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TO THE CHAIRMAN AND MEMBERS OF THE **PLANNING COMMITTEE**

You are hereby summoned to attend a meeting of the Planning Committee to be held on Tuesday, 6 June 2023 at 7.00 pm in the Council Chamber - Civic Offices.

The agenda for the meeting is set out below.

JULIE FISHER
Chief Executive

NOTE: Filming Council Meetings

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed.

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Apologies for Absence
2. Declarations of Interest
 - (i) To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.
 - (ii) In accordance with the Officer Procedure Rules, any Officer who is a Council-appointed Director of a Thameswey Group company will declare an interest in any item involving that Thameswey Group company. The interest will not prevent the Officer from advising the Committee on that item.
3. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.
4. Minutes

To approve the minutes of the meetings of the Planning Committee held on 12 April 2023 and 22 May 2023 as published.

Matters for Determination

5. Planning and Enforcement Appeals (Pages 3 - 4)

6. Planning Applications (Pages 5 - 8)

Section A - Applications for Public Speaking

6a. 2022/1161 Corner Garage, 16-18 St Johns Road (Pages 11 - 32)

Section B - Application reports to be introduced by Officers

There are no applications under this section.

Section C - Application Reports not to be introduced by officers unless requested by a Member of the Committee

6b. 2022/0627 87 Liquorice Lane (Pages 37 - 46)

6c. 2023/0152 103 -105 Walton Road (Pages 47 - 60)

6d. 2021/0500 51 Rectory Lane (Pages 61 - 72)

AGENDA ENDS

Date Published - 26 May 2023

For further information regarding this agenda and arrangements for the meeting, please contact Becky Capon on 01483 743011 or email becky.capon@woking.gov.uk



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PLANNING COMMITTEE – 6 JUNE 2023

PLANNING AND ENFORCEMENT APPEALS

The Committee is requested to:

RESOLVE:

That the report be noted.

The Committee has authority to determine the above recommendation.

Background Papers:

Planning Inspectorate Reports

Reporting Person:

Thomas James, Development Manager.

APPEALS LODGED

2022/0718

Application for demolition of existing garage and erection of new detached two storey dwelling and carport with new garage to existing dwelling at Beaulieu Chobham Road, Knaphill, Woking, GU21 2QE.

Refused by Delegated Powers
20 September 2022.
Appeal Lodged
4 May 2023.

2022/0712

Application for the erection of a detached outbuilding to frontage following demolition of existing garage, car port and shed at The Whins, Lawfords Hill Road, Worplesdon Guildford, GU3 3QB.

Refused by Planning Committee
8 November 2022.
Appeal Lodged
4 May 2023.

2022/0609

Application for the erection of three sets of gates and supporting pillars and timber post and rail fence across the frontage. (Retrospective) at Mounts Ryde Golf Club Road, Woking, GU22 0LS.

Refused by Delegated Powers
22 February 2023.
Appeal Lodged
2 May 2023.

2022/0978

Application for retrospective application for machinery store at Hollybush Farm, Known as The Oaks, Murrays Lane , Byfleet.

Refused by Planning Committee
7 February 2023.
Appeal Lodged
4 May 2023.

APPEALS DECISION

2022/0060

Application for Erection of a two-storey side extension at 5 Barrens Close Woking Surrey GU22 7JZ.

Refused by Planning Committee
7 June 2022.
Appeal lodged
24 November 2022.
Appeal Dismissed
17 April 2023.

2022/0878

Application for the erection of a two-storey rear extension, single-storey side extension, loft conversion, and front facade reconfiguration at 17 Brackenwood Road St Johns Woking Surrey GU21 8XF.

Refused by Delegated Authority
23 November 2022.
Appeal lodged
19 January 2023.
Appeal allowed
17 April 2023.

2022/0385

Application for the erection of a part single storey / part two storey rear extension following the demolition of the existing garage. (Amended description) at St Annes Littlewick Road Knaphill, Woking, GU21 4XR.

Refused by Delegated Powers
26 October 2022.
Appeal Lodged
3 March 2023.
Appeal Dismissed
21 April 2023.

2022/0478

Application for the erection of a part two storey, part first floor side extension, first floor rear extension and front porch at 12 Hanbury Path Sheerwater Woking Surrey GU21 5RB.

Refused by Delegated Authority
18 July 2022.
Appeal lodged
18 January 2023.
Appeal Allowed
19 April 2023.

2022/0709

Application for the erection of a two storey side extension and single storey rear extension following demolition of existing rear conservatory at 21 Cavendish Road, Woking, GU22 0EP.

Refused by Delegated Powers
22 November 2022.
Appeal Lodged
3 March 2023.
Appeal Allowed
17 May 2023.

2022/0872

Application for the erection of part two-storey, part first floor rear extensions and insertion of front rooflights to facilitate habitable accommodation at first floor level at 7 St Marthas Avenue, Woking, GU22 9BN.

Refused by Delegated Powers
16 November 2022.
Appeal Lodged
23 February 2023.
Appeal Allowed
18 May 2023.

2022/0236

Application for erection a single storey dwelling following demolition of existing stables at Beech Rise Lock Lane, Pyrford, Woking Surrey.

Refused by Delegated Authority
10 June 2022.
Appeal lodged
31 January 2023.
Appeal Dismissed
24 May 2023.

PLANNING COMMITTEE AGENDA

PLANNING APPLICATIONS AS AT 6 JUNE 2023

This report contains applications which either fall outside the existing scheme of delegated powers or which have been brought to the Committee at the request of a Member or Members in accordance with the agreed procedure (M10/TP 7.4.92/749). These applications are for determination by the Committee.

This report is divided into three sections. The applications contained in Sections A & B will be individually introduced in accordance with the established practice. Applications in Section C will be taken in order but will not be the subject of an Officer's presentation unless requested by any Member.

The committee has the authority to determine the recommendations contained within the following reports.

Key to Ward Codes:

BWB = Byfleet and West Byfleet
GP = Goldsworth Park
HO = Horsell
KNA = Knaphill
PY = Pyrford

C = Canalside
HE = Heathlands
HV = Hoe Valley
MH = Mount Hermon
SJS = St. Johns

Applications: 4

Item: 0006A
Case ref: PLAN/2022/1161
Recommendation: Recomm'n to Grant Subj. to Legal Agr't
Ward: St Johns
Address: Corner Garage, 16 - 18 St Johns Road, St Johns, Woking, Surrey, GU21 7SA

Item: 0006B
Case ref: PLAN/2022/0627
Recommendation: Refuse with Enforcement
Ward: Hoe Valley
Address: 87 Liquorice Lane, Woking, Surrey, GU22 9NY

Item: 0006C
Case ref: PLAN/2023/0152
Recommendation: Refuse with Enforcement
Ward: Canalside
Address: 103 - 105 Walton Road, Woking, Surrey, GU21 5DW

Item: 0006D
Case ref: PLAN/2021/0500
Recommendation: Refuse with Enforcement
Ward: Byfleet And West Byfleet
Address: 51 Rectory Lane, Byfleet, West Byfleet, Surrey, KT14 7LR

Section A - A

Section B -

Section C - C - D

SECTION A

**APPLICATIONS ON WHICH
PUBLIC ARE ELIGIBLE
TO SPEAK**

(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or the area generally)

Corner Garage, 16-18 St Johns Road, Woking.

PLAN/2022/1161

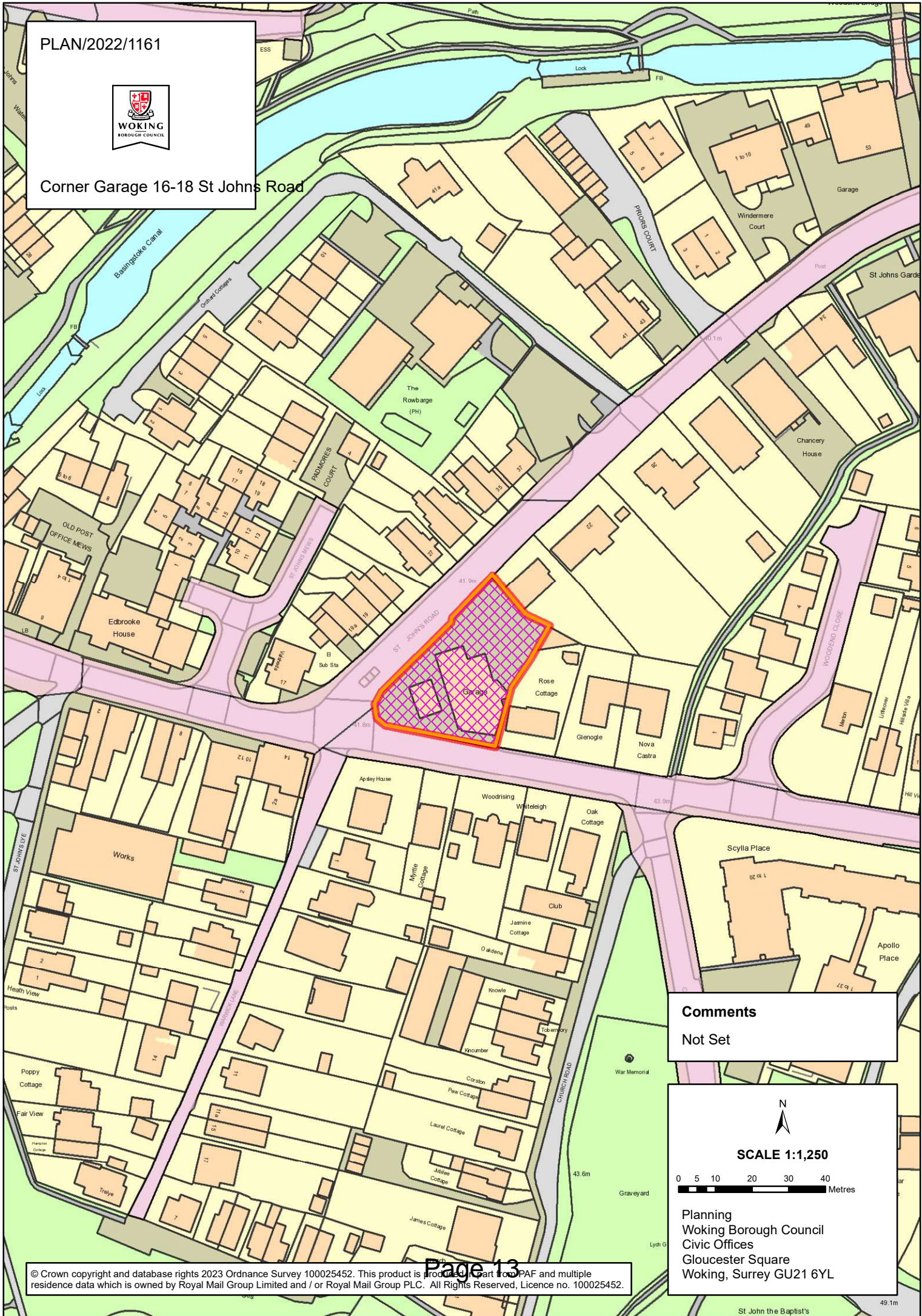
Outline Planning Application for the demolition of existing vehicle garage for MOT and servicing (including showroom) and the erection of up to 11no. dwellings with all matters reserved except access.



PLAN/2022/1161



Corner Garage 16-18 St Johns Road



Comments
Not Set

N

SCALE 1:1,250

0 5 10 20 30 40 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

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6a PLAN/2022/1161

WARD: St Johns

LOCATION: Corner Garage, 16 - 18 St Johns Road, St Johns, Woking, Surrey, GU21 7SA

PROPOSAL: Outline Planning Application for the demolition of existing vehicle garage for MOT and servicing (including showroom) and the erection of up to 11no. dwellings with all matters reserved except access.

APPLICANT: Chequers Cars Lightwater Ltd

OFFICER: Brooke Bournague

REASON FOR REFERRAL TO COMMITTEE

The application is for major development and is therefore outside the Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

Outline Planning Application for the demolition of existing vehicle garage for MOT and servicing (including showroom) and the erection of up to 11no. dwellings with all matters reserved except access.

Site Area:	0.098ha
Existing units:	0
Proposed units:	11
Existing density:	0dph
Proposed density:	112dph

PLANNING STATUS

- St Johns Conservation Area
- Thames Basin Heaths SPA ZoneB (400m-5km)
- Urban Area
- Site allocation – UA37
- Local Centre

RECOMMENDATION

Grant planning permission subject to conditions and Section 106 Agreement.

SITE DESCRIPTION

The application is located on a corner plot with St John's Road and St John's Hill Road. The site is currently in use as a garage for MOT, services and repairs together with a car showroom. There are currently dropped kerbs from both St John's Road and St John's Hill Road. The site is in St Johns Conservation Area and St Johns Local Centre.

PLANNING HISTORY

None relevant

CONSULTATIONS

Housing Services: *‘Woking Borough Council’s Housing Services are satisfied that the 30% policy-compliant affordable housing component is met as per the requirements of core strategy policy CS12, the Site Allocations DPD and Affordable Housing SPD. This element is satisfied through the combination of 3 affordable rent units with the 1 First Homes dwelling’.*

SCC Highways: No objection subject to conditions

Lead Local Flood Authority: No objection subject to conditions

Arboricultural Officer: No objection subject to condition

Environmental Health: No objection subject to conditions

Contaminated Land Officer: No objection subject to conditions

Council’s Conservation Officer: No objection

Natural England: No objection

Thames Water: No objection, recommend an informative

Affinity Water: No comments received

Waste Services: No objection

Environment Agency: No objection

REPRESENTATIONS

60 (2 x people have submitted 2 letters) letters have been received raising the following points:

Impact on character:

- Should use materials and detailing to reflect the character of the Conservation Area
- Three storeys is out of character with the Conservation Area
- The height would be overbearing and dominate the Conservation Area
- The design is bland, uninviting and characterless
- 11 dwellings at this location represents an out of proportion concentration and urbanisation of St John's
- Density is too high
- Does not respect the character of surrounding buildings
- Should not be higher than adjacent properties
- Contrary to policy CS20
- Too cramped
- The corner garage is a landmark

Impact on amenity:

- Proposal would result in overlooking
- Proposal would result in an increase in noise
- Proposal would result in overshadowing
- Result in loss of privacy to neighbouring properties and gardens
- Light pollution from proposed flats
- Proposal would result in loss of light to properties and gardens

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- Concerns over balconies overlooking neighbouring properties

Parking and traffic impact:

- No visitor parking is provided
- Increase in congestion in the area
- Increase in traffic in the immediate area
- Concerns over highways safety at the junction for vehicles, cyclist and pedestrians
- Concerns about overspill parking on surrounding roads
- Sufficient pavement should be provided
- Concerns over width of undercroft to provide two way traffic
- Is there a loading bay for deliveries and refuse lorries
- Overflow parking will use public car parks
- No suitable turning area in the parking area

Other concerns:

- Put increased pressure on infrastructure
- Concerned about position of the site notice
- Concerns over flooding
- Impact on wildlife
- Lack of green space

1 x letter has been received in support of the application:

- Will provide affordable housing
- Generate more income for local infrastructure through residents using local shops and utilities

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

Woking Core Strategy (2012):

- CS1 - Spatial strategy for Woking Borough
- CS4 - Local and neighbourhood centres and shopping parades
- CS7 - Biodiversity and nature conservation
- CS8 - Thames Basin Heaths Special Protection Areas
- CS9 - Flooding and Water Management
- CS10 - Housing provision and distribution
- CS11 - Housing mix
- CS12 - Affordable housing
- CS15 - Sustainable economic development
- CS16 - Infrastructure delivery
- CS18 - Transport and accessibility
- CS20 - Heritage and conservation
- CS21 - Design
- CS22 - Sustainable construction
- CS23 - Renewable and low carbon energy generation
- CS24 - Woking's landscape and townscape
- CS25 - Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):

- DM2 - Trees and Landscaping
- DM7 - Noise and Light Pollution
- DM8 - Land Contamination and Hazards

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DM17 - Public Realm
DM20 - Heritage Assets and their Settings

Site allocations DPD (2021)

UA37 - Corner Garage, 16-18 St Johns Road, St Johns, GU21 7SA

Supplementary Planning Documents:

Outlook, Amenity, Privacy and Daylight (2022)
Parking Standards (2018)
Design (2015)
Affordable Housing Delivery (2023)
Climate Change (2013)

Other Material Considerations:

Planning Practice Guidance
National Design Guide (2021)
Thames Basin Heaths Special Protection Area Avoidance Strategy (2022)
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Listed Buildings & Conservation Areas Act 1990
Conservation of Habitats and Species Regulations 2017
Circular 06/2005: Biodiversity and Geological Conservation
Historic England - The Setting of Heritage Assets (2015)
Woking Character Study (2010)
Woking Borough Council Strategic Flood Risk Assessment (SFRA) (November 2015)
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Waste and recycling provisions for new residential developments
Technical Housing Standards - Nationally Described Space Standard (March 2015)

PLANNING ISSUES

Principle of development

1. The NPPF and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development. 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 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.
2. The site is within the Urban Area, outside of fluvial flood zones, and outside of the 400m (Zone A) exclusion zone of the Thames Basin Heaths Special Protection Area (TBH SPA), where the impacts of new residential development upon the TBH SPA are capable of mitigation through the provisions of the adopted Updated TBH SPA Avoidance Strategy.
3. The site is allocated under UA37 of the Site Allocations DPD (2021) for 11 residential units including affordable housing and does not require the commercial use to be re-provided.
4. The application site is currently in use as an MOT garage, servicing, sales and car showroom which falls under use class sui generis. As the application site is not in an employment area or use class B the site is not protected by Policy CS15 of the Woking Core Strategy (2012).
5. The proposal would result in the net gain of upto 11 x dwellings within the Urban Area; the principle of residential development is therefore considered acceptable subject to the detailed material planning considerations set out below.

Character of the Area including Conservation Area

6. The application site is located in the St Johns Conservation Area.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering applications within Conservation Areas, Local Planning Authorities shall pay “special attention...to the desirability of preserving or enhancing the character or appearance of that area”. This is reflected in Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the Development Management Policies DPD (2016) and the NPPF (2021). Policy CS20 advises that new development must respect and enhance the character and appearance of the area in which it is proposed.
8. Policy UA37 of the SA DPD (2021) states the development of the site will be required to:
 - iii. Be of a high design quality and visually attractive as a result of good architecture, and with development footprints, scales and densities that maximise the use of the site whilst reflecting the development grain of the surroundings, in a way that is sympathetic to the prevailing local character.*
 - iv. Create an attractive, welcoming and distinctive public realm and provide ground floors that directly address the street, within elevations that respect adjacent properties with the potential to provide development of three-storey scale close to the junction of St Johns Road lowering to two storeys to provide transition with adjacent residential properties’.*
9. The justification text of the policy states ‘The site has the potential to accommodate a two-three storey flatted development. It is anticipated that the site could yield at least 11 dwellings. This indicative residential capacity of the site has been subject to scrutiny as part of the Core Strategy Examination (as part of the Strategic Housing Land Availability Assessment) at an Examination and considered to be reasonable.’
10. The proposal is an outline application for the demolition of all buildings on the site and erection of upto 11 dwellings with all matters reserved except access. Details such as appearance, landscaping, layout and scale will be considered at reserved matters stage.
11. The principle of the use of the site for residential development in a part three storey, part two storey building has been established under Policy UA37 of the SA DPD (2022).
12. The application site is in a prominent location in the St Johns Local Centre and currently in commercial use occupied by an MOT centre and showroom which is visually unattractive and unsympathetic to the character and function of the St Johns Local Centre and does not preserve the character of the Conservation Area.
13. The planning application has been supported by indicative plans including elevations which show a part three storey, part two storey building with the three storey element sited at the junction with St Johns Road and St Johns Hill Road. This is considered to represent an appropriate scale of the proposal. The elevations are finished in red brick with dark tiles which is consistent with other properties within the Conservation Area. The appearance of the building including height, materials and architectural detailing would be fully considered at reserved matters stage.
14. The proposal development would be accessed of St Johns Road where there is currently a dropped kerb.

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15. The Council's Conservation Consultant has been consulted and advised '*Although in outline only, I consider this proposal to be sensitive and appropriate in terms of Heritage Assets*'.
16. Overall, the proposal has shown that a building for residential use can be accommodated. Details of the scale, sitting, appearance and landscaping of the development are all reserved matters and would be determined under reserved matters application(s).

Impact on Neighbours

17. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to '*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 outlook*'.
18. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) recommends minimum separation distances for different relationships including 15m for front to front relationships at three storeys and above and 1m to side boundary and 20m rear to rear relationships at two storeys.
19. The sitting and scale of the proposed development would be determined under a reserved matters application. The applicant has submitted an indicative site plan, floorplans and elevations which show that a part three storey, part two storey building could be accommodated on site achieving the recommended separation distances. The indicative site plans show that a minimum front to front separation distance of 18m would be achieved with the properties along St John's Road sited to the north east of the application site and 22m front to front separation distance with the properties on St Johns Hill Road sited to the south of the application site. A 1m separation distance would be achieved to both side boundaries with Rose Cottage, St John's Hill Road and No.20 St Johns Road. The indicative plans would also comply with the recommended 10m front or rear to boundary/flank for two storey development.
20. Overall, it is considered that a development of upto 11 dwelling could be accommodated on the site while achieving recommended minimum separation distances in Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022).
21. The position of windows and relationship with neighbours would be considered at reserved matters stage.

Impact on highways and parking

22. Supplementary Planning Document 'Parking Standards' (2018) requires 1 bedroom flats to provide 0.5 parking spaces and 2 and 3 bedroom flats to provide 1 parking space. The indicative scheme for 11 units which includes 5x 1 bedroom flats and 6x 2 bedroom flats would be required to provide 9 parking spaces. The submitted plans show 10 parking spaces would be provided. It is considered that sufficient parking could be accommodated within the site for the maximum number of dwellings. The submitted Transport Statement shows that vehicles can enter and leave the site in a forward gear.
23. Due to the current use of the site as an MOT garage, servicing, sales and car showroom the kerbline along both St John's Road and St John's Hill Road is dropped along most of the sites boundary to display cars for sale. The proposal includes raising the dropped kerbs to create a single access point from St John's Road.
24. The application has been supported by a Transport Statement which shows that the proposed use is likely to result in a net reduction of 18 vehicle movements during a weekday.

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25. Concerns have been raised over highway safety. The submitted Transport Statement includes Personal Injury Accident (PIA) data for an area up to 150m in each direction from the site for the 5 year period up to 31st October 2022. The data shows that 9 PIAs occurred including 5 serious accidents occurred within the study area. There appears to be no pattern to the time or location of the accidents.
26. Supplementary Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per dwelling. The submitted plans indicate that a cycle store will be provided on site and the Transport Statement advise that 22 cycle spaces will be provided. It is considered that sufficient cycle parking could be accommodated within the site for the maximum number of dwellings.
27. SCC Highways have been consulted and raised no objection subject to conditions requiring a scheme for the proposed modified vehicles/pedestrian/cycle access to be submitted and approved, the site to be laid out so vehicles can enter and leave the site in a forward gear, the access from St John's Hill road to be permanently closed and provision of cycle parking and visibility splays.
28. Overall, the proposal is therefore considered to have an acceptable impact on parking and highways and accords with Supplementary Planning Document 'Parking Standards' (2018) and the policies in the NPPF.

Density and housing mix

29. Policy CS10 of the Woking Core Strategy (2012) sets an indicative density range of between 30 - 60 dwellings per hectare (dph) for infill development in the Local Centres and states '*Higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of an area would not be compromised*'.
30. The proposal would have a density of 112dph based on the maximum number of dwellings proposed (11 dwellings), whilst this is more than the indicative density range, the maximum provision of 11 dwellings is not considered to result in an undue overdevelopment of the site or a development which is out of character with the area. Policy CS11 makes clear that '*The density ranges set out are indicative and will depend on the nature of the site. Density levels will be influenced by design with the aim to achieve the most efficient use of land*'. Overall, the proposal is considered capable of providing an acceptable level of density.
31. Policy CS11 of the Woking Core Strategy (2012) requires proposals to address local needs as evidenced in the Strategic Housing Market Assessment (SHMA) which identifies a need for family accommodation of two bedrooms or more.
32. Policy CS11 does however state that lower proportions of family accommodation can be considered acceptable in locations in the Borough, such as the town and district centres, which are suitable for higher density development. The indicative scheme with a maximum of 11 units would provide 54.5% two bedroom units and 45.5% one bedroom units which is considered acceptable in the context of this policy. Overall, it is considered that the proposal can provide an acceptable housing mix. The final number and mix of dwellings would be determined at reserved matters stage.

Standard of accommodation

33. This application is an outline with details including appearance, landscaping, layout and scale to be dealt with at reserved matters stage. Therefore, the final layout and size of the dwellings and position of windows is not known. The applicant has provided an indicative

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floor plan providing a maximum of 11 dwellings (5 x 1 bed and 6 x 2 bed) which all achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms.

34. The submitted indicative block plan shows that there is space with the site for communal landscaping and for ground floor flats to have direct access to small areas of amenity space. There is also potential for the dwellings at first and second floor to have balconies.
35. Overall, it is considered that the site can accommodate an acceptable level of amenity space although the provision of such would be considered at reserved matters stage.
36. The application site located on a corner plot with St John's Road and St John's Hill Road. Environmental Health have been consulted and raised no objection to the site being used for residential development but recommended a condition to protect occupiers from traffic noise.
37. The submitted indicative plans include a bin store to serve the dwellings. This matter would be considered further at reserved matters stage although is capable providing acceptable bin storage on the basis of the illustrative scheme submitted.

Impact on trees

38. The application site is within the St Johns Conservation Area where all trees are protected and any works to trees/removal of trees would need to be approved either through an arboricultural report submitted with a planning application or separate tree works application.
39. Policy DM2 of DM Policies DPD (2016) states the Council will '*require any trees which are to be retained to be adequately protected to avoid damage during construction*' and Core Strategy (2012) Policy CS21 requires new development to include the retention of trees and landscape features of amenity value.
40. The Council's Arboricultural has been consulted and advised that '*there is a tree on adjoining land that could be affected by the demolition of the buildings in the north east of the site therefore a tree protection plan will be required prior to commencement of any works*'. A condition is recommended to secure a tree protection plan.

Impact on flooding

41. The application site is located in flood zone 1 and adjacent to areas with high and medium surface water flooding.
42. The NPPF (2021) and Policy CS9 of the Woking Core Strategy (2012) state that Local Planning Authorities should seek opportunities to reduce flood risk through the appropriate application of sustainable drainage systems (SUDS). As per the guidance issued by the Department of Communities and Local Government (DCLG) all 'major' planning applications must consider sustainable drainage systems (House of Commons: Written Statement HCWS161 - Sustainable drainage systems).
43. A Drainage Statement has been submitted with the planning application. The Local Lead Flood Authority have been consulted and raised no objection subject to conditions requiring details of a surface water drainage scheme and verification report. Subject to a condition to ensure the submission of additional information the proposal is considered to have an acceptable impact surface water flooding.

Affordable housing

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44. Policy CS1 of the Woking Core Strategy (2012) sets a target for new housing in the Borough between 2010 and 2027 of approximately 4,964 net additional dwellings. Policy CS12 'Affordable housing' identifies an overall target of 35% of all new homes delivered in this period to be affordable, which is equivalent to 1,737 affordable homes. Taking into account Annual Monitoring Report data from 2010 until 2022, the total amount of affordable housing completed in this period amounts to 627x new dwellings.
45. First Homes were introduced as part of a Written Ministerial Statement (WMS) issued on 24 May 2021 and came into effect on 28 June 2021. As confirmed in the PPG, First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The WMS and the wording of the Site Allocations DPD states (with regard to this site): "Development of the site will also be required to... Contribute towards affordable housing provision in accordance with Policy CS12: Affordable Housing of the Core Strategy." Policy CS12 of the Core Strategy was adopted and reviewed before the introduction of the national First Homes policy. The transitional arrangements for First Homes set out in PPG do not apply to Policy CS12 therefore. As such, the national requirements for First Homes (with regard to decision-taking) apply across the borough, including this site.
46. As the indicative proposal is for between 10 and 14 dwellings, Policy CS12 of the Woking Core Strategy (2012) requires 30% of dwellings to be affordable and this policy establishes a preference for on-site provision. Paragraph ii of Policy UA37 of the SA DPD (2021) states the proposal should '*Contribute towards affordable housing provision in accordance with Policy CS12: Affordable Housing of the Core Strategy*'. Supplementary Planning Document 'Affordable Housing Delivery' (2023) sets out more detailed guidance on the Council's approach to affordable housing provision and seeks 71% of new affordable units to be social/affordable rented, 25% to be First Homes and 4% as other intermediate tenures.
47. The planning application proposes that 30% (4 units) of the units to be affordable. Of these 71% will be affordable rent, 24% First Homes and 4% Intermediate Housing which would equate to 3 affordable rent units and 1 First Homes.
48. As the proposal is for an outline application for upto 11 dwellings the reserved matters application could potentially be for less than 11 dwellings. The legal agreement would require 30% of the dwellings to be affordable housing and of these 71% will be affordable rent, 24% First Homes and 4% Intermediate Housing.
49. The proposal is considered capable of providing on site affordable housing and would comply with Policy CS12 of the Woking Core Strategy (2012), UA37 of the SA DPD (2016) and Supplementary Planning Document 'Affordable Housing Delivery' (2023).

Energy and water consumption

50. Policy CS22 of the Woking Core Strategy (2012) seeks to require new residential development to achieve Code for Sustainable Homes Level 5 from 2016 onwards. The Planning and Energy Act 2008 allows LPAs to set energy efficiency standards in their Development Plan policies that exceed the energy efficiency requirements of the Building Regulations. However, such policies must not be inconsistent with relevant national policies for England. A Written Ministerial Statement to Parliament, dated 25 March 2015, set out the Government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the (now abolished) Code for Sustainable Homes; this is equivalent to approximately 19% above the requirements of Part L1A of the 2010 Building Regulations. This is reiterated in Planning Practice Guidance (PPG) on Climate Change, which supports the NPPF.

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51. Therefore, notwithstanding the requirements of Policy CS22, standards have been 'capped' at the equivalent energy performance standards of Code Level 4. Part L of the Building Regulations was updated in June 2022 and now requires an energy performance improvement of 31% compared to the 2010 Building Regulations. The current Building Regulations therefore effectively require a higher energy performance standard than what policy CS22 would ordinarily require. It is not necessary to attach a condition relating to energy performance as more stringent standards are required by separate legislation.
52. The LPA requires all new residential development to achieve as a minimum the optional requirement set through Part G of the Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. This can be secured by condition.

Contamination

53. Policy DM8 of the DM Policies DPD (2016) relates to land contamination and seeks to remediate or minimise the risks from contamination.
54. Due to the use of the site as an MOT and car servicing centre there is potential for contamination on the proposal site. The application has been supported by a tan filling certificate from 2000 and report on chemical analysis of top soil from 2009.
55. The Council's Scientific Officer has reviewed the submitted information and advised that the submitted information is not sufficient for the proposed change of use to residential and recommended conditions to secure the investigation and remediation of potential contamination. The proposal is therefore considered acceptable in this regard subject to conditions.

Thames Basin Heaths Special Protection Area (TBH SPA)

56. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Woking Core Strategy (2012) states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
57. Policy CS8 of 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), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. As the application is in outline form, and the exact number and unit mix of residential dwellings is not known at this stage (although this would be considered at reserved matters stage) the payment of SAMM (TBH SPA) would be secured through a schedule within the Section 106 Legal Agreement which would take account of the fact that SAMM payments are index linked based on the RPI annual inflation in the particular year. For the avoidance of doubt,

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sufficient SANG at Horsell Common has been identified to mitigate the impacts of the development proposal.

58. Subject to securing the provision of the SMM tariff (through a S106 Legal Agreement) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority would be able to determine that the development would not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects.

Community Infrastructure Levy (CIL)

59. The liability for Community Infrastructure Levy (CIL) would be assessed at reserved matters stage.

CONCLUSION

Subject to detailed design of layout, scale, appearance and landscaping at reserved matters stage, it is considered that the proposal would be capable of resulting in preserving the character of the Conservation Area, an acceptable impact upon neighbouring amenity, providing a good standard of residential amenity to future occupiers and providing sufficient car parking provision. The proposal therefore accords with Policies CS1, CS4, CS7, CS8, CS9, CS10, CS11, CS12, CS15, CS16, CS18, CS20, CS21, CS24 and CS25, Policies DM2, DM7, DM8, DM17 and DM20 of the DM Policies DPD (2016), UA37 of the SA DPD (2021), Supplementary Planning Documents 'Parking Standards' (2018), 'Outlook, Amenity, Privacy and Daylight' (2022) and 'Working Design' (2015) and the NPPF (2021). The proposal is therefore recommended for approval subject to conditions and subject to Section 106 Agreement.

BACKGROUND PAPERS

1. Site visit photographs

LEGAL AGREEMENT REQUIREMENTS

	Obligation	Reason for Agreeing Obligation
1.	Provision of a SMM (TBH SPA) contribution, in accordance with a schedule based on the size of dwellings (bedrooms) and the SMM contribution per dwelling, within the S.106, which would take account of the fact that SMM payments are index linked based on the RPI annual inflation in the particular year, to accord with the Habitat Regulations and Policy CS8.	To accord with the Habitat Regulations, Policy CS8 of the Working Core Strategy (2012) and The Updated Thames Basin Heaths SPA Avoidance Strategy (2022).
2.	The provision of 30% affordable housing.	To accord with policy CS12 of the Working Core Strategy 2012

RECOMMENDATION

Grant planning permission subject to the following conditions and Section 106 Agreement.

Conditions

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1. Application for the approval of the first reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with the provisions of Section 92(2) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be begun not later than two years from the date of approval of the first reserved matters.

Reason: To comply with the provisions of Section 92(2) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Details of the appearance, landscaping, layout and scale (“the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

P01 Rev A received by the Local Planning Authority on 19.12.2022

P02 Rev A (only in relation to the vehicular access) received by the Local Planning Authority on 19.12.2022

P04 Rev C (only in relation to the vehicular access) received by the Local Planning Authority on 19.12.2022

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

5. The development hereby permitted shall comprise not more than 11 residential units.

Reason: To ensure that the development takes place in accordance with the Application Documentation

6. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off

c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and

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maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

7. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

8. Prior to the commencement of development a comprehensive, written environmental desktop study report shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The report to be submitted shall identify and evaluate possible on and off-site sources, pathways and receptors of contamination and enable the presentation of all plausible pollutant linkages in a preliminary conceptual site model. The study shall include relevant regulatory consultations and shall be prepared in accordance with the current best practice and guidance such as LCRM and British Standard BS 10175 (and updates / amendments).

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

9. Prior to the commencement of development and any contaminated land site investigations on site and in follow-up to the environmental desktop study report a contaminated land site investigation proposal shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). This proposal shall provide details of the extent and methodologies of sampling, analyses and proposed assessment criteria required to enable the characterisation of the plausible pollutant linkages identified in the preliminary conceptual model. Following approval, the Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of site investigation works on site. The site investigation works shall then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in

6 JUNE 2023 PLANNING COMMITTEE

risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

10. Prior to the commencement of the development a contaminated land site investigation and risk assessment, undertaken in accordance with the approved site investigation proposal, that determines the extent and nature of contamination on site and reported in accordance with the standards of DEFRA's and the , current best practice and guidance such as LCRM and British Standard BS 10175 (and updates / amendments) shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). If applicable, ground gas risk assessments should be completed in line with CIRIA C665 guidance.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

11. Prior to the commencement of the development a detailed remediation method statement shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The remediation method statement shall detail the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and shall detail the information to be included in a validation report. The remediation method statement shall also provide information on an suitable discovery strategy to be utilised on site should contamination manifest itself during site works that was not anticipated. The Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of the remediation works on site. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

12. Prior to the first occupation of the development hereby permitted, a remediation validation report for the site shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems shall have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in

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risk to construction workers, future users of the land, occupiers of nearby land and the environment.

13. Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any additional requirements that it may specify). The development shall then be undertaken in accordance with the approved details. Should no further contamination be identified then a brief comment to this effect shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

14. ++ Prior to the commencement of any development related works on site (including demolition), a Tree Protection Plan produced in line with BS5837 shall be submitted to and approved in writing by the Local Planning Authority. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

Reason:

To ensure retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development.

15. ++ Prior to the commencement of any above-ground works (excluding demolition) in connection with the development permitted, written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the dwellings within the development will 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 must be in the form of a Design Stage water efficiency calculator.

Development must be carried out wholly in accordance with such details as may be approved and the approved details must be permanently maintained and operated for the lifetime of the development 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 with Policy CS22 of the Woking Core Strategy (2012), the Climate Change SPD (2013) and the provisions of the National Planning Policy Framework (NPPF).

16. No above ground development associated with the development hereby permitted shall commence until a fully detailed scheme for protecting the proposed development (including where appropriate any garden) from traffic noise from St John's Road and St John's Hill road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise noise mounds and/or barriers and/or acoustic double glazing with ventilation and any other means to protect the building from noise. The approved scheme shall be carried out concurrently with the development of the site and

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shall then be implemented in full as agreed in writing by the Local Planning Authority before each dwelling is occupied and shall be retained thereafter.

Reason: To protect the occupants of the new development from noise disturbance.

17. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans by the Local Planning Authority for the secure parking of at least 11 bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

To ensure that satisfactory facilities for the storage of cycles are provided and to encourage travel by means other than the private car

18. No part of the development shall be first occupied unless and until the proposed modified vehicular / pedestrian / cycle / access to No. 16-18 St Johns Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

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

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

20. (a) The means of access to the development hereby approved shall be from St Johns Road only.
(b) The development hereby approved shall not be first occupied unless and until existing access from the site to St Johns Hill Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

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

21. Before any of the operations hereby approved are started on site, a pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

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

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22. (a) Prior to the occupation of the development hereby approved, both sides of the existing pedestrian crossing facility on St Johns Road shall be upgraded and provided with tactile paving in accordance with the approved plan by the Local Planning Authority.
- (b) The development hereby approved shall not be first occupied unless and until the proposed new informal pedestrian crossing facility with tactile paving has been provided in accordance with the approved plan by the Local Planning Authority.

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

Informatives

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements the National Planning Policy Framework 2021.
2. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours:-

8.00 a.m. - 6.00 p.m. Monday to Friday
8.00 a.m. - 1.00 p.m. Saturday
and not at all on Sundays and Bank Holidays.

4. The applicant's attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT(S). Failure to observe this requirement will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices (BCNs) to secure compliance. The applicant is advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Local Planning Authority to consider the details and discharge the condition(s). A period of between five and eight weeks should be allowed for.
5. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

6. The Contaminated Land Officer would like to draw the applicants/agents/consultants attention to the specifics of the contaminated land conditional wording such as 'prior to commencement', 'prior to occupation' and 'provide a minimum of two weeks notice'.

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The submission of information not in accordance with the specifics of the planning conditional wording can lead to delays in discharging conditions, potentially result in conditions being unable to be discharged or even enforcement action should the required level of evidence/information be unable to be supplied. All relevant information should be formally submitted to the Local Planning Authority and not direct to the Contaminated Land Officer.

7. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs
8. The applicant is advised that as part of the detailed design of the highway works required by the above conditions 1-5, 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.
9. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant utility companies and the developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
10. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
11. Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.
12. The LPA would expect the reserved matters application to include a 2/3 storey building as per the submitted indicative plans.

SECTION B

**APPLICATIONS WHICH WILL BE
THE SUBJECT OF A PRESENTATION
BY OFFICERS**

(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or area generally)

SECTION C

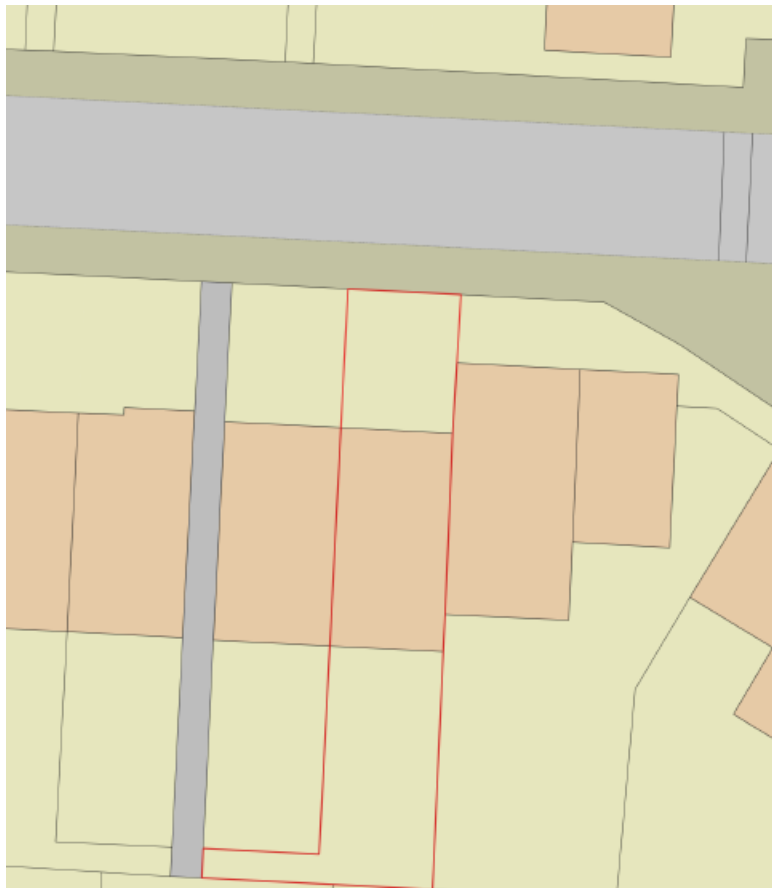
**APPLICATION REPORTS NOT TO BE
PRESENTED BY OFFICERS UNLESS REQUESTED
BY A MEMBER OF THE COMMITTEE**

(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or the area generally)

87 Liquorice Lane, **Woking.**

PLAN/2022/0627

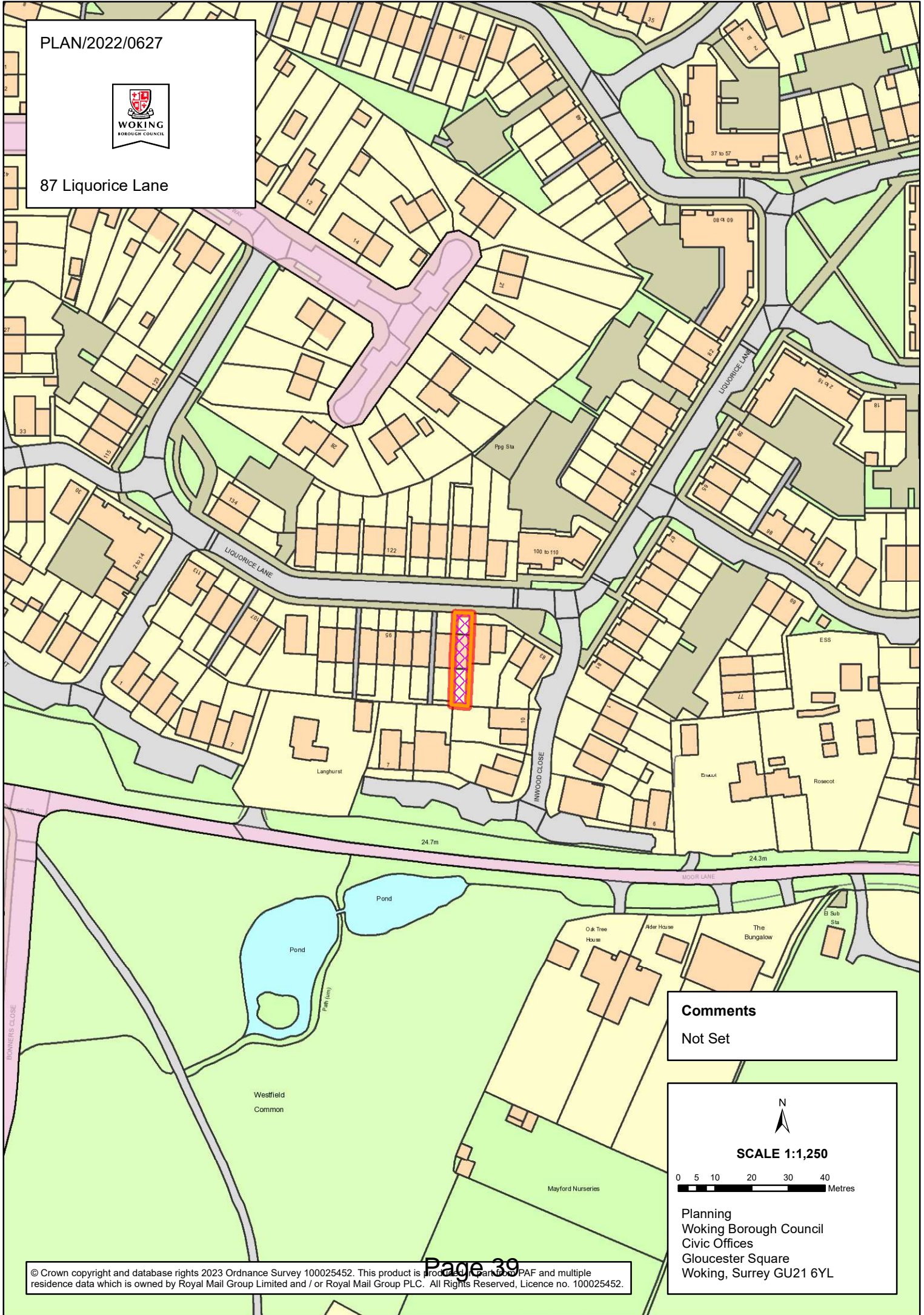
Change of use of dwelling (Use Class C3) to a mixed use as a dwelling and child-minding business (Use Class E) caring for 9x 1-4 year olds Monday-Friday 7.30am- 17.45pm (Retrospective).



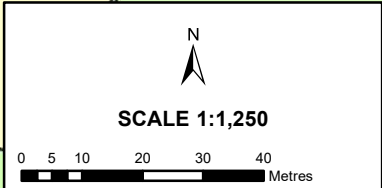
PLAN/2022/0627



87 Liquorice Lane



Comments
Not Set



Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

6B PLAN/2022/0627

WARD: Hoe Valley

LOCATION: 87 Liquorice Lane, Woking, Surrey, GU22 9NY

PROPOSAL: Change of use of dwelling (Use Class C3) to a mixed use as a dwelling and childminding business (Use Class E) caring for 9x 1-4 year olds Monday-Friday 7.30am-17.45pm (Retrospective).

APPLICANT: Miss Sasha Keenoy

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The recommendation includes enforcement action and the decision on whether to issue an Enforcement Notice falls outside the Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

Change of use of dwelling (Use Class C3) to a mixed use as a dwelling and childminding business (Use Class E) caring for 9x 1-4 year olds Monday-Friday 7.30am-17.45pm (Retrospective).

PLANNING STATUS

- Urban Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

RECOMMENDATION

REFUSE planning permission and recommend enforcement action.

SITE DESCRIPTION

The proposal site comprises a modest two bedroom, two storey, mid-terrace dwelling. The downstairs comprises a kitchen, living area and WC and upstairs are two bedrooms and a bathroom. The property has off-street parking for one car and an enclosed rear garden of approximately 10m in depth.

RELEVANT PLANNING HISTORY

- PLAN/2013/0081 - Demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements – Permitted 10.06.2013

CONSULTATIONS

- **Environmental Health:** No objection.
- **County Highway Authority:** No objection.

REPRESENTATIONS

Objections:

Three objections have been received raising the following summarised concerns:

- The surrounding area is cramped and made up of houses with small gardens. The area was not designed to accommodate childcare businesses of this scale
- A childminding business in such a tight neighbourhood creates stress on the local community, especially with the increased noise and traffic
- Children in the garden generate a lot of noise
- The noise generated from the childminding business does not allow us to work from home with the windows open or enjoy our garden in the daytime
- Music is often played which adds to the noise
- The property has parking for one car but occupies three spaces full-time (the childminder plus two employees)
- Parents who drop off children park inconsiderately and dangerously
- Visitor parking is constantly occupied by the employees of the business
- Concerned about a commercial venture operating in a purely residential area

Applicant's points:

During the course of the application the applicant has put forward several points in support of their application:

- Children do not use the garden before 10am, between 11:20am and 1pm or after 4pm
- After 4pm we have a maximum of three children
- Collections are staggered and take place at 1pm, 3pm, 4pm, 4:30pm and 5pm
- Parents have been asked to only use visitor parking bays for pick-ups and drop-offs
- Children aged 1-4 are not noisy
- We offer a valued service to the community
- I provide employment for two staff members who are doing qualifications

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021):

Section 12 – Achieving well-designed places

Woking Development Management Policies DPD (2016):

DM7 – Noise and Light Pollution

Woking Core Strategy (2012):

CS21 – Design

Supplementary Planning Documents:

Design (2015)

Parking Standards (2018)

Outlook, Amenity, Privacy and Daylight (2022)

PLANNING ISSUES

Background:

1. Section 57 of The Town and Country Planning Act 1990 (as amended) states that planning permission is required for the carrying out of any development of land. Section 55 defines the meaning of 'development' as follows:

6th JUNE 2023 PLANNING COMMITTEE

*“Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, **or the making of any material change in the use of any buildings or other land.**”*

2. The Town and Country Planning (Use Classes) Order 1987 (as amended) assigns different Use Classes for different uses of land and buildings and establishes what uses and changes of use can be carried out without the need for planning permission. A dwellinghouse is Use Class C3 and childminding on a small scale can ordinarily being carried out from a dwelling as long as it remains ancillary to the residential use and does not result in a ‘material change of use’. There is no statutory definition of ‘material change of use’ however there must generally be a significant difference in the character and activities compared to the previous situation for a material change of use to occur. Establishing whether a material change of use has occurred is a matter of fact and degree and is judged on a case-by-case basis.
3. In this case, the use involves caring for 9x 1-4 year old children Monday-Friday 7.30am-17.45pm. The childminding primarily takes places from the ground floor of the property and the rear garden is used for outdoor play and learning. The applicant indicates that two apprentices are employed in addition to themselves. Whilst the applicant lives at the property, the scale and intensity of this use, the need for employees and the nature of the property in question, means that the proposal is considered to result in a material change of use of the property to a mix of residential and childminding.
4. The applicant was advised by the Council under an informal ‘Permitted Development Enquiry’ on 01.04.2019 that a material change of use of the property would require planning permission. The applicant was advised that a childminding business with up to five children and no staff members was unlikely to require planning permission as it would not result in a material change of use.

Impact on Neighbouring Amenity:

5. Section 12 of the NPPF (2021) states that planning decisions should ensure that a ‘high standard of amenity’ is achieved for existing and future residents whilst Woking Core Strategy (2012) policy CS21 ‘Design’ states that new development should “*Be designed to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases*”.
6. The proposal site comprises a modest two bedroom, two storey, mid-terrace dwelling. The proposals site forms part of a modern housing development developed from 2013. The surrounding area is relatively high density with limited spacing around dwellings. The host dwelling is mid-terrace and is in close proximity to a number of residential neighbours. The host dwelling is attached to No.85 and No.89 Liquorice Lane and borders No.8 and No.10 Inwood Close to the rear.
7. The application seeks planning permission to use the property for a childminding business in addition to the lawful residential use. The use involves caring for 9x children between the ages of one and four and operates Monday to Friday between the hours of 7:30am and 17:45pm. The property is already being used for childminding and is therefore retrospective.
8. Concerns have been raised about the impact on neighbouring amenity arising from noise and general disturbance arising from the childminding use. The scale of the

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proposed childminding use has the potential to impact significantly on neighbouring amenity. Regular comings and goings and noise from children playing in the rear garden can be associated with the normal domestic use of a dwelling and is a feature of residential areas. However, this is usually more likely to be sporadic in nature and spread throughout the day and week. The proposed use would result in a more intense and concentrated level of activity on a daily basis. The proposed use would allow up to 9x children at any one time being cared for at the property which is considered to exceed what would normally be expected from a modest two bedroom property and has the potential to generate significant noise and disturbance. Whilst it is acknowledged that children would not necessarily be noisy at all times and they would not be in the garden at all times, there is the potential for sudden, significant and jarring levels of noise which is inherently unpredictable in nature and difficult to control or mitigate. The applicant's points are noted with regards to the times children use the garden however it would be difficult to control such arrangements through planning conditions. In any event, even if children are not in the garden, the use would still generate noise and disturbance from inside the property, particularly where windows and doors are open for ventilation in warmer weather. This also corresponds with the times when surrounding neighbours are likely to make most use of their gardens. It is also borne in mind that there is the potential for neighbours to be primarily working from home and spending a significant portion of their time at home. The proposal is considered to severely impact on the ability of surrounding neighbours to peacefully enjoy their internal and external living spaces.

9. It is likely that all or most of the children would be dropped off and picked up separately. The proposal could therefore result in up to 9x drop-offs and pick-ups on a daily basis. It is acknowledged that drop-offs and pick-ups are staggered however this would still generate a significant level of activity throughout the day, and more than one would reasonably expect from a typical residential property, and there is little respite for surrounding neighbours.
10. The proposed use, by reason of the nature and scale of the use, the noise, activity and disturbance associated with the proposed use and the close proximity to neighbouring properties and their rear amenity spaces, is considered to result in significant noise and general disturbance to neighbours, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design' and the National Planning Policy Framework (2021).
11. Whilst the proposal offers a childminding service and employment for two people which would be of some benefit, this is not considered to outweigh the significant harm to neighbouring amenity described above. In any event, refusing the planning application does not preclude the applicant from operating a childminding business at a reduced scale which is ancillary to the residential use.

Transportation Impact:

12. The host dwelling has a driveway for one vehicle. This parking space is likely to be occupied by the applicant's vehicle or staff members and so cannot be relied upon to be available for visitors. On-street parking opportunities are limited however there are designated visitor parking bays nearby. However, it is likely that most pick-ups and drop-offs would take place by vehicles parking on the road across the frontage of the host dwelling. The applicant indicates that pick-up and drop off times are staggered. Whilst there are limited on-street parking opportunities in the area, pick-ups and drop-offs are likely to be relatively brief and spread throughout the day and Liquorice Lane is a quiet and lightly trafficked road. The County Highway Authority has reviewed the

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proposal and raises no objection. Notwithstanding the amenity impact of the activity generated by the childminding use, the proposal is not considered to result in significantly harmful impact on parking or highway safety. The proposal is therefore considered to have an acceptable overall transportation impact.

Loss of Housing:

13. The operator of the nursery lives in the dwelling and the property retains all the facilities for day-to-day living. The proposal does not therefore result in the loss of housing.

Conclusion and Planning Balance:

14. The proposed use, by reason of the nature and scale of the use, the noise, activity and disturbance associated with the proposed use and the close proximity to neighbouring properties and their rear amenity spaces, results in significant noise and general disturbance to neighbours, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design' and the National Planning Policy Framework (2021).
15. Whilst the proposal offers a childminding service and employment for two people which would be of some benefit, this is not considered to outweigh the significant harm to neighbouring amenity described above. In any event, refusing the planning application does not preclude the applicant from operating a childminding business at a reduced scale which is ancillary to the residential use.
16. The application is therefore recommended for refusal.

Enforcement:

17. It is also considered expedient to serve an Enforcement Notice having regard to the provisions of the Development Plan and to other material considerations. As such, authority is sought to serve an Enforcement Notice. It is considered expedient to take enforcement action for the reasons outlined above. Furthermore, paragraph 59 of the NPPF (2021) states that "*Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control*".
18. The submission indicates that the change of use commenced in January 2022, meaning the use is not immune from enforcement action.

BACKGROUND PAPERS

1. Site visit photographs
2. Representations
3. Consultation responses

RECOMMENDATION

REFUSE for the following reasons:

01. The proposed use, by reason of the nature and scale of the use, the noise, activity and disturbance associated with the proposed use and the close proximity to neighbouring properties and their rear amenity spaces, results in significant noise and general disturbance to neighbours, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design' and the National Planning Policy Framework (2021).

It is further recommended that: -

The Director of Legal and Democratic Services be instructed to issue an Enforcement Notice under Section 172 of The Town and Country Planning Act 1990 (as amended) and Officers be authorised in the event of non-compliance with the Notice to prosecute under Section 179 of the Act, or appropriate power, and/or take direct action under Section 178 in the event of non-compliance with the Notice.

It is recommended that enforcement action be authorised to issue an Enforcement Notice in respect of the above land requiring the following within six (6) months of the Notice taking effect:

- i. cessation of the use of the premises as a mixed use as a dwelling and child-minding business

Informatives

1. The plans relating to the development hereby refused are listed below:

Location Plan named '87 Liquorice Lane – Location Plan' received by the LPA on 28.07.2022

Block Plan named '87 Liquorice Lane' received by the LPA on 28.07.2022

Unnumbered plan showing a Proposed Ground Floor Plan received by the LPA on 29.06.2022

Drawing numbered AA0068C/4157 Rev.F (First Floor Plan) received by the LPA on 29.06.2022

Application Form dated 29.06.2022

103 – 105 Walton Road, Woking.

PLAN/2023/0152

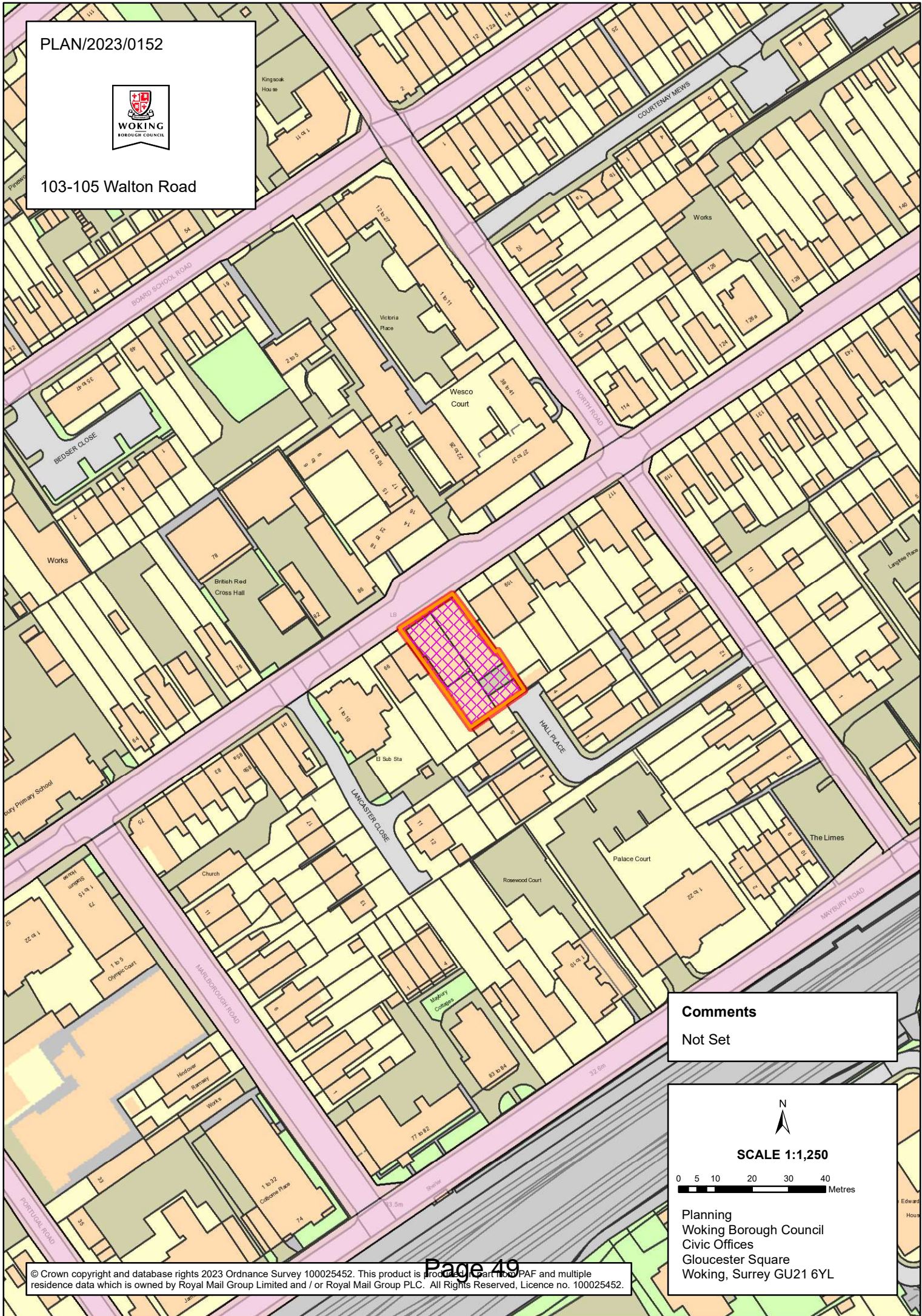
Retrospective application for the retention of a 9x bed, 15x person House of Multiple Occupation (HMO) (sui generis use)



PLAN/2023/0152



103-105 Walton Road



Comments
Not Set

N
SCALE 1:1,250
0 5 10 20 30 40 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

6C PLAN/2023/0152

WARD: Canalside

LOCATION: No.103 - 105 Walton Road, Woking, Surrey, GU21 5DW

PROPOSAL: Retrospective application for the retention of a 9x bed, 15x person House of Multiple Occupation (HMO) (sui generis use).

APPLICANT: Mr Sajid Mahmood

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The recommendation includes enforcement action and the decision on whether to issue an Enforcement Notice falls outside the Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is a retrospective application for the retention of a 9x bed, 15x person House of Multiple Occupation (HMO) (sui generis use).

PLANNING STATUS

- Urban Area
- Priority Place
- Walton Road Neighbourhood Centre
- High Density Residential Area
- Surface Water Flood Risk Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

RECOMMENDATION

REFUSE planning permission and authorise enforcement action.

SITE DESCRIPTION

The proposal relates to a House of Multiple Occupation located at first floor level above a shop. The proposal site comprises a two storey building dating from early C20 which has been heavily altered and extended. The proposal site is on Walton Road which is characterised by a mixture of commercial and residential uses in predominately two storey buildings.

RELEVANT PLANNING HISTORY

- PLAN/2017/0979 – Partial demolition of outbuilding and rear ground floor extension to existing shop with first floor rear extensions to residential accommodation – Permitted 06.12.2017 (not implemented)
- PLAN/2009/0976 – Erection of a single storey front extension within existing canopy and incorporation of shopfront and existing roller shutters – Permitted 22.12.2009
- PLAN/2005/1281 – Front extension to store comprising supported canopy and moveable gravity shutters – Permitted 21.12.2005

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- PLAN/1995/1042 – Erection of a part single, part two storey rear extension to provide retail floorspace (Amended description) – Permitted 26.03.1996
- PLAN/1999/0999 – Erection of single storey rear extension and detached store to the rear and an existing covered way to the side and rear of the property and erection of a cold store and store to the rear of the property – Permitted 03.01.2001
- 81/0877 – Single storey store building – Permitted 01.09.1981
- 81/0172 – Store room extension – Permitted 01.05.1981
- 29353 – Alterations – Permitted 01.06.1972
- 29596 – Alterations and new shop front – Permitted 01.07.1972
- 15582 – Two storey extension – Permitted 01.06.1962
- 13545 – Conversion of shop to garage and living room to shop – Permitted 01.11.1960
- 4227 – Extension – Permitted 01.05.1950

CONSULTATIONS

- **Housing Standards:** We do not agree with the numbers of occupants proposed due to the insufficient amenities provided.
- **County Highway Authority:** No objection subject to condition requiring secure cycle storage for 15x cycles.
- **Environmental Health:** No objection.

REPRESENTATIONS

None received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021):

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

Woking Development Management Policies DPD (2016):

DM11 - Sub-divisions, Specialist Housing, Conversions and Loss of Housing

Woking Core Strategy (2012):

CS4 – Local and Neighbourhood Centres and Shopping Parades

CS5 – Priority Places

CS8 – Thames Basin Heaths Special Protection Areas

CS9 – Flooding and Water Management

CS18 – Transport and Accessibility

CS21 – Design

CS24 – Woking’s Landscape and Townscape

Supplementary Planning Documents:

Design (2015)

Parking Standards (2018)

Outlook, Amenity, Privacy and Daylight (2022)

Other documents and Legislation:

Woking Borough Council ‘Private Sector Property - Amenity Standards Guide’ document (2022).

The Housing Act (2004)

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations (2018)

South East Plan (2009) (Saved Policy) NRM6 - Thames Basin Heaths Special Protection Area

Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy 2022

PLANNING ISSUES

Background:

1. In planning terms, a House of Multiple Occupation (HMO) is a single unit of accommodation which is shared by unrelated individuals where communal facilities such as kitchens, living areas and bathrooms are shared. Planning permission is not normally required for the use of a dwelling as an HMO with no more than six individuals (Use Class C4). Planning permission is normally required for HMOs with more than six unrelated individuals where this results in a material change of use (Use Class ‘sui generis’).
2. The Housing Act (2004) requires most HMOs with over five people to have a licence issued by the Local Authority. This is a separate requirement to planning permission but both legislative requirements run concurrently. In this case the HMO would require both planning permission and an HMO licence from the Local Authority.
3. The Housing Act (2004) requires Local Authorities to keep a public register of HMOs in their area. The HMO in this case (No.103-105 Walton Road) was granted an HMO licence on 1st October 2022 however the licence limits the HMO to the following:
 - Maximum of six bedrooms
 - Maximum of six occupants
4. The proposal seeks planning permission for a 9x bedroom, 15x person HMO and the proposal is retrospective. The HMO is therefore currently operating in breach of the HMO licence and in breach of planning control.
5. The primary material planning considerations have been assessed as set out below.

Impact on Living Conditions:

6. The NPPF (2021) states that planning decisions should ensure that a ‘high standard of amenity’ is achieved for existing and future residents.
7. Woking Development Management Policies DPD (2016) policy DM11 ‘Sub-divisions, Specialist Housing, Conversions and Loss of Housing’ states that proposals for the conversion of existing dwellings to HMOs and the intensification of existing HMOs will be permitted where various criteria are met, including the following:

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- *the proposal does not harm the residential amenity or character of the area;*
 - *a good quality of accommodation is provided by meeting any relevant housing standards;*
 - *there is adequate enclosed storage space for recycling/refuse;*
 - *access is acceptable and parking (including for cycles) is provided on site in accordance with the Council's standards.*
8. The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations (2018) sets mandatory national minimum sleeping room size requirements for HMOs as follows:
- 6.51 m² for one person over 10 years of age
 - 10.22 m² for two persons over 10 years
 - 4.64 m² for one child under the age of 10 years
9. The HMO in question has 9x bedrooms and houses 15x people. 3x of the 9x bedrooms are large enough only to accommodate one person (Bedrooms 1, 4 and 5) in accordance with the above, meaning the remaining six bedrooms must be occupied by two people (giving a total of 15x people as proposed).
10. Woking Borough Council has published a 'Private Sector Property - Amenity Standards Guide' document (2022). Whilst this does not form part of the Development Plan, it is nonetheless a useful guide to what constitutes an acceptable quality of accommodation for HMOs. The standards set minimum room size standards for different levels of occupancy and minimum standards for communal areas such as kitchens.
11. For HMOs with no communal living areas, the Council's 'Private Sector Property Amenity Standards Guide' (2022) sets the following minimum room size standards.

Figure 1 - WBC 'Private Sector Property Amenity Standards Guide' (2022) minimum room sizes

	Room Size	
	One Person	Two People (living as a couple)
Bedroom (where a separate kitchen is provided elsewhere in the HMO).	10m ²	14m ²

12. For communal kitchens, the guide sets the following minimum standards:

Figure 2 - WBC 'Private Sector Property Amenity Standards Guide' (2022) minimum kitchen facilities

Facility	Up to and including 5 people	More than 5 people	Requirement for Proposal
Sinks	1x sink	1x extra sink per 4x occupants and part of there after	4x sinks
Cookers	1x cooker	1x extra cooker per 4x occupants and part of thereafter.	4x cookers
Worktops	1x 500mm length x 600m width per person up to 2.5m	Additional 500mm length per user above the maximum 2.5m length	7.5m of work tops
Cupboard	1x 500mm wide base	Additional 500mm	15m of wall units or

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space	unit or 1x 1000mm wall unit per room	wide base unit or one 1000mm wall unit per user	7.5m of base units
Fridge and Freezer	1x fridge shelf and one freezer drawer per room	Additional fridge shelf and one freezer drawer per user	9x fridge shelves and 9x freezer shelves (approximately 3x fridge freezers)

13. The submitted plans identify the following accommodation to serve 15x people:
- 9x bedrooms (ranging from 8.5m² to 15.9m²)
 - 2x kitchens (6.2m² and 9m²)
 - 2x bathrooms (5m² and 5.8m²)
 - No communal living areas or dining rooms are proposed
14. The proposed accommodation has been assessed against the requirements of the Council's 'Private Sector Property Amenity Standards Guide' (2022) in Figure 3 below.

Figure 3 – Assessment against WBC's 'Private Sector Property Amenity Standards Guide' (2022)

Room	Size	WBC 'Private Sector Property Amenity Standards Guide' (2022) Requirement	Meets WBC 'Private Sector Property Amenity Standards Guide' (2022) Requirement?
Bedroom 1 (single)	8.5m ²	10m ²	No
Bedroom 2	13.5m ²	14m ²	No
Bedroom 3	14.3m ²	14m ²	Yes
Bedroom 4 (single)	10.2m ²	10m ²	Yes
Bedroom 5 (single)	9.3m ²	10m ²	No
Bedroom 6	12.3m ²	14m ²	No
Bedroom 7	12.9m ²	14m ²	No
Bedroom 8	15.9m ²	14m ²	Yes
Bedroom 9	11.4m ²	14m ²	No
Kitchens (2x)	6.2m ² and 9m ² (total 15.2m ²)	See Figure 2	No
Bathrooms (2x)	5m ² and 5.8m ² (total 10.8m ²)	At least 3x bathrooms and 3x toilets	No

15. Whilst the 'Private Sector Property Amenity Standards Guide' (2022) does not form part of the Development Plan, it nonetheless provides a useful guide to what constitutes appropriate facilities for shared accommodation. It is also considered highly relevant because any application for an HMO licence would be assessed against these standards. Most of the proposed bedrooms would be undersized in relation to the Council's 'Private Sector Property Amenity Standards Guide' (2022). The HMO only has two bathrooms where there is a requirement for at least three bathrooms and toilets. No details layout plans of the kitchens have been provided however the two kitchens of 9m² and 6.2m² are not considered sufficient in size to accommodate sufficient shared facilities for 15x people, including sinks, cookers, worktops, cupboard and fridge/freezer space. For example, on the Officer's site visit it was evident that there are only 2x kitchen sinks and 2x cookers where there is a requirement for 4x kitchen sinks and 4x cookers.
16. The proposed HMO is considered to provide entirely inadequate kitchen and bathroom facilities for the number of occupants and most of the bedrooms are undersized. Adequately sized bedrooms are considered vitally important for an HMO in this case considering there is no communal living space or outdoor amenity space.

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17. Externally, access to the HMO is via a narrow alleyway to the side of the shop which occupies the ground floor and is shared with the shop. This is considered an uninviting and oppressive external environment. Views from many of the bedrooms are across expanses of flat roofs and air moving plant which is considered to add to the overall poor and oppressive residential environment. The HMO is considered to constitute cramped, oppressive and overcrowded accommodation which offers a poor standard of amenity for residents.

Transportation Impact:

Car Parking:

18. The Council's 'Parking Standards' SPD (2018) sets a minimum parking standard of 2x spaces for flats with five bedrooms or more but does not set a minimum standard for HMOs. An individual assessment would therefore be required. The introductory text for the SPD recognises the importance of adequate parking provision and acknowledges that "*The mismanagement of parking can contribute to congestion problems both directly through creating on-street obstacles and also through vehicles cruising for available parking spaces...*".
19. The proposal site is within the Walton Road Neighbourhood Centre and is within walking distance of Woking Town Centre. The proposal site is located in a relatively sustainable location and is close to local amenities. The HMO does not benefit from any off-street parking. On-street parking in the area is controlled by CPZ and Walton Road and surrounding streets are typically heavily parked.
20. The proposal comprises an HMO with 15x occupants. Due to the type of accommodation proposed and the sustainable location of the proposal site, the absence of dedicated parking provision is not considered to result in a significantly harmful impact on parking provision locally.

Cycle Storage:

21. The Council's 'Parking Standards' SPD (2018) sets minimum cycle storage standards of 2x spaces per dwelling but requires an individual assessment for 'sui generis' uses. It is considered that secure cycle storage of at least one cycle per room (i.e at least 9x) should be provided and cycle storage is considered all the more important given the absence of parking provision. The County Highway Authority raises no objection subject secure cycle storage for at least 15x cycles being provided. No cycle storage is identified on the submitted plans. The proposal site is almost entirely occupied by built development. Outside space is extremely limited and is limited to the alleyways to the side of the building. Adequate cycle storage has not therefore been demonstrated and it is considered that there is no realistic prospect of achieving adequate cycle storage.
22. It has not been demonstrated that the proposed development would be able to accommodate adequate secure cycle storage to meet the needs of the proposed development. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS18 'Transport and Accessibility', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing' and the National Planning Policy Framework (2021).

Waste Management:

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23. Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing' states that proposals for the conversion of existing dwellings to HMOs and the intensification of existing HMOs will be permitted where, amongst other criteria, there is adequate enclosed storage space for recycling and refuse. Woking Core Strategy (2012) policy CS21 'Design' requires development proposals to incorporate provision for the storage of waste and recycling.
24. The proposal site is almost entirely occupied by built development. Outside space is extremely limited and is limited to the alleyways to the side of the building. The submission does not include and details of the amount of bin storage provided or where bin storage is located. HMOs can generate significant bin storage requirements and inadequate and poorly managed bin storage can contribute towards a poor quality living environment detract from the visual amenities of the area.
25. It has not been demonstrated that the proposed development would be able to accommodate sufficient bin storage arrangements to meet the needs of the proposed development. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design' and Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing'.

Loss of Family Housing:

26. Woking Core Strategy (2012) policy CS11 and Woking Development Management Policies DPD (2016) policy DM11 seek to avoid the loss of housing, in particular family homes. In this case however the lawful use of the property is a flat used as an HMO and has an HMO licence for six people which would effectively be the 'fallback' position in this case. The proposal is not therefore considered to result in the loss of family housing.

Impact on Character:

27. The proposal does not involve any external alterations and the proposal is not considered to harm the character of the host dwelling or surrounding area.

Impact on Neighbouring Amenity:

28. The building in question is not attached to neighbouring residential properties. Whilst the use of the property would intensify, the residential use of the first floor level is established and the proposal is not considered to result in an unduly harmful impact on neighbours.

Impact on the Thames Basin Heaths Special Protection Area (SPA):

29. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes of the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")).

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30. Policy CS8 of 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), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL.
31. The SAMM tariff ordinarily applies to net additional dwellings. However, Section 5.1 of the Council's Thames Basin Heaths SPA Avoidance Strategy (2022) states that some other forms of development, including HMOs are likely to result in similar recreational pressures on the SPA and should therefore contribute towards avoidance measures.
32. The Avoidance Strategy calculates occupancy rates for different sizes of dwelling. The existing dwelling is a 4+ bedroom flat which has an occupancy rate of 2.9 people. The proposed HMO is for 15x people, meaning there would be an increase of 12.1 people living at the property people which requires mitigation. 12.1 people is approximately equal to five times the occupancy rate of 3x bed dwellings (5x 2.5 people). The required SAMM contribution for 3x bed dwellings is £1,180. The required contribution would therefore be **£3,540** (3x £1,180).
33. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. Nonetheless no Legal Agreement has been submitted to secure the SAMM financial contribution given the other objections to the proposal.
34. In view of the above, and in the absence of a Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the proposed development would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to the Conservation of Habitats and Species Regulations (2017) (SI No. 1012 - the "Habitats Regulations"), saved Policy NRM6 of the South East Plan (2009), Policy CS8 of the Woking Core Strategy (2012) and the Thames Basin Heaths Special Protection Area Avoidance Strategy (2022).

Conclusion and Planning Balance:

35. The proposed House of Multiple Occupation, by reason of the cramped and contrived nature of the accommodation, the inadequate size and quality of bedrooms and communal facilities, the placement of habitable room windows and the waste storage arrangements, creates an unacceptably cramped and poor residential environment, to the detriment of the amenities of current and future occupants. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) and the National Planning Policy Framework (2021).
36. It has not been demonstrated that the proposed development would be able to accommodate sufficient bin storage arrangements to meet the needs of the proposed development. The proposal is therefore contrary to Woking Core Strategy (2012)

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policy CS21 'Design' and Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing'.

37. It has not been demonstrated that the proposed development would be able to accommodate adequate secure cycle storage to meet the needs of the proposed development. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS18 'Transport and Accessibility', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing' and the National Planning Policy Framework (2021).
38. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the proposed development would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Special Protection Area Avoidance Strategy (2022), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations").
39. The proposal is therefore an unacceptable form of development and is recommended for refusal.

Enforcement Action:

40. It is also considered expedient to serve an Enforcement Notice having regard to the provisions of the Development Plan and to other material considerations. As such, authority is sought to serve an Enforcement Notice. It is considered expedient to take enforcement action for the reasons outlined above. Furthermore, paragraph 59 of the National Planning Policy Framework (NPPF) (2021) states that "*Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control*".
41. The submission indicates that the change of use commenced in February 2021, meaning the use is not immune from enforcement action.

RECOMMENDATION

REFUSE for the following reasons:

01. The proposed House of Multiple Occupation, by reason of the cramped and contrived nature of the accommodation, the inadequate size and quality of bedrooms and communal facilities, the placement of habitable room windows and the waste storage arrangements, creates an unacceptably cramped and poor residential environment, to the detriment of the amenities of current and future occupants. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) and the National Planning Policy Framework (2021).
02. It has not been demonstrated that the proposed development would be able to accommodate sufficient bin storage arrangements to meet the needs of the proposed development. The proposal is therefore contrary to Woking Core Strategy (2012)

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policy CS21 'Design' and Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing'.

03. It has not been demonstrated that the proposed development would be able to accommodate adequate secure cycle storage to meet the needs of the proposed development. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS18 'Transport and Accessibility', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing' and the National Planning Policy Framework (2021).
04. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the proposed development would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Special Protection Area Avoidance Strategy (2022), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations").

It is further recommended that: -

The Director of Legal and Democratic Services be instructed to issue an Enforcement Notice under Section 172 of The Town and Country Planning Act 1990 (as amended) and Officers be authorised in the event of non-compliance with the Notice to prosecute under Section 179 of the Act, or appropriate power, and/or take direct action under Section 178 in the event of non-compliance with the Notice requiring the remedy of the breach of planning control to be achieved through the cessation of the use of the premises as an House of Multiple Occupation (HMO) with more than six bedrooms and six persons.

It is recommended that enforcement action be authorised to issue an Enforcement Notice in respect of the above land requiring the following within six (6) months of the Notice taking effect:

- i. cessation of the use of the premises as an House of Multiple Occupation (HMO) with more than six bedrooms and six persons.

Informatives

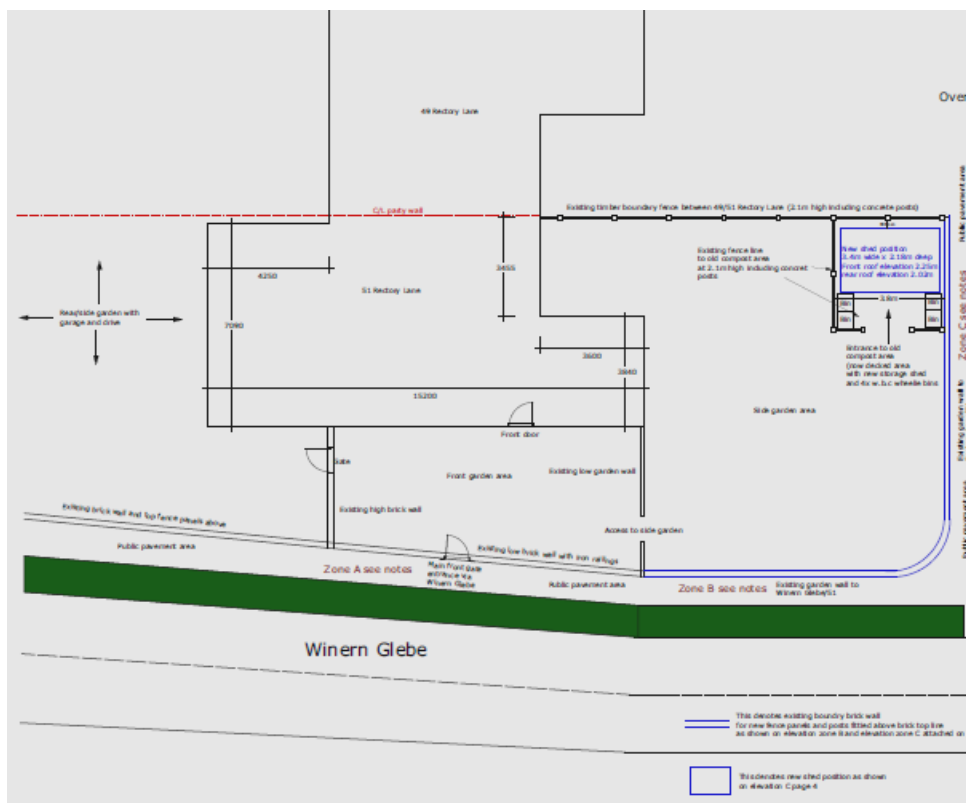
1. The plans relating to the development hereby refused are listed below:

L.201 (Location Plan) received by the LPA on 20.02.2023
B.201 (Block Plan) received by the LPA on 20.02.2023
P.201 (Site Layout) received by the LPA on 20.02.2023
P.202 (Proposed Floor Plans) received by the LPA on 20.02.2023
P.203 (Proposed Elevations) received by the LPA on 20.02.2023
Application Form dated 20.02.2023

51 Rectory Lane, Byfleet.

PLAN/2021/0500

Erection of boundary fence and outbuilding to front (retrospective).



PLAN/2021/0500



51 Rectory Lane



Comments
Not Set

N
SCALE 1:1,250
0 5 10 20 30 40 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

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6d PLAN/2021/0500

WARD: Byfleet And West Byfleet

LOCATION: 51 Rectory Lane, Byfleet, West Byfleet, Surrey, KT14 7LR

PROPOSAL: Erection of boundary fence and outbuilding to front (retrospective).

APPLICANT: Mr Louis Arnold

OFFICER: Brooke Bournague

REASON FOR REFERRAL TO COMMITTEE

The recommendation includes enforcement action and the decision on whether to issue an Enforcement Notice falls outside the Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

Erection of boundary fence and outbuilding to front (retrospective).

PLANNING STATUS

- Thames Basin Heaths SPA ZoneB (400m-5km)
- Urban Area
- Flood Zone 2

RECOMMENDATION

REFUSE planning permission and authorise enforcement action.

SITE DESCRIPTION

No.51 Rectory Lane is a semi-detached chalet bungalow sited on a corner plot at a junction with Rectory Lane, Winern Glebe and Hart Lane. A detached outbuilding has been constructed to the east of the property adjacent to Rectory Lane. A fence has been constructed on an existing low rise wall along the east and southern boundaries.

PLANNING HISTORY

PLAN/2001/0336 - Erection of a single storey side extension to replace existing conservatory with dormer windows in the front elevation to provide additional living space in the roof, erection of a porch to the front of the property; and erection of a single detached garage following demolition of existing. Permitted 22.06.2001

CONSULTATIONS

Byfleet, West Byfleet, Pyrford Residents Association: No comments received

SCC Highways: No comments received to date, committee will be updated of any comments

REPRESENTATIONS

None received

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

Woking Core Strategy (2012):

CS9 - Flooding and water management

CS21 - Design

CS24 - Woking's Landscape and townscape

Supplementary Planning Documents (SPDs):

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2022)

BACKGROUND

Informal discussions have taken place with the applicant advising that the fence and outbuilding are unacceptable. The applicant did propose to relocate the outbuilding adjacent to the east elevation of the dwelling, but the outbuilding would still project beyond the south elevation. The applicant also proposed attaching some artificial hedge screening to parts of the fence. These amendments are not considered sufficient to overcome the issues raised, the application is considered based on the original plans submitted with the application which reflects what has been built on site.

The submitted application form states the work was commenced on 01.03.2020 and completed on 01.05.2020 and the fence and outbuilding are less than four years old and therefore not immune from enforcement action.

PLANNING ISSUES

Character of the Area

1. Paragraph 126 of the National Planning Policy Framework (NPPF) (2021) states that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development*”, that planning decisions should ensure that developments, inter alia, “*are visually attractive as a result of good architecture, layout...are sympathetic to local character and history...establish or maintain a strong sense of place, using arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit* (paragraph 130), and that “*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes*” (paragraph 134).
2. Policy CS21 of the Woking Core Strategy (2012) states, inter alia, that “*Proposals for new development should...Create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land*”.
3. Supplementary Planning Document ‘Woking Design’ (2015) states “*boundary treatment should be well considered and in keeping with the existing building and streetscape*” and “*garages are usually best set back from the main building frontage*”.

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Fence

4. The application site is located on a prominent corner plot at a junction with Rectory Lane, Winern Glebe and Hart Lane. No.42 Rectory Lane, No.102 Hart Lane, No.69 Hart Road and No.44 Rectory Lane are all set back from the junction at an angle. The front boundaries of these properties are formed by hedges or low rise wall/fence. No.52 Rectory Lane is sited to the south of the application site and also addresses the junction and has a low rise wall with hedge behind marking the north and east boundaries. These all contribute to the open character of the junction and have boundary treatments that are characteristic of the area.
5. Properties along Rectory Lane, Winern Glebe and Hart Road are generally set back from the street behind a mixture of open frontages, low boundary walls and fences, and hedges of various heights. These boundary treatments further add to open character of the area.
6. The main garden for the property is sited to the west of the property and is enclosed with a low rise wall, pillars and fencing which are over 1m, but have been in place since at least 2008 and are not sited in a prominent corner position. From 'Google Street View' dated 2012 prior to the installation of the fence there was planting behind the low rise boundary wall which contributed to the open character of the area and was similar to other boundary treatments in the immediate area. Due to the change in site levels the height of the wall varies from 0.7m to 1.1m.
7. The planting has subsequently been removed and a 0.9m high fence has been placed on top of the section of wall fronting Rectory Lane and section of wall on the southern boundary that projects forward of the east elevation of the dwelling. This has resulted in the area of garden sited to the east of the dwelling being fully enclosed with a wall and fence varying in height from 1.8m to 2m. The fence includes slatted fence panels on the section of wall on the bend with close boarded panels either side.
8. It is considered that the wall and 0.9m fence is at odds with the prevailing front boundary treatments in the immediate area along Rectory Lane, Winern Glebe and Hart Lane.
9. Due to the combined height of the wall and fence, proximity to the road and length of the fence and wall the proposal appears out of character with the area. The prominent position of the dwelling on a corner plot at a junction with Rectory Lane, Winern Glebe and Hart Lane has resulted in the proposal being clearly visible from Rectory Lane, Winern Glebe and Hart Lane.
10. As the fence exceeds 1m in height and is adjacent to a highways and therefore would not be permitted development under Class A (Gates, Fences, Walls etc.) of Part 2 (Minor Operations), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
11. The proposed fence, by reason of height, siting and appearance would result in a visually harmful, incongruous and urbanising development which fails to respect the open character of the area. The proposal would result in a significantly harmful impact on the character of the surrounding area. The proposal is therefore contrary to Woking Core Strategy (2012) Policies CS21 and CS24, Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2021).

Outbuilding

12. Outbuildings can be permitted development under Class E (buildings etc incidental to the enjoyment of a dwellinghouse) of Part 1 (Development within the curtilage of a dwellinghouse), Schedule 2 of the of the Town and Country Planning (General Permitted

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Development) (England) Order 2015 (as amended) but must comply with a number of criteria. Outbuildings that are situated on land forward of a wall forming the principal elevation of the original dwelling house are not permitted development.

13. Permitted development rights for householders Technical Guidance (September 2019) defines principal elevation as *'in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.'*

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation.'

14. The application site is located on a corner plot with Rectory Lane and Winern Glebe. No.51 and No.49 Rectory Lane are a pair of semi-detached dwellings. The ridgeline of the pair of semi-detached dwelling runs parallel to Rectory Lane and both properties have front gables that address Rectory Lane. The main entrance to these dwellings is in the north/south elevation and not the elevation fronting Rectory Lane. Properties along the west side of Rectory Lane close to the application site do not have their main access in the elevation fronting the Rectory Lane. However, the elevations of these properties fronting Rectory Lane have the main features such as front gables and bay windows. The main amenity area serving these properties is also sited to the west.
15. The application site has the same postcode (KT14 7LR) as other properties that front Rectory Lane which is different to the post code of the properties along Winern Glebe which is sited to the south of the application site where the main entrance is located.
16. A porch serving the main entrance to the dwelling was permitted at the application site under planning application PLAN/2001/0366. Although this architectural feature is normally in the principal elevations under Class E the principal elevation refers to the principal elevation of the original dwelling and therefore the addition of the porch does not have an impact on which elevation is the principal elevation.
17. Having considered the above, the east elevation of the dwelling fronting Rectory Lane is considered to be the principal elevation and therefore the outbuilding is situated on land forward of a wall forming the principal elevation of the original dwelling house and is therefore not permitted development.
18. No.53 Rectory Lane which is sited to the south of the application site has an outbuilding sited forward of the north elevation of this property which fronts onto Winern Glebe. This outbuilding is set back approximately 21m from the junction and there does not appear be any planning history for this outbuilding.
19. No.40 and No.42 Rectory Lane are sited to the north east of the application site and both have detached garages sited to the side of the dwellings which project forward of their front elevations. The garages are set back approximately 6.7m from Rectory Lane. There does not appear to be any planning history for the garage at No.40 only a building regulations application from 1975. The garage at No.42 was permitted in 1983 (application ref: 83/0091) under planning policies which have since been superseded.
20. There does not appear to be any other detached garages or buildings sited directly adjacent to Rectory Lane, Winern Glebe and Hart Lane.

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21. The outbuilding is 3.4m wide and 2.1m deep with a maximum height of 2.2m. The outbuilding is sited to the east of the dwelling at No.51 Rectory Lane approximately 0.2m from the boundary with Rectory Lane and 0.3m from the boundary with adjoining property No.49 Rectory Lane. The outbuilding is positioned behind the boundary wall and fence, but due to the height of the outbuilding it would project above the fence and be visible from Rectory Lane and Hart Road.
22. The outbuilding, by reason of its position, design, bulk and massing, would result in an unduly dominating, contrived and incongruous development which fails to respect the character of the host dwelling and surrounding area. The proposal would therefore unacceptably harm the character of the host dwelling and surrounding area, contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the National Planning Policy Framework (2021).

Impact on Neighbours

23. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for 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 outlook.
24. Due to the position of the fence and outbuilding and relationship with neighbouring properties No.42, 44, 49 and 53 Rectory Lane and No.69 and 102 Hart Road it is considered that the fence and outbuilding have not resulted in a significant loss of daylight, overbearing impact or loss of privacy to these properties.
25. Overall, the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) and the policies in the NPPF.
26. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on highways and parking

27. The application site is located on the corner with Rectory Lane and Winern Glebe. Due to height and location of the fence SCC Highways have been consulted and committee will receive a verbal update at planning committee.

Impact on flooding

28. Policy CS9 of the Woking Core Strategy (2012) and Section 14 of the NPPF (2019) seek to direct development away from Flood Zones 2 (medium risk) and 3 (high risk).
29. Policy CS9 of the Woking Core Strategy (2012) states '*the Council will determine planning applications in accordance with the guidance contained within the NPPF*'.
30. Paragraph 168 of the NPPF (2021) states '*applications for some minor development and changes of use [this includes householder development] should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55*'. Footnote 55 states '*a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3*'.
31. The application site is located in Flood Zone 2. No flood Risk Assessment has been submitted to show that the outbuilding has not led to a loss in flood storage as this will lead to an increase in flood risk to the site and the surrounding area.

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32. The application site is located in Flood Zone 2 and no Flood Risk Assessment has been submitted. It has not been demonstrated that the proposed development will not increase flood risk elsewhere or exacerbate the existing situation contrary to Policy CS9 of the Woking Core Strategy (2012) and the NPPF (2021).

Community Infrastructure Levy (CIL)

33. The increase in floorspace is under 100sqm. The proposal would not be Community Infrastructure Levy (CIL) liable.

CONCLUSION

34. The proposed fence, by reason of height, siting and appearance would result in a visually harmful, incongruous and urbanising development which fails to respect the open character of the area. The proposal would result in a significantly harmful impact on the character of the surrounding area. The proposal is therefore contrary to Woking Core Strategy (2012) Policies CS21 and CS24, Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2021).

35. The outbuilding, by reason of its position, design, bulk and massing, would result in an unduly dominating, contrived and incongruous development which fails to respect the character of the host dwelling and surrounding area. The proposal would therefore unacceptably harm the character of the host dwelling and surrounding area, contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the National Planning Policy Framework (2021).

36. The application site is located in Flood Zone 2 and no Flood Risk Assessment has been submitted. It has not been demonstrated that the proposed development will not increase flood risk elsewhere or exacerbate the existing situation contrary to Policy CS9 of the Woking Core Strategy (2012) and the NPPF (2021).

37. For the above reasons the fence and outbuilding constitute a breach of planning control and it is considered expedient to take enforcement action against the unauthorised development and issue an Enforcement Notice.

38. It is therefore recommended that planning permission is refused and enforcement proceedings authorised.

39. Section 59 of the National Planning Policy Framework (NPPF) states;

- Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control'. It is considered that enforcement action is proportionate for the reasons listed above.

BACKGROUND PAPERS

1. Site visit photographs

RECOMMENDATION

Refuse planning permission for the following reasons:

40. The proposed fence, by reason of height, siting and appearance would result in a visually harmful, incongruous and urbanising development which fails to respect the open character of the area. The proposal would result in a significantly harmful impact on the

6 JUNE 2023 PLANNING COMMITTEE

character of the surrounding area. The proposal is therefore contrary to Woking Core Strategy (2012) Policies CS21 and CS24, Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2021).

41. The outbuilding, by reason of its position, design, bulk and massing, would result in an unduly dominating, contrived and incongruous development which fails to respect the character of the host dwelling and surrounding area. The proposal would therefore unacceptably harm the character of the host dwelling and surrounding area, contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the National Planning Policy Framework (2021).
42. The application site is located in Flood Zone 2 and no Flood Risk Assessment has been submitted. It has not been demonstrated that the proposed development will not increase flood risk elsewhere or exacerbate the existing situation contrary to Policy CS9 of the Woking Core Strategy (2012) and the NPPF (2021).

It is further recommended that: -

The Director of Legal and Democratic Services be instructed to issue an Enforcement Notice under Section 172 of The Town and Country Planning Act 1990 (as amended) and Officers be authorised in the event of non-compliance with the Notice to prosecute under Section 179 of the Act, or appropriate power, and/or take direct action under Section 178 in the event of non-compliance with the Notice.

Enforcement action be authorised to issue an Enforcement Notice in respect of the above land requiring the following within six (6) months of the Notice taking effect:

- (i) Remove from the Land the fence panels and posts, which are situated at the east and southern boundaries of the site at the approximate location(s) shown dotted on the attached plan, in their entirety; and
- (ii) Remove the detached outbuilding sited adjacent to the north and east boundaries of the site so that it is no longer located forward of the principal (eastern) elevation; and
- (iii) To remove from the Land all materials, rubble, debris and paraphernalia associated with and arising from compliance with requirement (i) and (ii) above.

Informatives

1. The plans relating to the development hereby refused are listed below:

Unnumbered plan showing location plan received by the Local Planning Authority on 10.06.2021

Unnumbered plan showing site plan received by the Local Planning Authority on 10.06.2021

Plan titled 'Zone A see notes' received by the Local Planning Authority on 10.06.2021

Plan titled 'Zone B see notes' received by the Local Planning Authority on 10.06.2021

Plan titled 'Zone C see notes' received by the Local Planning Authority on 10.06.2021

