse planning permission.
31. Overall the proposed dwelling is considered to achieve satisfactory relationships to neighbouring properties, avoiding significant harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook and therefore to accord with Policy CS21 of the Woking Core Strategy (2012), SPD 'Outlook, Amenity, Privacy and Daylight (2008)' and the core principles of the National Planning Policy Framework 2012 (NPPF).

Amenities of future occupiers

32. It is considered that a good standard of outlook, daylight and sunlight would be achieved to habitable rooms and the private garden area to the rear, which would be predominantly south-facing. The proposed dwelling would measure approximately 80 sq.m. in gross floorspace. Although not locally adopted this gross floorspace accords

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with the Technical housing standards - nationally described space standard (March 2015) for two storey 2 bedroom dwellings and is therefore considered to provide a good standard of amenity.

33. SPD 'Outlook, Amenity, Privacy and Daylight (2008)' sets out recommended minimum garden amenity areas for family dwellinghouses with two bedrooms or more and over 65 sq.m. gross floorspace (but below 150 sq.m. gross floorspace), as in this instance, as a suitable area of garden amenity in scale with the building but always greater than the building footprint. The gross floorspace of the proposed dwelling would measure approximately 80 sq.m and the building footprint approximately 53 sq.m. The area of private rear garden (discounting the parking area to the side) to serve the proposed dwelling would measure approximately 73 sq.m, exceeding the building footprint and therefore providing a suitable sunlit area of predominately soft landscaped private amenity space, appropriate in size and shape for the outdoor domestic and recreational needs of future occupiers, reflecting the prevailing grain and pattern of development within the surrounding area.

Highways and parking implications

34. SPD Parking Standards (2018) sets a minimum residential parking standard of 1 space for 2 bedroom houses. The proposed driveway would be capable of accommodating the on site parking of 2 cars and would therefore exceed the relevant minimum parking standard. Furthermore the County Highway Authority (CHA) (SCC) has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. Whilst letters of representation make reference to the loss of existing on-street parking provision there is no allocated on-street parking bay within the area of the proposed dropped kerb. Furthermore the proposed dropped kerb would measure approximately 4.7m in width and would therefore not significantly reduce the potential for existing on-street parking.
35. A construction transport management plan (CTMP) condition is recommended (condition 08 refers) to minimise disruption to local residents during the construction period should planning permission be granted. It should also be noted that the proposal is for x1 net dwelling which is unlikely to result in long-term disruption during the construction period and there would appear to be potential space on the site for temporary storage of construction materials.
36. Overall therefore the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the National Planning Policy Framework (NPPF) (2012).

Thames Basin Heaths Special Protection Area (TBH SPA)

37. The Special Protection Areas (SPAs) in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Policy CS8 of the Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres, of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
38. The Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy

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(CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of £682 in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy (April 2018 update) as a result of the uplift of x1 2 bedroom dwelling which would arise from the proposal. The applicant has submitted a Legal Agreement to secure this financial contribution.

39. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the TBH SPA and therefore accords with Policy CS8 of the Woking Core Strategy (2012) and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy'.

Affordable Housing

40. Policy CS12 of the Woking Core Strategy (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.
41. However, following the Court of Appeal's judgment of 11 May 2016 (*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*), it is acknowledged that the policies within the Written Ministerial Statement of 28 November 2014, as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must be treated as a material consideration in development management decisions.
42. Additionally the Planning Practice Guidance (PPG) (Paragraph 031 - Revision date: 19.05.2016) sets out that affordable housing contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Whilst it is considered that weight should still be afforded to Policy CS12 of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28 November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). The proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000sqm, and therefore no affordable housing contribution is sought.

Energy and water consumption:

43. Planning policies relating to sustainable construction have been updated following the Government's withdrawal of the Code for Sustainable Homes (CfSH). Therefore in applying Policy CS22 of the Woking Core Strategy (2012), the approach has been amended and at present all new residential development shall be constructed to achieve a water consumption standard of no more than 110 litres per person per day water consumption and not less than a 19% CO2 improvement over the 2013 Building Regulations TER Baseline (Domestic). Planning conditions are recommended to secure this (conditions 07 and 10 refer).

Surface water flood risk

44. Part of the application site is identified within the Council's Strategic Flood Risk Assessment (November 2015) as being at a 1 in 1000 year risk of surface water flooding. Taking into account the 1 in 1000 year risk condition 09 is recommended to

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secure details of a scheme for disposing of surface water by means of a sustainable drainage system prior to the commencement of development. Subject to this recommended condition the impact in terms of surface water flood risk is considered to be acceptable and comply with Policy CS9 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).

LOCAL FINANCE CONSIDERATIONS

45. The proposed development would be liable for Community Infrastructure Levy (CIL) to the sum of **£12,192** (including the April 2018 Indexation).

CONCLUSION

46. Overall the proposed dwelling is considered to be acceptable in principle, to respect and make a positive contribution to the street scene of Hawkswell Close and the character of the area more generally, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings. The proposal is also considered to result in an acceptable impact upon neighbouring amenity, to provide a good standard of amenity to future occupiers and to result in acceptable highways and car parking implications having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance. Thames Basin Heaths Special Protection Area (TBH SPA) mitigation will be addressed by way of Legal Agreement.
47. The proposal is therefore considered to be an acceptable form of development which complies with Policies CS1, CS8, CS9, CS10, CS11, CS12, CS18, CS21, CS22 and CS25 of the Woking Core Strategy (2012), Sections 4, 6, 7, 10 and 11 of the National Planning Policy Framework 2012 (NPPF), Policy DM10 of the Development Management Policies DPD (2016), Supplementary Planning Documents 'Design (2015)', 'Outlook, Amenity, Privacy and Daylight (2008)', 'Parking Standards (2018)', 'Climate Change (2013)' and 'Affordable Housing Delivery (2014)', South East Plan (2009) (Saved policy) NRM6, the Thames Basin Heaths Special Protection Area Avoidance Strategy and the Planning Practice Guidance (PPG). It is therefore recommended that planning permission is granted subject to conditions and legal agreement as set out below.

BACKGROUND PAPERS

1. Site visit photographs
2. Letters of representation
3. Consultation response from County Highway Authority (CHA) (SCC)
4. Site Notice (General Site Notice - dated 05.04.2018)

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	£682 SAMM (TBH SPA) contribution.	To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy (2012) and The Thames Basin Heaths Special Protection Area (TBH SPA)

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	Avoidance Strategy.
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RECOMMENDATION

Grant planning permission subject to the following conditions and SAMM (TBH SPA) contribution secured by way of Legal Agreement:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

18-?-01 (Proposed Site Layout), dated 21.02.18 and received by the Local Planning Authority on 01.05.2018.

18-?-01 (Proposed Floor Plans & Elevations), dated 21.02.18 and received by the Local Planning Authority on 01.05.2018.

Unnumbered plan titled 'Proposed Roof Plan', undated and received by the Local Planning Authority on 01.05.2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. ++ Notwithstanding the external material details stated within the submitted application form, prior to the commencement of any above ground works to construct the development hereby permitted details and/or samples and a written specification of the materials to be used in the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter permanently retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of Hawkswell Close and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document Design (2015) and the provisions of the National planning Policy Framework (NPPF) (2012).

04. ++ Notwithstanding any details shown on the approved plans listed within condition 02, prior to the commencement of any above ground works to construct the development hereby permitted a detailed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/shrubs and hedges to be planted and any existing soft planting to be retained. All new soft landscaping shall be carried out in accordance with the approved scheme within the first planting season (November-March) following the first occupation of the dwelling or the completion of the development, whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same

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size and species unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of Hawkswell Close and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

05. ++ Notwithstanding any details shown on the approved plans listed within condition 02, prior to the commencement of any above ground works to construct the development hereby permitted full details and/or samples of the materials to be used for the 'hard' landscape works shall be submitted to and approved in writing by the Local Planning Authority. The 'hard' landscape works shall be carried out in accordance with the approved details and completed before the first occupation of the dwelling hereby permitted and permanently retained thereafter.

Reason: To protect the character and appearance of Hawkswell Close and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document 'Design (2015)' and the provisions of the National Planning Policy Framework (NPPF) (2012).

06. ++ Notwithstanding any details shown on the approved plans listed within condition 02, prior to the commencement of any above ground works to construct the development hereby permitted details of any modifications to boundary treatments (including the subdivision of the application site between the existing and proposed dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary modifications and treatments shall be implemented in full prior to the first occupation of the dwelling hereby permitted and permanently maintained thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure adequate security and a satisfactory appearance of the completed development in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document 'Design (2015)' and the provisions of the National Planning Policy Framework (NPPF) (2012).

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

Such details shall be permanently maintained unless otherwise first agreed in writing by the Local Planning Authority.

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Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance within Policy CS22 of the Woking Core Strategy (2012).

08. ++ No development shall commence until a Construction Transport Management Plan (CTMP), to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) measures to prevent the deposit of materials on the highway
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).

09. ++ No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure surface water flood risk is adequately addressed and not increased in accordance with Policy CS9 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).

10. ++ The development hereby permitted shall not be first occupied until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority, demonstrating that the development has:
- a. Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Such details shall be permanently maintained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance within Policy CS22 of the Woking Core Strategy (2012).

11. If during development, contamination not previously identified is found present at the site then no further development (unless otherwise first agreed in writing by the Local Planning Authority) shall be carried out until the a remediation strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall thereafter be implemented in accordance with the approved details.

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Reason: In accordance with the National Planning Policy Framework (2012) and Policy DM8 of the Development Management Policies DPD (2016) which require development to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution (paragraph 109) and to ensure that adequate site investigation information, prepared by a competent person, is presented (paragraph 12).

12. The development hereby permitted shall not be first occupied unless and until the proposed vehicular access to Hawkswell Close has been constructed in accordance with the approved plans and thereafter shall be kept permanently maintained.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).

13. The development hereby permitted shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking area shall be permanently retained and maintained for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).

14. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D, E and F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order(s) amending or re-enacting that Order with or without modification(s)) no extension(s), enlargement(s), hard surfacing or the provision of any other building(s) within the curtilage other than that expressly authorised by this planning permission (or as approved via details submitted pursuant to planning conditions) shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the residential amenities of the adjacent properties of No.53 Hawkswell Close and Nos.48 and 49 Tregarth Place, to the character and appearance of the area and to the provision of an appropriate level of private garden amenity space to serve the dwelling hereby permitted and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)' and the provisions of the National Planning Policy Framework (NPPF) (2012).

15. Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order(s) amending or re-enacting that Order with or without modification) no fences, gates or walls or other means of enclosure shall be erected forwards of the front building line of the dwellinghouse hereby permitted without planning permission being first obtained from the Local Planning Authority.

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Reason: To preserve the open plan appearance of the surrounding area and to avoid a proliferation of various means of enclosure in accordance with Policy CS21 of the Woking Core Strategy (2012).

16. All first floor level window(s) within the south-east facing (rear) elevation and the south-west facing (side) elevation of the dwellinghouse hereby permitted (for the avoidance of doubt shown on the approved plan numbered/titled '18-?-01 (Proposed Floor Plans & Elevations)' to serve a dressing/en-suite/bathroom and staircase/landing) shall be glazed entirely with obscure glass and non-opening unless the parts of the window(s) which can be opened are more than 1.7 metres above the finished floor level of the room(s) in which the window(s) are installed. Where a window is situated on a staircase or landing the 1.7 metre measurement shall be taken from the stair or point on a landing immediately below the centre of the window, upwards to the sill of the window. Once installed the window(s) shall be permanently retained in that condition.

Reason: To safeguard the residential amenity of adjacent No.53 Hawkswell Close to the side and Nos.48 and 49 Tregarth Place to the rear from overlooking and loss of privacy in accordance with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)' and the core principles of the National Planning Policy Framework (NPPF) (2012).

17. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order(s) amending or re-enacting that Order with or without modification(s)) no window(s) or other additional opening(s) other than those expressly authorised by this planning permission shall be formed at first floor level within either the south-east facing (rear) elevation or the south-west facing (side) elevation of the dwellinghouse hereby permitted without planning permission being first obtained from the Local Planning Authority.

Reason: To safeguard the residential amenity of adjacent No.53 Hawkswell Close to the side and Nos.48 and 49 Tregarth Place to the rear from overlooking and loss of privacy in accordance with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)' and the core principles of the National Planning Policy Framework (NPPF) (2012).

Informatives

01. 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 (NPPF) (2012). Amended plans were requested, and accepted, during determination of the application to address concerns initially identified with the application. Following the submission of amended plans the application was considered to be acceptable.
02. The applicants attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

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03. The development hereby permitted is subject to the Community Infrastructure Levy (CIL). The charge becomes due when development commences. A Commencement Notice, which is available from the Planning Portal website (Form 6: Commencement Notice:
https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf) must be issued to the Local Planning Authority and all owners of the relevant land to notify them of the intended commencement date of the development.
04. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
05. The applicant's attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and the associated British Standard Code of Practice BS 5228 : 1984 "Noise Control on Construction and Open Sites" (with respect to the statutory provision relating to the control of noise on construction and demolition sites). If work is to be carried out outside normal working hours, (i.e. 8 am to 6 p.m. Monday to Friday, 8 am to 1 p.m. Saturday and not at all on Sundays or Bank Holidays) prior consent should be obtained from the Council's Environmental Health Service prior to commencement of works.
06. The planning permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see:
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
07. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
08. This decision notice should be read in conjunction with the related Legal Agreement.
09. The applicant is reminded that this planning permission has been granted solely on the basis of the amended plans submitted during consideration of the application as listed within condition 02.
10. The applicant is advised that where windows are required by planning condition to be fitted with obscure glazing the glass should have a sufficient degree of obscuration so that a person looking through the glass cannot clearly see the objects on the other side. 'Patterned' glass or obscured plastic adhesive are not acceptable. If in doubt, further advice should be sought from the Local Planning Authority before work is commenced.
11. The applicant is advised that the term 'fixed' or 'non-opening window refers to a window where the glazing is fitted directly into a permanent fixed frame which contains no opening or openable casement or other device or mechanism to permit opening. Fixing an openable casement with screws or bolts into the frame is not acceptable. If in doubt, further advice should be sought from the Local Planning Authority before work is commenced.