

# Public Document Pack



## 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, 5 June 2018 at 7.00 pm in the Council Chamber - Civic Offices.

The agenda for the meeting is set out below.

RAY MORGAN  
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](http://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. Minutes

To approve the minutes of the meetings of the Planning Committee held on 10 April 2018 and 21 May 2018 as published.

#### 1a. 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 Members' Code of Conduct, any Member who is a Council- appointed Director of a Thamesway Group company will declare a non-pecuniary interest in any item involving that Thamesway Group company. The interest will not prevent the Member from participating in the consideration of that item.
- (iii) In accordance with the Officer Procedure Rules, any Officer who is a Council-appointed Director of a Thamesway Group company will declare an interest in any item involving that Thamesway 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.

**Matters for Determination**

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

5. Planning Applications (Pages 5 - 8)

**Section A - Applications for Public Speaking**

5a. 2018/0114 McLaren Technology Centre, Chertsey Road (Pages 11 - 34)

5b. 2018/0031 Elmbank Rest Home, 27 Woodham Road, Horsell (Pages 35 - 46)

5c. 2018/0201 Ridge End, Hook Hill Lane, Woking (Pages 47 - 62)

**Section B - Application reports to be introduced by Officers**

5d. 2017/1229 85 Maybury Road, Woking (Pages 65 - 82)

5e. 2017/1452 Arden, Bracken Close, Woking (Pages 83 - 96)

5f. 2018/0008 Land Adjacent White Walls, Bracken Close, Woking (Pages 97 - 118)

5g. 2018/0282 51 Hawkswell Close, Woking (Pages 119 - 142)

5h. 2018/0294 Greenfield School, Brooklyn Road, Woking (Pages 143 - 156)

5i. 2018/0128 97 Princess Road, Maybury (Pages 157 - 164)

5j. 2018/0263 Lion Retail Park, 151 Oriental Road, Woking (Pages 165 - 174)

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

5k. 2017/1185 Britannia Wharf, Monument Road, Woking (Pages 177 - 204)

5l. 2018/0208 54 Balmoral Drive, Maybury (Pages 205 - 216)

5m. 2016/0705 Sutton Green Garden Centre, Whitmoor Lane, Sutton Green (Pages 217 - 230)

AGENDA ENDS

Date Published - 25 May 2018

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](mailto:becky.capon@woking.gov.uk)



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PLANNING COMMITTEE – 5 JUNE 2018

## 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:

Peter Bryant, Head of Legal and Democratic Services

### Date Published:

25 May 2018

## APPEALS DECISION

### 2017/0770

Application for the erection of a new detached garage following demolition of existing garage at Red Gables, Cleardown, Woking, GU22 7HH.

Refused by Delegated Powers  
7 November 2017.  
Appeal Lodged  
5 February 2018.  
Appeal Allowed  
4 April 2018.

### 2017/1035

Application for Erection of a part two-storey/part single-storey side extension following demolition of an existing detached garage, erection of a first floor front extension and alteration to an existing front dormer at 46 Greenmeads, Woking.

Refused by Delegated Powers  
3 November 2017.  
Appeal Lodged  
30 January 2018.  
Appeal Allowed  
5 April 2018.

### 2017/0520

Application for erection of dwelling house within curtilage of Pine Tree Cottage, Pembroke Road, Woking.

Refused by Delegated Powers  
19 July 2017.  
Appeal Lodged  
8 February 2018.  
Appeal Dismissed  
23 April 2018.

## Planning and Enforcement Appeals

### 2017/0938

Application for proposed single storey side/front extension with basement and double garage at Hampton Manor, Heath House Road, Woking.

Refused by Delegated Powers  
11 October 2017  
Appeal Lodged  
5 February 2018  
Appeal Dismissed  
9 May 2018.

### 2017/0247

Application for change of use from amenity land (grass verge) to residential use and erection of 1.8m high fencing at 74 Lambourne Crescent, Sheerwater, Woking.

Refused by Delegated Powers  
2 May 2017.  
Appeal Lodged  
8 February 2018.  
Appeal Dismissed  
10 May 2018.

## COST DECISION

### 2016/0838

Application for proposed two-storey side and rear and a single-storey front and rear extension with a new detached double garage following the demolition of existing single garage on the side of the dwelling at 4 Orchard Mains Woking.

Refused by Delegated Powers  
15 September 2016  
Appeal lodged  
15 December 2016  
Appeal dismissed  
30 January 2017.  
Cost application refused  
9 May 2018.

## **PLANNING COMMITTEE AGENDA** **PLANNING APPLICATIONS AS AT 5<sup>TH</sup> JUNE 2018**

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



# Major Applications Index to Planning Committee

05 June 2018

<u>ITEM</u>	<u>LOCATION</u>	<u>APP. NO.</u>	<u>REC</u>	<u>WARD</u>
0005a	McLaren Technology Centre, Chertsey Road, Woking, Surrey, GU21 4YH	PLAN/2018/0114	LSOFS	HO
0005b	Elmbank Rest Home, 27 Woodham Road, Horsell, Woking, Surrey, GU21 4EN	PLAN/2018/0031	PER	HO
0005c	Ridge End, Hook Hill Lane, Mayford, Woking, Surrey, GU22 0PT	PLAN/2018/0201	PER	HE
0005d	85 Maybury Road, Woking, Surrey, GU21 5JH,	PLAN/2017/1229	LEGAL	C
0005e	Arden, Bracken Close, Woking, Surrey, GU22 7HD	PLAN/2017/1452	PER	MH
0005f	Land Adj White Walls, Bracken Close, Woking, Surrey, GU22 7HD,	PLAN/2018/0008	LEGAL	MH
0005g	51 Hawkswell Close, Woking, Surrey, GU21 3RS	PLAN/2018/0282	LEGAL	GP
0005h	Greenfield School, Brooklyn Road, Woking, Surrey, GU22 7TP	PLAN/2018/0294	PER	MH
0005i	97 Princess Road, Maybury, Woking, Surrey, GU22 8ER	PLAN/2018/0128	PER	PY
0005j	Lion Retail Park, 151 Oriental Road, Woking, Surrey	PLAN/2018/0263	PER	MH
0005k	Britannia Wharf, Monument Road, Woking, Surrey, GU21 5LW	PLAN/2017/1185	LEGAL	HO
0005l	54 Balmoral Drive, Maybury, Woking, Surrey, GU22 8EY	PLAN/2018/0208	ENFREF	PY
0005m	Sutton Green Garden Nursery, Whitmoor Lane, Sutton Green, Guildford, Surrey, GU4 7QB	PLAN/2016/0705	ENFREF	HE

**SECTION A - a-c**

**SECTION B - d-j**

**SECTION C - k-m**

**PER - Grant Planning Permission**

**LEGAL - Grant Planning Permission Subject To Compliance Of A Legal Agreement**

**REF - Refuse**

**ENREF - Refuse with enforcement**





**SECTION A**

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

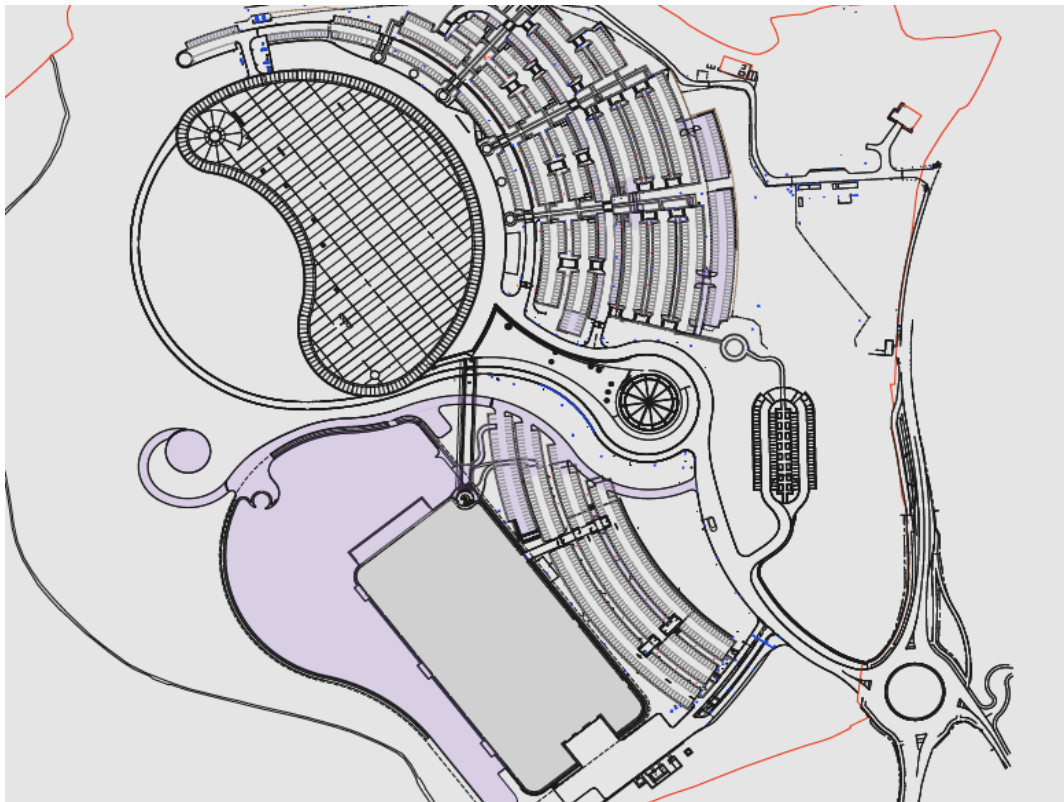
**(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or the area generally)**



# McLaren Technology Centre, Chertsey Road, Woking

## PLAN/2018/0114

Section 73 application to vary Condition 4 (approved plans), to revise the parking configuration and phase implementation, of Planning Permission PLAN/2014/1297 for the development of an applied technology centre of 57,000sq m (G.E.A.) as an extension to the McLaren Production Centre, to include an aerodynamic research facility, workshops, research and development space, offices, meeting rooms, teaching and training space, vehicle preparation and assembly spaces, together with terraced car parking and two car park decks, cycle parking, a replacement helipad, and service areas. Associated earthworks and re-contouring of the open parkland, hard and soft landscape and infrastructure works, including an electrical substation and foul water pumping station and the temporary diversion of a public right of way during the construction of the development..

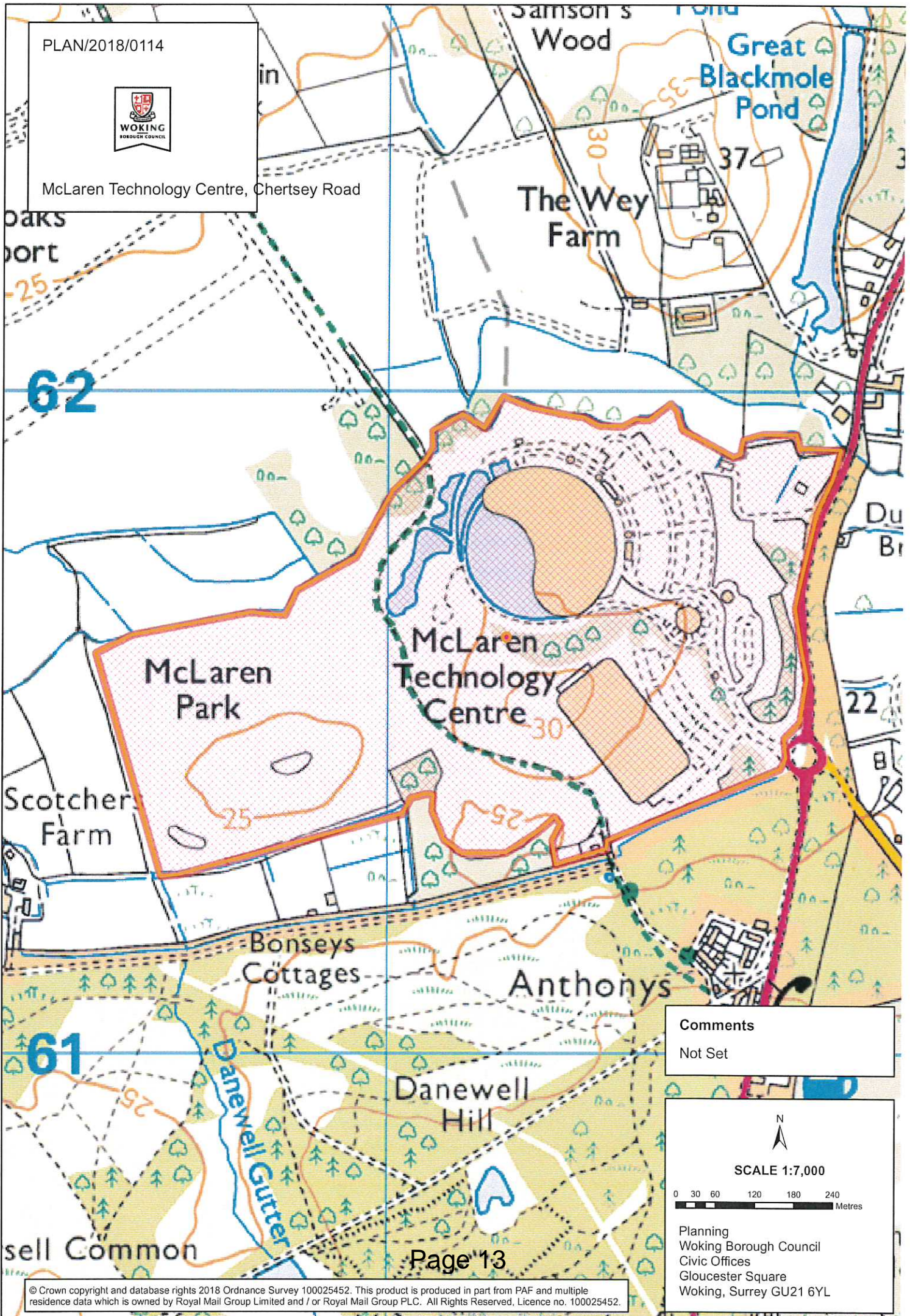




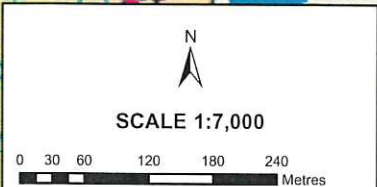
PLAN/2018/0114



McLaren Technology Centre, Chertsey Road



Comments  
Not Set



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



## 5 JUNE 2018 PLANNING COMMITTEE

5a 18/0114 Reg'd: 07.02.18 Expires: 09.05.18 Ward: HO  
Nei. 08.03.18 BVPI Large Scale Number 17/13 On No  
Con. Target Major (6) of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** McLaren Technology Centre, Chertsey Road, Woking, Surrey,  
GU21 4YH

**PROPOSAL:** Section 73 application to vary Condition 4 (approved plans) to revise the parking configuration and to phase implementation of Planning Permission PLAN/2014/1297 for the development of an "applied technology centre" of 57,000sq m (G.E.A.) as an extension to the McLaren Production Centre, to include an aerodynamic research facility, workshops, research and development space, offices, meeting rooms, teaching and training space, vehicle preparation and assembly spaces, together with terraced car parking and two car park decks, cycle parking, a replacement helipad, and service areas. Associated earthworks and re-contouring of the open parkland, hard and soft landscape and infrastructure works, including an electrical substation and foul water pumping station and the temporary diversion of a public right of way during the construction of the development.

**TYPE:** S.73

**APPLICANT:** McLaren Technology Group Ltd.

**OFFICER:** Dan  
Freeland

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### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

At the request of the Development Manager.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

A Section 73 application is considered to be a new application for planning permission under the 2011 Environmental Impact Assessment Regulations. Where the development is listed under either schedule 1 or schedule 2 to the Regulations, and satisfies the criteria or thresholds set, a Local Planning Authority must carry out a new screening exercise and issue a screening opinion as to whether Environmental Impact Assessment is necessary.

The original application was screened as to whether it was EIA development. The Local Planning Authority concluded that the proposal is not considered to give rise to significant environmental effects by reason of its size, nature, location and the proposal is not, consequently, Environmental Impact Assessment development. The decision of the Local Planning Authority was to adopt a screening opinion that an Environmental Impact Assessment was not required.

On submission of this application, it was not considered that there had been any material change in circumstance, policy or the nature of the proposal which would justify deviating from that opinion. Therefore, on 19 March, the decision of the Local Planning Authority was again to adopt a screening opinion that an Environmental Impact Assessment was not required.

### **APPROPRIATE ASSESSMENT**

In accordance with the Habitats Directive and Habitats Regs, the Local Planning Authority concluded that the original application was unlikely to have a significant effect on the THB

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SPA, either alone or in combination, and therefore that an Appropriate Assessment is not required.

It is not considered that there has been any material change in circumstance, policy or the nature of the proposal which would justify deviating from that opinion.

### **SUMMARY OF PROPOSED DEVELOPMENT**

This is an application made under Section 73 of the 1990 Planning Act to vary Condition 4 (approved plans) of Planning Permission PLAN/2014/1297 for the development of an “applied technology centre” as an extension to the McLaren Production Centre.

The intention of the application is to revise the previously-approved parking configuration and to enable the phasing of the implementation of the permission.

### **PLANNING STATUS**

- Green Belt
- Adjacent to SNCI
- Zone A of the Thames Basin Heaths Special Protection Area
- An element of the parkland is Common Land
- Elements of the northern periphery of the site are within Flood Zones 2 and 3

### **RECOMMENDATION**

Refer to the Secretary of State with the recommendation that the Local Planning Authority be minded to:

Grant Planning Permission under S.73 subject to revised conditions and a deed of variation tying the revised S.106 Legal undertaking associated with the original permission to the new permission.

### **SITE DESCRIPTION**

The site is located 3km to the north of the town centre and is accessed by vehicles off a roundabout on the A320 Chertsey Road between Woking and Chertsey. The overall site extends to approximately 55 ha comprising the existing McLaren Technology Centre (MTC) and McLaren Production Centre (MPC).

The remainder of the site predominantly comprises a man-made parkland landscape, with relatively new tree cover and meadow grassland planted as part of the landscaping schemes for the MTC and latterly the MPC. A capped, former landfill area extending to 6.65 ha is located within the south eastern part of the site. This corresponds with an area of public access land, with further areas of public access land within the site to the west. The total area of public access land provided is approximately 20.44 hectares.

The site is crossed by a public footpath, which runs south to north to the west of the MTC and MPC buildings. A landscape feature known as ‘the knoll’ between the MPC and MTC forms the highest part of the site at 31m AOD. There is also a stand of trees on a high point in the centre of the parkland. With the exception of this and new tree planting for the MPC and MPC, tree cover is mainly found on the site boundaries, including a significant tree band along the edge of Horsell Common.



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The site is bounded by the existing MTC access road to the east and agricultural fields to the west. The River Bourne adjoins the site to the north, beyond which lies Fair Oaks Airport. The River Bourne forms the Borough Boundary with Surrey Heath Borough Council and Runnymede Borough Council. Horsell Common, part of the Thames Basin Heaths Special Protection Area (TBH SPA) is located immediately to the south, together with Horsell Common SSSI and Site of Nature Conservation Importance. Part of the parkland is common land.

The nearest residential dwellings are Bonsey's Cottages with properties also nearby at Anthony's to the south and Scotchers Farm, to the west.

### **PLANNING HISTORY**

The following permissions are the main consents for the MTC and MPC:

PLAN/1995/0641 - Corporate HQ with research, development an automotive production and associated museum together with associated high works (Granted by Secretary of State following a call-in 07.03.97).

PLAN/2009/0440 - A new production centre together with a new pedestrian link and tunnel, entrance rotunda, hard and soft landscape proposals, vehicular and cycle parking and associated infrastructure and works (Granted 01.09.09).

The permissions have been the subject of subsequent S.73 applications to make minor material amendments to the originally permitted schemes.

PLAN/2014/1297 - Development of an "applied technology centre" of 57,000sq m (G.E.A.) as an extension to the McLaren Production Centre, to include an aerodynamic research facility, workshops, research and development space, offices, meeting rooms, teaching and training space, vehicle preparation and assembly spaces, together with terraced car parking and two car park decks, cycle parking, a replacement helipad, and service areas. Associated earthworks and re-contouring of the open parkland, hard and soft landscape and infrastructure works, including an electrical substation and foul water pumping station and the temporary diversion of a public right of way during the construction of the development. (Granted 18.03.16)

In addition, the following related permissions relate to adjacent land to the east of the A320:

PLAN/2011/0823 - Outline planning application for a new applied technology centre of up to 60,000sqm floorspace, together with hard and soft landscape proposals, earthworks including creation of new lakes, a new vehicular access, an underground circulation tunnel, vehicular and cycle parking, service areas, and associated infrastructure and works including a foul water pumping station and electricity substations (Granted 29.07.13).

PLAN/2013/1299 - First reserved matters application for agreement of landscaping, appearance, scale, access and layout pursuant to outline planning permission PLAN/2011/0823 for the development of an aerodynamic research facility (wind tunnel) and associated control rooms, support accommodation and workshops, together with necessary plant and equipment, foul and surface water pumping stations, a temporary security hut, a new vehicular access junction off the A320 roundabout, access road, car and cycle parking and a service yard, landscaping and earth movement, along with the partial discharge of conditions in respect of phase 1. (Granted 20.05.14).

These permissions have not been implemented but remain extant.

## **PROPOSED DEVELOPMENT**

The application proposes to vary Condition 4 (approved plans) of Planning Permission PLAN/2014/1297 for the development of an “applied technology centre” of 57,000sq m as an extension to the McLaren Production Centre, to include an aerodynamic research facility, workshops, research and development space, offices, meeting rooms, teaching and training space, vehicle preparation and assembly spaces, together with terraced car parking and two car park decks, cycle parking, a replacement helipad, and service areas. Associated earthworks and re-contouring of the open parkland, hard and soft landscape and infrastructure works, including an electrical substation and foul water pumping station and the temporary diversion of a public right of way during the construction of the development.

The applicants are seeking to reconfigure the parking provision granted with the original permission and to carry out the development in 2 phases.

The primary change to the parking provision is the deletion of the approved parking area to the west of the MPC/MATC building and the decanting of these spaces around revised parking layouts in the existing MTC and MPC car parks, including within the decked areas approved under the original application.

The original permission allows an additional 860 parking spaces within the campus in the form of surface and decked parking as follows:

- 301 additional spaces at the MTC (comprising 11 at grade and 290 decked)
- 304 additional spaces at the MPC (comprising 84 at grade and 220 decked)
- 255 additional spaces within the new MATC car park (west of the MPC and MATC building)

Of these, 450 spaces would cater for the new applied technology centre, and 410 would cater for existing double parking at the site.

The S.73 application seeks to enable the development to be carried out in 2 distinct phases. Phase 1 would be the provision of 443 of the 860 spaces permitted, but not any of the built form (including already-approved car park decking) or the main landscaping. Phase 2 would involve the remainder of the parking involving the erection of the parking decks, the main built form of the MATC building and the main landscaping works.

Approval of this proposal would require the revision of the ‘triggers’ for compliance with some of the planning conditions and legal undertakings attached to the original permission. In short, the requirements related to phase 2 would not be required to be complied with until that phase commences. As currently drafted the requirements would generally be required to be complied with prior to the commencement of Phase 1 even if they related to Phase 2.

The revised conditions and obligations are set out under the recommendation below.

## **SUMMARY INFORMATION**

Site Area	55.17ha
Previous land use(s) and floorspace(s)	Parkland setting for MTC/MPC
Proposed floorspace of each use(s)	52,650 sq.m.
Change in floorspace (+/-)	+52,650 sq.m.
Number of jobs created/lost	+250 (Net direct)
Existing parking spaces	1120
Proposed parking spaces	1980

## **CONSULTATIONS**

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Consultee	Summary of Response
Natural England	No objections.
Surrey County Highways	See below under 'Planning Issues'
Environment Agency SE	Do not wish to be consulted on application of this nature.
Drainage and Flood Risk Engineer	No objection subject to conditions.
Thames Water Utilities Ltd	Observations made – to be appended as informative
WBC Arboriculture	No objections
WBC Environmental Health (Noise & Air Quality)	No objections
WBC Scientific Officer	No objection subject to re-attaching standard contamination condition.
Surrey County Archaeology	No objections subject to re-attaching previous condition.
Surrey Heath BC	No objections.
Surrey Wildlife Trust	Involves minimal additional impact to habitats on site and consequently the risk of adverse effect to legally protected species is less likely to be an issue. Consideration to be given to whether proposed alterations would result in a net loss of biodiversity value on the site.
Runnymede BC	No objection subject to appropriate conditions including revised Travel Plan.
WBC Planning Policy	The policy context with regard to very special circumstances has not changed since the April 2015 approval (PLAN/2014/1297). The NPPF (March 2012) still applies. In addition, and noting that it is not yet adopted by the Government, there is no change to the relevant policy wording in the recently published NPPF Draft text for consultation (March 2018) regarding inappropriate development in the Green Belt and Very Special Circumstances.

### **REPRESENTATIONS**

4 representations have been received raising the following comments:

1. McLaren have already built on Green Belt land under instruction that there should be no further building on Green Belt land (Officer note: this application is not for new development, it is for amendments to the extant permission)
2. McLaren own land opposite which they could build on rather than taking on additional land used by the public. Loss of public amenity during construction, re-seeding phase. (Officer note: this application is not for new development, it is for amendments to the extant permission)
3. Impact on public access land will be devastating for wildlife, public access to this amenity will be disrupted. Proximity to SPA, SSSI.
4. Pollution and noise. Proximity to homes
5. A320 road is already under strain, further development will make matters worse (Officer note: the application does not propose further development above that already approved).

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6. Less of an objection to additional car parking so long as it does not impinge on public access land west of the footpath (Officer note: no part of the proposal either extant or proposed is west of the public access footpath).

These matters are addressed below under 'Planning Issues' where appropriate.

### **APPLICANT'S POINTS**

The applicant has submitted the following documents in support of the application:

- Planning Supporting Statement
- Landscape and Visual Impact Appraisal
- Transport Statement and Updated Travel Plan
- Updated Flood Risk Assessment
- Updated Utilities Statement
- Arboricultural Assessment and Method Statement
- Manual for Managing Trees on Development Sites
- Updated Lighting Assessment.

These should be read in conjunction with the following documents which supported the original application:

- Planning Statement
- Planning Application Summary Document
- Design and Access Statement
- Transport Assessment & Travel Plan
- Flood Risk Assessment including Drainage Proposals
- Ground Investigation Report
- Ground Conditions Desk Study
- Phase 1 Habitat Survey
- Archaeology Impact Assessment
- Utilities Statement
- Air Quality Statement
- Lighting Assessment
- Noise Statement
- Sustainability Statement (Incorporating Ventilation & Extraction)
- Energy Statement
- Landscape and Visual Impact Appraisal
- Tree Survey & Arboricultural Impact Assessment
- Waste Management Plan (Construction & Operation)
- Construction Method Statement
- Thames Basin Heaths SPA Appropriate Assessment Information Report
- EIA Screening Request inc. EIA Screening Checklist

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework:

- 1 – Building a strong competitive economy
- 4 – Promoting sustainable transport
- 7 - Requiring good design
- 9 – Protecting Green Belt land
- 10 – Meeting the challenge of climate change, flooding, coastal change
- 11 – Conserving and enhancing the natural environment

## 5 JUNE 2018 PLANNING COMMITTEE

### National Planning Practice Guidance:

“Flexible options for planning permissions”

### ‘Saved’ Policy of the South East Plan 2009:

NRM6 - Thames Basin Heaths SPA

### Woking Core Strategy:

CS1 – A spatial strategy for Woking Borough

CS6 – Green Belt

CS7 – Biodiversity and nature conservation

CS8 – Thames Basin Heaths Special Protection Areas

CS9 – Flooding and water management

CS15 – Sustainable economic development

CS16 – Infrastructure delivery

CS17 – Open space, green infrastructure, sport and recreation

CS18 – Transport and accessibility

CS19 – Social and community infrastructure

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

### Development Management Policies DPD:

DM2 – Trees and Landscaping

DM5 – Environmental Pollution

DM6 – Air and Water Quality

DM7 – Noise and Light Pollution

DM13 – Buildings in and Adjacent to the Green Belt

### Supplementary Planning Documents

Outlook, Amenity, Privacy and Daylight

Parking Standards (adopted April 2018)

Climate Change

Design

### Other Relevant Guidance:

Conservation of Habitats and Species Regulations 2010

Circular 06/05 – Biodiversity and Geological Conservation – Statutory Obligations and their

Impact within the Planning System

## **PLANNING ISSUES**

### Section 73 Applications

1. Applications made under S.73 of the 1990 Planning Act are a tool to make revisions to planning permissions as this section allows applications to be made to develop without complying with conditions previously imposed on a planning permission. The LPA can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides that the original condition(s) should remain in place. The original planning permission will continue to subsist whatever the outcome of the application under S. 73. Where an application under S. 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

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2. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. Decision notices for the grant of planning permission under S. 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
3. As with conventional applications, such applications should be considered against the Development Plan and material considerations as well as the conditions attached to the existing permission. However, **LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission** (see the National Planning Practice Guidance - "Flexible options for planning permissions")
4. This report therefore focuses on whether Development Plan policies or other material circumstances have significantly changed since the original permission was issued to the extent that the LPA may come to a different conclusion and whether the proposed amendments to the scheme which would be enabled by revising the conditions are acceptable.

### Principle of the Development

5. Planning permission PLAN/2014/1297 was approved on the basis that the unique nature of the business activities of McLaren ATC, their national significance and their reliance on synergies derived from the proximity of the MTC and MPC were in themselves considered to be very special circumstances which justify setting aside the Green Belt presumption. In addition, it was considered that it had been demonstrated that no other alternative site was available. Generally, the proposal was considered to be better in terms of impact on the Green Belt and its openness than the 2011 alternative, the ability of which to be delivered there were also question marks over. That permission would effectively be extinguished by a legal agreement. Whilst compliance with, or general conformity with, national, regional and local economic and employment policy is not in itself considered to be a unique circumstance which justifies departure from Green Belt policy, the proposals would bring such benefits in terms of employment creation and economic impact that are unlikely to be replicated that this also represents a unique circumstance justifying setting aside Green Belt policy.
6. It was considered that it was demonstrated that the proposals can be built whilst minimising impact on the open character of the Green Belt and consequently the applicant had put forward a strong argument that the normal presumption against this form of development in the Green Belt should be set aside in this instance.
7. Subject to agreeing a suitable Unilateral Undertaking to secure improvements to the Six Cross Roads Roundabout, to provide trip monitoring to record the increase in vehicular traffic attributed to the development and the provision of mitigation that will be implemented in the event that the agreed threshold is exceeded and the continued development and implementation of a Travel Plan which seeks to secure increases in sustainable travel, it was considered that the proposal met the requirements of the NPPF and Core Strategy in highways terms.
8. The proposal was considered to be acceptable in terms of flood risk and sustainable land drainage and its ecological implications are considered to be acceptable, with no significant effect on the SPA. The proposal was considered to be acceptable in sustainability and energy terms.

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9. The proposal was considered to be acceptable in terms of impact on amenity, archaeology implications for publicly accessible land and contamination requirements.
10. The Secretary of State endorsed the LPA's position, by not requiring the application to be 'called in.'
11. It is not considered that there have been any substantive changes to the Development Plan or other circumstances since the decision was issued in March 2016 that would lead the LPA to reach a different conclusion on the acceptability of the scheme in principle.

### Openness of the Green Belt and Visual Acceptability

12. The original application was supported by a Landscape and Visual Impact Appraisal (LVIA) which demonstrated that the scale, design, layout and landscape proposals had minimised the potential impact of the development on landscape character and visual intrusion.
13. Although the proposed building and additional parking to the west of it would have been largely screened by re-contouring of the land immediately adjacent to it, it is considered that the deletion of the parking area to the west of the buildings would be a significant benefit in terms of impact on openness in comparison to the extant scheme.
14. The spaces will be decanted around the existing parking areas which will nonetheless retain appropriate landscaping. As such, the revised parking will help to consolidate built development in the existing envelope of development. The small extension to the rear (east) of the MTC parking area would be screened by the existing slopes and planting which already screen the MTC and its environs from the A320.
15. The updated Landscape and Visual Impact Assessment submitted with the application concludes that the proposals are an improvement in landscape and visual terms. The MPC deck has reduced in size from providing 220 spaces to only 147 spaces. The MPC access bund is no longer being cut into and therefore the deck location is further west and the existing screen planting remains intact. The overall quality of the parkland has been improved with the removal of 225 space MATC car park. While existing internal car park planting is being removed with the creation of new 'at grade' parking spaces, especially within the MTC car park, this will not affect the landscape and visual assessment. While the proposals will see the removal of some areas of existing planting they also provide proposals that will see new planting to the four pedestrian radial paths within the MTC car park. It also notes that, over the past decade the existing planting within the radials has become tired and is now showing signs of coming to the natural end of its live. The Section 73 proposals offer an opportunity to have the areas rejuvenated.
16. On this basis, it is considered that the S.73 proposals have a beneficial impact on the openness of the Green Belt and the visual quality of the proposals in comparison to the extant 2014 application.

### Flooding & Drainage

17. The original application was supported by a Flood Risk Assessment including drainage proposals produced by Hydrock based on flood level models from the Environment Agency. The majority of the site is within Flood Zone 1 (low risk) with

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parts of the north of the site within Zone 3 (high risk) and parts within Zone 2 (medium risk). All proposed development and re-contouring will remain within Zone 1. In addition, the assessment concluded that the proposal is at low risk from surface water and groundwater flooding.

18. The Local Lead Flood Authority raised no objections subject to conditions as recommended by the Council's own Drainage and Flood Risk Engineer. Following detailed discussions with the applicants, the Council's own specialist Drainage and Flood Risk Engineer raised no objection to the proposals but recommended conditions to secure the agreed details accordingly.
19. It is considered that the revised scheme does not represent a significant departure in this respect and, subject conditions, the proposal will remain in accordance with the NPPF, Core Strategy Policy CS9 and SuDS requirements in respect of flooding and drainage.

### Traffic and Highways Implications

20. Para. 32 of the NPPF requires that all development that generates significant amounts of movement should be supported by a Transport Statement or Assessment. Decisions should take account of whether the opportunities for sustainable transport modes have been taken up (depending on the nature of the site) to reduce the need for major transport infrastructure, safe, suitable access can be achieved for all people and improvements can be undertaken within the network that cost effectively limit the significant impacts of development. Development should only be prevented or refused where the residual cumulative impacts are severe.
21. Policy CS18 of the Core Strategy says that the Council will ensure proposals provide appropriate infrastructure measures to mitigate adverse impacts of development traffic and other environmental and safety impacts. Assessments will identify appropriate mitigation measures and contributions will be secured to implement mitigation. Proposals which generate significant traffic or have a significant impact on the strategic network should be accompanied by a Travel Plan setting out how the travel needs of occupiers and visitors will be managed in a sustainable manner.
22. The original application was supported by a Transport Assessment which concluded that the proposal would not have a significant impact on the highways network. Notwithstanding this, following considerable discussions with the County Highways Authority (CHA) permission was granted subject to a Legal undertaking requiring;
  - The applicants to enter into a Section 278 Agreement pursuant to the Highways Act 1980 in respect of improvements to the Six Crossroads roundabout (or equivalent works if not deliverable) prior to commencement of the development. **Note:** as part of the revised proposal, the applicants intend to carry out these works prior to the commencement of Phase 2.
  - Submission of a revised and detailed Travel Plan prior to commencement. The plan is to include the review of existing transport operations on the site and appropriate mitigation measures. **Note:** it remains the applicant's intention to do this prior to the commencement of Phase 1 with Implementation on completion Phase 1 works.
  - Prior to occupation, install an automated electronic system to monitor vehicle movements to and from the site. In the event that movements exceed the cap, examine with the Council and Highway Authority the provision of



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reasonable and proportionate mitigation offsetting the additional vehicles generated by the Development. **Note:** it remains the applicant's intention to do this prior to the occupation of the new building (i.e. prior to occupation of phase 2).

23. The CHA has advised that they would ideally wish for the Highways works to be completed prior to commencement of Phase 1, the Travel Plan to be approved before works start (which it will be) and the trip monitoring to be done from Phase 1. Nevertheless, Phase 1 is to make the parking provision for the existing on-site demand and does not cater for the additional demand that would be generated by the completion of the MATC floorspace. On this basis, it is not considered reasonable to require the applicant to carry out highway works and trip monitoring which are designed to mitigate additional demand created by the MATC extension until that extension is complete and generating traffic. In respect of the trip monitoring, the requirement in the original legal undertaking is that it would be carried out 'on occupation' and clearly it would not be reasonable to now make the requirement more onerous by requiring it from phase 1 which simply caters for the existing double-parking at the site.
24. In addition, it is noted that SCC's Local Highways Services Area Engineer has advised the LPA that there have recently been regular enquiries/complaints to him about problems being caused at shift changeover times. At these times (albeit which don't coincide with peak times) traffic is backed onto the A320 carriageway from the site because the double-parking problem on the site means that staff arriving at work cannot enter the site through the security point until an equivalent number have left the site. However, staff are habitually delayed in leaving because the double-parking issue means they will be blocked in parking spaces. The implementation of Phase 1 should assist in alleviating this problem by removing the double- and triple-parking currently occurring within the site. The alleviation of this and the knock-on impact on the A320 is clearly a significant benefit.
25. Consequently, it is considered that the proposal remains acceptable on highways grounds, subject to the revisions to the legal undertaking and conditions set out below.

### Other Matters

26. It is not considered that the S.73 proposals have any implications for ecology and ecological designations, sustainability and energy, the amenity of neighbours, archaeology, contamination, the impact on housing supply, utilities or the Public Access Land in comparison to the extant permission.
27. Surrey Wildlife Trust's comments regarding the removal of trees within the parking areas are noted. However, as the applicants have noted, the majority of removed trees are ornamental, non-native species selected for visual rather than bio-diversity reasons. The loss of 0.3ha of native structure planting is off-set by provision of 1.14ha of new native woodland structure planting. The car park to the west of the MATC was intended to be cut into the landscape in a series of terraces, surrounded by earth modelling, native structure planting and retaining walls, in order to assist screening from the footpath and remaining McLaren Parkland. In the new Section 73 proposals the entire car park and its associated hard standing, lighting and ornamental tree and shrub planting has been removed. In its place is a simplified landform of gentle embankments and swathes of new structure planting and new semi mature parkland groups. The MPC access bund is no longer being cut into and therefore the deck location is further west and the existing screen planting remains intact. The overall quality and biodiversity value of the parkland will be therefore be improved.

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### Conditions and Unilateral Undertaking

27. The phasing of the proposal and re-organisation of the parking has consequential implications for the conditions attached to the original permission (in addition the amendment to the 'approved plans' condition, no. 4). These are highlighted in bold in the "Recommendation" section below.
28. The consequential revisions that would be required to the Unilateral Undertaking associated with the original application are also tabulated under the recommendation below. Their implications for highways matters have been noted above. The undertaking would prevent the implementation of the 'eastern' permission PLAN/2011/0823 once Phase 2 is commenced.

### Local Finance Considerations

29. The proposals would not attract a levy under the Community Infrastructure Levy Regulations because they are for commercial, non-retail uses and are consequently nil-rated on the charging schedule.

### **CONCLUSION**

There has been no material change in policy context or site conditions which would lead the LPA to reach a different conclusion on the planning merits of the proposal, including the Green Belt 'very special circumstances' since the original decision was taken.

The proposal has a lesser impact on the openness of the Green Belt in comparison to the original permission by the reason of the omission of the western car park. The revised scheme also has the consequential benefit of bringing forward a solution to the double-parking on site which has impacts on the A320 at shift changeover times

It is therefore recommended that the revised application be referred to the Secretary of State with a recommendation that permission be granted subject to the revised conditions and legal obligations set out below.

### **BACKGROUND PAPERS**

1. Application submissions
2. Background papers to PLAN/2014/1297
3. Representations
4. Correspondence with applicant and attachments
5. Consultee responses

### **PLANNING OBLIGATIONS**

<b><u>Existing Obligation</u></b>	<b><u>Existing Status</u></b>	<b><u>Proposed Amendment</u></b>
Personal Permission	Compliance	No change
Highway works – Six Crossroads improvements or equivalent if not deliverable	Pre-commencement	Pre-commencement of Phase 2
No development of a test track	Compliance	No change
Travel Plan to be approved by LPA and CHA	Pre-commencement – implementation on occupation.	No change - implementation on completion

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		Phase 1 works
Trip Monitoring with further highways mitigation measures should movement caps be exceeded.	Pre-occupation	No change
No works to be undertaken pursuant to the 'eastern' permission PLAN/2011/0823	Post-commencement	Post-commencement of Phase 2.

### RECOMMENDATION

It is recommended that the application be referred to the Secretary of State with the recommendation that the Local Planning Authority be minded to:

Grant Planning Permission subject to the provisions of the above Unilateral Undertaking and the following conditions:

1. The development hereby permitted shall be commenced not later **than 18 March 2019**.  
Reason: To accord with the provisions of Section 91 (1) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall not be implemented in addition to or in association with the development permitted under planning permissions PLAN/2011/0823 or PLAN/2013/1299 granted on 29 July 2013 and 20 May 2014.  
Reason: In order to ensure the satisfactory level of development on the site within the Green Belt and to safeguard the visual amenities of the area in accordance with Policy CS6 and Policy CS21 of the Woking Core Strategy 2012.
3. This permission shall be carried out only by the Company which includes McLaren Applied Technologies Ltd, McLaren Racing Ltd, McLaren Automotive Ltd and other companies within the McLaren Technology Group and by no other person, persons or organisation and shall not enure for the benefit of the land. Upon the cessation of occupation by the Company which includes McLaren Applied Technologies Ltd, McLaren Racing Ltd, McLaren Automotive Ltd and other companies within the McLaren Technology Group the use hereby permitted shall cease.  
Reason: This permission is granted exceptionally and only in view of the personal circumstances of the applicant.
4. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the approved plans and documents listed:

  - 135732/001 Rev A & 002 Rev B
  - 135732B/LA/PL/300 to 329 inclusive
  - 135732B/AL/P100 to P103 (incls.) & P110-P113 (incls.)
  - 17346-BT2
  - C-07949-C-GL-7000 Rev P04, 7001 Rev P04, 7002 Rev P04, 7003 Rev p04, 7004 Rev P04, 7005 Rev P05, 7006 Rev P02, 7007 Rev P02, 7008 Rev P02 & 7009 Rev P01
  - C14464/E/702 Rev P7 & 703 Rev P9
  - Planning Supporting Statement
  - Landscape and Visual Impact Appraisal

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- Transport Assessment & Updated Travel Plan
- Updated Flood Risk Assessment
- Updated Utilities Statement
- Arboricultural Assessment & Method Statement
- Manual for Managing Trees on Development Sites
- Updated Lighting Assessment

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

5. The development hereby permitted shall be carried out only in accordance with the proposed finished floor levels and ground levels as shown on the approved plans unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interests of the openness of the Green Belt in accordance with Policy CS6 and Policy CS21 of the Woking Core Strategy 2012.
6. The development hereby permitted shall be constructed in the materials shown on the approved plans, Design and Access Statement and Lighting Assessment.  
Reason: To protect the visual amenities of the area and in accordance with Policy CS6 and Policy CS21 of the Woking Core Strategy 2012
7. ++ The commencement of **each phase** shall not occur until a Landscape Management Plan, generally in accordance with Seeding Plan 135726B/LA/PL/220 and Management Plan 135726B/LA/PL/221, including a programme of works, long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including publicly-accessible land, **for each phase** has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plans should encompass all areas of open space and green infrastructure on the site. The proposals shall be carried out and maintained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of biodiversity and to protect the general amenity and character and appearance of the locality in accordance with Policies CS6, CS7, CS17, CS21 and CS24 of the Woking Core Strategy 2012.
8. The parking spaces shown on the plans hereby approved shall only be used for the parking of vehicles ancillary to the use of the site and shall be retained thereafter solely for that purpose and made available to the occupiers of the site at all times for parking purposes unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: In the interests of amenity and the Green Belt to ensure a satisfactory form of development in accordance with Policies CS6, CS18 and CS21 of the Woking Core Strategy 2012.
9. ++ No additional floors, including mezzanine floors, shall be erected in the development hereby approved without the prior written approval of the Local Planning Authority.  
Reason: To avoid the over-intensification of use of the property and to comply with Policies CS6, CS18, CS21 and CS25 of the Woking Core Strategy 2012.
10. ++ The development **of each phase** hereby permitted shall not commence until details of foul drainage and sewerage **for that phase** have been submitted to and approved in writing by the Local Planning Authority. The development shall not be

## 5 JUNE 2018 PLANNING COMMITTEE

occupied until the works have been completed in accordance with the approved details.

Reason: To ensure provision of the infrastructure required to make the development acceptable in accordance with Policy CS16 of the Woking Core Strategy 2012.

11. ++ Prior to the commencement **of phase 2** of the development hereby permitted, a scheme for the installation of equipment to control emissions from the premises shall be submitted to, and approved in writing by, the Local Planning Authority. These measures shall be implemented fully in accordance with the approved scheme prior to the occupation of the development (or commencement of the use hereby approved). All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details and retained as such thereafter.

Reason: To protect the environment and amenities of the occupants of neighbouring properties and prevent nuisance arising from noise, fumes, smell, smoke, ash, grit or other emissions in accordance with Policies CS7, CS8 and CS21 of the Woking Core Strategy 2012.

12. ++ Prior to the commencement **of phase 2** of the development hereby permitted, details of the measures to be undertaken to acoustically insulate and ventilate the building for the containment of internally-generated noise shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out fully in accordance with such details as may be agreed and retained as such thereafter.

Reason: To protect the environment and amenities of the occupants of neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy 2012

13. ++ No fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall be installed until details, including acoustic specifications have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and amenities of the occupants of neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

14. ++ The development **of each phase** hereby permitted shall not commence until a scheme to deal with contamination **insofar as is appropriate to that phase** has been submitted to and approved in writing by the Local Planning Authority.

The above scheme shall include :-

- (a) a contaminated land desk study and suggested site assessment methodology;
- (b) a site investigation report based upon (a);
- (c) a remediation action plan based upon (a) and (b);
- (d) a "discovery strategy" dealing with unforeseen contamination
- (e) discovered during construction;
- (f) and (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d)
- (g) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details and timescales as may be agreed.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land before development commences and to make the land suitable for the development without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CS9 and CS21 of the Woking Core Strategy 2012.

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15. Unless otherwise agreed in writing by the Local Planning Authority, no building shall be occupied until a final Certificate has been received and acknowledged by the Local Planning Authority certifying that BREEAM rating "Very Good" has been achieved for this development (or such equivalent national measure of sustainable building which replaces that scheme).  
Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with Policies CS21 and CS22 of the Woking Core Strategy 2012
16. ++ **Phase 2 of** the development hereby approved shall not commence until a programme of archaeological work setting out a full archaeological survey of the site has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall be implemented fully in accordance with the agreed scheme.  
Reason: To ensure a programme of archaeological work is agreed and implemented before development commences and a full archaeological survey of the site is undertaken in accordance with the National Planning Policy Framework (paragraphs 17 and 128) and Policy CS20 of the Woking Core Strategy 2012.
17. No display or storage of goods, materials, plant or equipment shall take place within the site curtilage other than within the buildings.  
Reason: To avoid the loss of car parking and vehicle circulation space and in the interests of visual amenity in accordance with Policy CS6 and CS21 of the Woking Core Strategy 2012.
18. The development shall be carried out wholly in accordance with the Arboricultural information provided by Barrell Tree Consultancy Ref. 14299-AIA-CA including the convening of a pre-commencement meeting unless otherwise agreed in writing.  
Reason: To ensure an appropriate landscaping scheme in accordance with Policy CS7.
19. The proposal shall be carried out wholly in accordance with the recommendations of and proposed mitigation works set out in the Phase 1 and Protected Species Survey by Lindsay Carrington Ecological Services Ltd dated November 2014 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure protection of protected species, enhance the biodiversity of the site and maintain the openness of the Green Belt in accordance with Policies CS6, CS7 and CS8 of the Woking Core Strategy 2012.
20. **Each phase of** the proposal shall be carried out in accordance with the outline Construction Method Statement by Terence O'Rourke Ltd dated November 2014 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To minimise the amenity, tree, environmental and highways impacts of the Construction Phase in accordance with Policies CS6, CS7, CS8, CS9, CS18, CS21 and CS22 of the Woking Core Strategy 2012.
21. **Each phase of** the proposal shall be carried out in accordance with the constructional and operational Site Waste Management Plan by Hydrock Consultants Ltd., dated November 2014 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure the development satisfies the objectives of Surrey Waste Plan Policies CW1 and Minerals Plan Core Strategy Policies MC4 and MC5 and Policy CS22 of the Woking Core Strategy 2012.

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22. The proposal shall be carried out in accordance with the 'recommended' and 'desirable' measures for mitigation included in the Air Quality Statement by Hydrock Consultants Ltd dated November 2014.  
Reason: To ensure the development complies with Policy CS21 of the Woking Core Strategy 2012.
23. The means of access to the development shall be from the existing McLaren's access road served from the western side of the A320/Martyrs Road roundabout only. There shall be no means of direct vehicular access from A320.  
Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CS18 and CS20 of the Woking Core Strategy 2012.
24. The development of **each phase** shall not start until a Method of Construction Statement, to include details of:  
(a) parking for vehicles of site personnel, operatives and visitors  
(b) loading and unloading of plant and materials  
(c) storage of plant and materials  
(d) programme of works (including measures for traffic management at Six Cross Roundabout)  
**so far as it relates to that phase** has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.  
Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CS18 and CS20 of the Woking Core Strategy 2012.
25. No part of the application site shall be opened to or made available for use by the general public as a visitor destination without the prior approval of the Local Planning Authority.  
Reason: In view of the exceptional circumstances which justify granting of Planning Permission in the Green Belt and to ensure an appropriate relationship with the highways network in accordance with Policies CS6 and CS18 of the Woking Core Strategy 2012.
26. Prior to the commencement of **each phase of** the development hereby permitted, details of a scheme for disposing of surface water (**so far as it relates to that phase**) by means of a Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the approved details prior to occupation/**first beneficial use of that phase**. The submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters. Surface Water discharge rates shall be limited to **predevelopment Greenfield Runoff rates for the development phase**.  
Reason: to ensure appropriate sustainable drainage systems in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the National Planning Policy Framework and Policies CS9 and CS16 of the Woking Core Strategy 2012.
27. Prior to the commencement of **each phase** of the development hereby permitted, full method statements for the construction of the Sustainable Drainage System (SuDS) works, including temporary works, **for that phase** shall be submitted to the Local Planning Authority for their written agreement in consultation with the Lead

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Local Flooding Authority before the commencement of the works. The method statement shall include but is not limited to:

- A schedule of works
- Information provided for Construction Design and Management (CDM) regulations
- Details of construction of all SuDS components
- Management of any temporary works that will affect the approved system
- Mitigation for:-
  - pollution/sediment loading
  - potential damage to SuDS during construction,
  - flooding and damage.
  - increased discharge to downstream systems
- Landscape considerations/planting
- Protective measures and/or stabilisation methods
- Areas needing protection against compaction

The developer shall confirm the final drainage layout and key components which could lead to flooding due to failure or lack of maintenance to the Local Planning Authority. Such components will then be designated by the Lead Local Flooding Authority in accordance with Schedule 1 of Flood and Water Management Act 2010. Such details as may be approved shall be implemented and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

During construction, no solid matter, mud or slurry, fuel or lubricants shall be stored within 8.0 metres of the banks of any watercourse or Sustainable Drainage System (SuDS), without written approval from the Local Planning Authority and thereafter no storage of materials shall be permitted in this area.

Site construction run-off should be adequately treated to ensure that no sediments or pollutants are passed on to any downstream receiving water bodies, SuDS or sewer. Evidence of the testing of the system by an independent competent person/company, where appropriate, once fully constructed should be provided in writing to the Local Planning Authority and all costs be covered by the developer. The tests will demonstrate that the SuDS have been constructed as per the approved plan and functions as specified – such testing may include testing of pipes, culverts, access chambers and manholes, and other key component features, and the test certificate will be signed by a competent person, of recognised professional status.

The developer shall submit a copy of the test certificate and report to the Local Planning Authority and a copy will be held by the maintenance company/organisation that will thereafter look after the SuDS systems constructed.

The drainage system must be maintained by the developer prior to any adoption to ensure it functions as designed and in accordance with the Policy Aim in the Written Ministerial Statement and supporting guidance. Prior to construction the maintenance requirements set out below must be submitted to and accepted by the LPA. Thereafter, those requirements should be implemented as approved for the life time of the development.

Reason: to ensure that drainage systems are constructed in a manner such that the system is functional; operates as approved and that the SuDS and local environment are protected from damage throughout construction in accordance with .the Town and Country Planning (Development Management Procedure) (England) Order 2015, the National Planning Policy Framework and Policies CS9 and CS16 of the Woking Core Strategy 2012.

28. Prior to the commencement of **each phase** of the development hereby permitted, details of the implementation, maintenance and management of the Sustainable Drainage System (SuDS) scheme shall be submitted to and approved



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by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012

29. **Prior to occupation/first beneficial use of each phase, a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism. The developer shall submit “as built” details of the SuDS to facilitate the designation of key drainage assets/components.**

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012

30. Notwithstanding any indication on the plans hereby approved, a small ‘landing’ of 1200x1500mm should be installed approximately every 20 metres on the section of the footpath that will be 1:20 (over a distance of 70 metres) unless otherwise agreed in writing by the Local Planning Authority.

Reason: in order to maintain adequate access and unfettered use of the public right of way through the site in accordance with Policy CS18 of the Woking Core Strategy 2012.

### **Informatives**

1. The applicant is advised that all birds, their nest and eggs are protected by the Wildlife & Countryside Act 1981 and is thus an offence to damage or destroy and active nest or prevent parent birds access to their nests. Any clearance of nesting habitat should take place outside of the nesting season (outside of March to August).
2. For the avoidance of doubt, the following definitions apply to the above condition (No: 14) relating to contaminated land:

Desk study- This will include: -

(i) a detailed assessment of the history of the site and its uses based upon all available information including the historic Ordnance Survey and any ownership records associated with the deeds.

(ii) a detailed methodology for assessing and investigating the site for the existence of any form of contamination which is considered likely to be present on or under the land based upon the desk study.

Site Investigation Report: This will include: -

(i) a relevant site investigation including the results of all sub-surface soil, gas and groundwater sampling taken at such points and to such depth as the Local Planning Authority may stipulate.

(ii) a risk assessment based upon any contamination discovered and any receptors.

Remediation action plan: This plan shall include details of: -

## 5 JUNE 2018 PLANNING COMMITTEE

- (i) all contamination on the site which might impact upon construction workers, future occupiers and the surrounding environment;
- (ii) appropriate works to neutralise and make harmless any risk from contamination identified in (i)

Discovery strategy: Care should be taken during excavation or working of the site to investigate any soils which appear by eye or odour to be contaminated or of different character to those analysed. The strategy shall include details of: -

- (i) supervision and documentation of the remediation and construction works to ensure that they are carried out in accordance with the agreed details;
- (ii) a procedure for identifying, assessing and neutralising any unforeseen contamination discovered during the course of construction
- (iii) a procedure for reporting to the Local Planning Authority any unforeseen contamination discovered during the course of construction

Validation strategy: This shall include: -

- (i) documentary evidence that all investigation, sampling and remediation has been carried out to a standard suitable for the purpose; and
- (ii) confirmation that the works have been executed to a standard to satisfy the planning condition (closure report).

All of the above documents, investigations and operations should be carried out by a qualified, accredited consultant/contractor in accordance with a quality assured sampling, analysis and recording methodology

3. The applicant is advised that under the Control of Pollution Act 1974, construction work 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. Highways informative - The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
5. The applicant's attention is drawn to the comments of the Countryside Access Officer in respect of the original application who notes that the granting of planning permission does not permit the alteration/obstruction of a public right of way in any form. They note that the applicant should provide a new 2.7m wide hard surface for Footpath 1, as far as it is affected by the development, and that the specification for the resurfacing shall be to the satisfaction of the area Countryside Access Officer. They also require that the line of Footpath 1 is pegged out as it is covered, so that the route of Footpath 1 is reinstated on the correct line.

**Elmbank Rest Home, 27**  
**Woodham Road, Horsell,**  
**Woking**

**PLAN/2018/0031**

Removal of condition 5 of 82/0212 dated 14.09.1982 for the change of use of existing dwelling from single family dwelling to residential retirement home for approximately six elderly people to remove the elderly person restriction (amended description).





PLAN/2018/0031



Elmbank Rest home 27 Woodham Road Woking



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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5b 18/0031 Reg'd: 12.01.18 Expires: 06.04.18 Ward: HO  
Nei. 06.03.18 BVPI Change of Number 17/8 On No  
Con. Target use - 20 of Weeks of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** Elmbank Rest Home, 27 Woodham Road, Horsell, Woking, Surrey, GU21 4EN

**PROPOSAL:** Removal of condition 5 of 82/0212 dated 14.09.1982 for the change of use of existing dwelling from single family dwelling to residential retirement home for approximately six elderly people to remove the elderly person restriction

**TYPE:** Section 73 Application

**APPLICANT:** Henley Secure Income Property OFFICER: Brooke  
Managing Trust Bougnague

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### **REASON FOR REFERRAL TO COMMITTEE**

The application has been called to planning committee at the request of Councillor Hunwicks. Councillor Hunwicks objections are based around the original safeguards in 1982 and that it's in a Controlled Parking Zone and Castle Road is private plus that it's very closely surrounded by residential properties and it's a very long way from amenities eg town buses doctors etc.

### **PROPOSED DEVELOPMENT**

Planning application 82/0212 granted planning permission on 02.03.1982 for 'the change of use of existing dwelling from single family dwelling to residential retirement home for approximately six elderly people at 'Elmbank' Woodham Road.

Condition 5 of 82/0212 states:

The use hereby approved shall only be as an elderly persons home for no other purpose within Class XIV of the Town and County Planning Use Classes 1972.

Reason:

Other Class XIV uses may not be appropriate in the locality which is residential.

This planning application proposes to remove condition 5 of planning application 82/0212. The property would remain with Use Class C2. No external alterations are proposed.

### **PLANNING STATUS**

- Urban Area
- Area Tree Preservation Order
- TBH SPA Zone A (within 400m)

### **RECOMMENDATION**

Grant planning permission subject to conditions

**SITE DESCRIPTION**

Elmbank Rest Home, 27 Woodham Road is a two storey detached property with accommodation in the roofspace sited on a corner plot bounded by Woodham Road and Castle Road. There is hardstanding to the south of the site, hard and soft landscaping to the west of the site and a small enclosed area of amenity space to the east of the site.

Elmbank Rest Home is currently vacant; the property was last used as a care home for adults over 65 including those with dementia. The service was rated inadequate by the Quality Care Commission.

**PLANNING HISTORY**

82/0212: The change of use of existing dwelling from single family dwelling to residential retirement home for approximately six elderly people at 'Elmbank' Woodham Road. Permitted 15.09.1982

84/0373: Single storey front extension to provide two extra bedrooms. Permitted 01.05.1984

85/0427: Two single storey extensions to provide additional facilities including two additional bedrooms. Permitted 01.08.1985

**CONSULTATIONS**

County Highway Authority: No comment

Natural England: No comment

Planning Policy: Applicant should submit additional evidence demonstrating a need for the proposed use. Condition 5 should be altered and not removed.

**REPRESENTATIONS**

A total of 30x objections (6x householders have submitted 2 letters each and 1 x household has submitted 3 letters) were received in response to the original proposal and re-consultation on the amended description on 05.03.2018 raising the following concerns:

- Castle Road already has one care home – Combe House
- Previous care home closed due to owners ill health and still has a strong QCC report
- Need for care for the elderly is increasing due to people living longer
- Not all elderly people can afford to live in new large care homes
- Other sites in the Woking Borough would suit the needs of the new owners
- No site notice (Officer note: this planning application does not require a site notice, notification letters were sent to adjoining properties)
- No public transport or facilities nearby
- Little amenity space and no room to extend it
- The property is only suitable as a private residence or as a care home for the elderly that are housebound
- Concerned proposed occupiers could change the road and the peace and tranquility of the area
- The elderly person restriction was put in place due to the area
- Lack of outside space and facilities - not suitable for younger people
- Would not take much to improve standard of the existing building



## 5 JUNE 2018 PLANNING COMMITTEE

- Inaccurate description and Covering Letter is not available (Officer note: the description of development and covering letter were made public and neighbours were re-consulted)
- Restricted on site parking will result in parking on the public highway
- Concerns over late night activity, anti social behavior and noise from people entering the hostel
- The area is not suitable
- Too close to the primary girls school
- Increased traffic
- Increased noise
- Concerns over safety of nearby residents
- The application does not specify the intended use
- Increase in the number of people coming and going at different times of the day and night would impact adversely on other local residents
- Proposal would be more suited to the Town Centre
- Aging population is causing particular challenges for housing - West Surrey Strategic Housing Market Assessment (Feb 2009) suggests 29% increase in people over 60 between 2006 and 2026, the SHMA identifies that pensioner households are often under-occupied and acknowledges some stakeholder views that there was a need for more specialist accommodation for older people and Policy CS13 supports the development of specialist accommodation for older people and vulnerable groups.
- Contrary to CS13 of the Woking Core Strategy (2012)
- There is no evidence submitted that there is insufficient demand for the existing use and overwhelming evidence that the ageing population requires provision of more, not less, specialist accommodation for the elderly.
- Have a detrimental impact on the character of the area
- Address is Woodham Road but the vehicular access is from Castle Road, a private road
- Not know how many people will be living in the property and in what type of accommodation
- Lack of information on proposed users
- Site characteristics would not suit all vulnerable groups
- There has been no change that would now allow the removal of this condition
- The existing care home has had no impact on neighbouring properties and is well suited to the site
- Contrary to Policy DM11 of the DM Policies DPD (2016)
- Loss of elderly accommodation

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2012):

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

#### Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough

CS8 - Thames Basin Heaths Special Protection Areas

CS13 - Older people and vulnerable groups

CS18 - Transport and accessibility

CS21 - Design

CS25 - Presumption in favour of sustainable development

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Supplementary Planning Documents (SPDs):  
Woking Design (2015)  
Outlook, Amenity, Privacy and Daylight (2008)  
Parking Standards (2018)

### **PLANNING ISSUES**

#### Principle of Development:

1. Planning application 82/0212 permitted on 15.09.1982 granted planning permission for an elderly persons home for no other purpose within Class XIV of the Town and County Planning Use Classes 1972. Class XIV is essentially the historic equivalent to Class C2 of the Use Classes Order 1987 (as amended).
2. The lawful use of Elmbank Rest Home is C2 (residential institutions) to provide care for the elderly. The property was extended in 1984 and 1985 to increase the number of bedrooms. The property is currently vacant and was last used to provide care for upto 14 elderly people.
3. Policy CS13 of the Woking Core Strategy states '*existing specialist accommodation will be protected unless it can be demonstrated that there is insufficient need/ demand for that type of accommodation*'.
4. This planning application proposes to remove condition 5 of planning application 82/0212 restricting the use of the property to elderly people. The use of the property would remain within Use Class C2 and allow the building to provide residential accommodation and care to people in need of care, residential schools, colleagues or training centres, hospitals and nursing homes.
5. A report published by the Quality Care Commission in March 2017 rated the service at Elmbank Rest Home as inadequate as the service was not safe, efficient, caring responsive or well led.
6. The applicant has advised that the care home is currently deregistered. Due to the small scale of the care home the average weekly fees are not enough to provide sufficient staff and management to provide a high quality of service to the most vulnerable group of people. The removal of the elderly person condition is imperative in ensuring the viable long term use of the property as a care home.
7. Letters of representation have raised concerns over the lack of nearby facilities. Elmbank Rest Home is sited within the urban area approximately 20 minutes walk from Horsell High Street and Woking Town Centre providing access to a range of services and facilities. The application site is also within walking distance of bus stops along Shores Road (5 minutes), Chertsey Road (10 minutes) and Kettlewell Hill (8 minutes) and therefore considered to be well served by public transport.
8. It is proposed that the property would provide a service for those with mental health issues. The introduction text to Policy CS13 of the Woking Core Strategy (2012) advises vulnerable groups includes people who are mentally or physically disabled.
9. The removal of condition 5 would enable the property to retain a viable C2 use and continue to provide specialist accommodation for vulnerable groups in accordance with Policy CS13 of the Woking Core Strategy (2012). At present the property is vacant and does not have the required facilities to provide an acceptable level of care for elderly people.

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### Impact on Neighbours:

10. Information submitted with the application has advised the following:

*We would like to continue to use the site to support vulnerable adults but we would aim to provide a service to those with mental health conditions. The client group we would like to focus on are those people who have done well with their treatment, are no longer in need of high staffing levels or intensive treatment programmes, but instead are ready to step down to a more independent way of living and with well trained staff support relearn those skills lost while they were unwell so that they can confidently reclaim their position in their local community.*

*The property would be registered with the Quality Care Commission to ensure the overall care provided is satisfactory.*

11. Condition 5 of planning application 82/0212 was imposed as it was considered other Class XIV uses may not be appropriate in the locality which is residential. Letters of representation have raised concerns over noise levels, anti social behavior and safety of nearby residents.
12. The existing and proposed floor plans indicate the internal layout of the property would remain similar to the existing layout with the addition of en-suites to a number of bedrooms to provide enhanced facilities for proposed occupiers. There would be no increase in the number of bedrooms. The proposal would not intensify the use of the existing site.
13. The applicant has advised that staff will be present on site 24/7 with three staff on site during the day and one staff on site during the night. Residents would be subject to a detailed risk assessment prior to being allowed to leave the site freely, where required residents would be accompanied by staff. In addition the property would be registered with the Quality Care Commission and have management protocols and behaviour management plans in place to ensure that the residents do not have a significant impact on amenities of surrounding properties in terms of noise and disturbance.
14. It is considered that a 24/7 staff presence and implementation of management plans would ensure that the removal of condition 5 of planning application 82/0212 would not have a significant impact on the amenities of adjoining properties.
15. A condition (condition 3) is recommended to ensure the property is only used for residential accommodation and care to people in need of care and for no other purpose within Class C2 of the Use Class Order 1987 (as amended). It is considered that other uses within Class C2 may not be appropriate for the location.
16. There are no external changes to the building itself that would have any impact on neighbouring occupiers.
17. Overall the proposed development is considered to have an acceptable impact on neighbours.

### Impact on Character:

18. The planning application does not include any external alterations. It is considered there would not be a detrimental impact on the character and appearance of the property or streetcene.

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### Standard of Accommodation:

19. Letters of representation have raised concern over the lack of outside space. There is an area of private amenity space to the east of the application site and an open area of soft landscaping to the west of the application site. The application site is located approximately 0.6 miles from Wheatsheaf Common. The applicant has advised that access to public areas of open space will be appropriately managed as detailed within the care operators management plan. It is considered that the area of amenity on site and within walking distance would provide sufficient amenity space for future occupiers.

### Transportation Impacts:

20. Policy CS18 states *'the Council is committed to developing a well integrated community connected by a sustainable transport system'* this can be achieved by *'implementing maximum car parking standards for all types of non-residential development, including consideration of zero parking in Woking Town Centre, providing it does not create new or exacerbate existing on-street car parking problems'*.
21. Supplementary Planning Document 'Parking Standards' (2018) requires a maximum of 1 car space per 2 residents or Individual assessment/justification for care homes that fall under Use Class C2. For 14 residents a maximum of 7 parking spaces would be required would be required.
22. The existing on site parking (providing 3 spaces) to the south of the site will not be affected by the proposal. Information submitted with the planning application has advised that residents would not have access to cars. It is considered that the area of the hardstanding is sufficient to facilitate parking for the on site staff.
23. The existing vehicular access from Castle Road would be retained. Woodham Road is within a Controlled Parking Zone to restrict on street parking.
24. It is therefore considered that the proposed development would not have an adverse impact on parking provision in the immediate area. The County Highway Authority has been consulted who have advised that they have no objection from a highway safety and operation perspective.
25. The proposal is therefore considered acceptable and would comply with Policy CS18 of the Woking Core Strategy and the Supplementary Planning Document 'Parking Standards' and the core objective of the NPPF to influence a shift in behaviour towards alternative transport modes.

### Thames Basin Heaths Special Protection Area (TBH SPA)

26. The Thames Basin Heaths Special Protection Area is internationally important and designated for its interest as habitats for ground nesting birds. Policy CS8 of the Woking Core Strategy states *'the Council will ensure that no sites are allocated or granted planning consent for (net) new residential development within the 400 metres exclusion zone of the Thames Basin Heath SPA because the impacts of such development on the SPA cannot be fully mitigated'*. The planning application does not result in new residential development but seeks to remove the elderly person restriction. Natural England have been consulted and raised no concerns over the removal of condition 5.

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

### Community Infrastructure Levy (CIL):

28. The proposal is not liable for Community Infrastructure Levy (CIL).

### **CONCLUSION**

29. The proposed removal of the elderly person restriction is considered acceptable to result in an impact on the amenities of surrounding neighbours. A new condition will restrict the use of the property for residential accommodation and care to people in need of care and for no other purpose within Class C2 of the Use Class Order (as amended).

30. As this is a Section 73 application, it is necessary to re-apply or re-word the conditions attached to the original permission (82/0212) where they are still relevant.

### **BACKGROUND PAPERS**

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

### **RECOMMENDATION**

It is recommended that planning permission be Granted subject to the following Conditions:-

1. The development hereby permitted shall be carried out in accordance the approved plans listed in this notice.

001 dated February 2018 and received by the Local Planning Authority on 09.02.2018

002 dated February 2018 and received by the Local Planning Authority on 09.02.2018

WR 101 dated 13 April 2017 and received by the Local Planning Authority on 04.04.2018

WR 102 Rev B dated 5 August 2017 and received by the Local Planning Authority on 04.04.2018

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

2. The parking area shall only be used for the parking and manoeuvring of motor vehicles and shall not be used for the deposit of waste materials, or for storage of any kind.

Reason: To ensure satisfactory parking provision

3. The development hereby permitted shall only be used for residential accommodation and care to people in need of care and for no other purpose within Class C2 of The Town and Country Planning (Use Classes) Order 1987 (or any orders amending or re-enacting that order) without the prior written consent of the Local Planning Authority.

## 5 JUNE 2018 PLANNING COMMITTEE

Reason: To restrict the use of the premises to one which is compatible with the surrounding area and safeguard the amenities of the adjoining premises and to comply with Policy CS13 of the Woking Core Strategy 2012

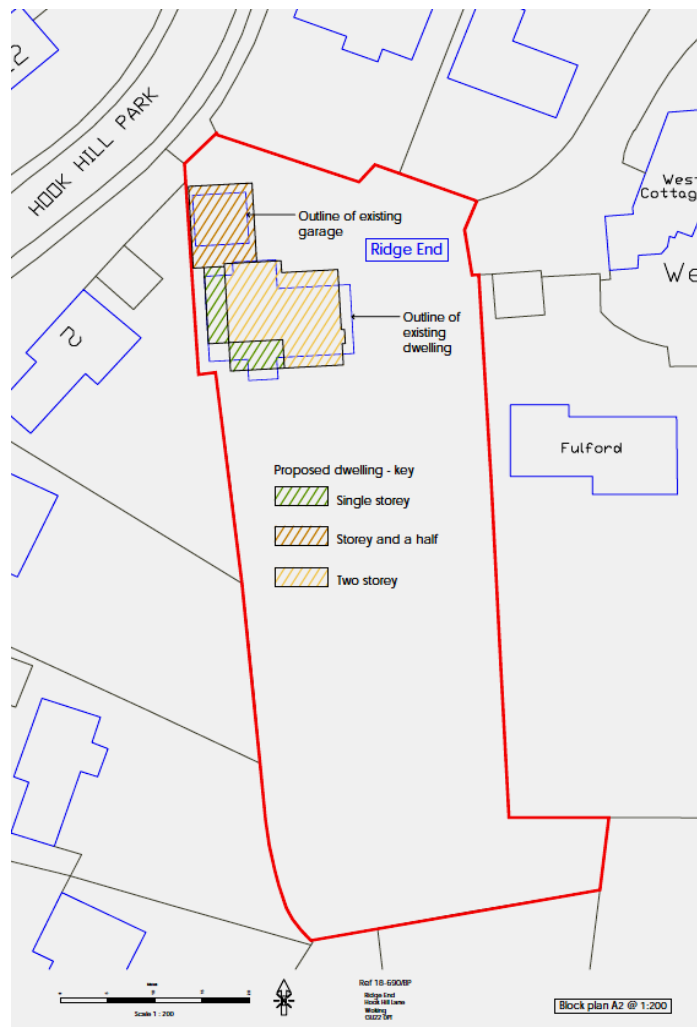
### **Informatives**

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

# Ridge End, Hook Hill Lane, Mayford, Woking

## PLAN/2018/0201

Demolition of existing bungalow and garage and erection of a replacement two storey dwelling with attached garage.



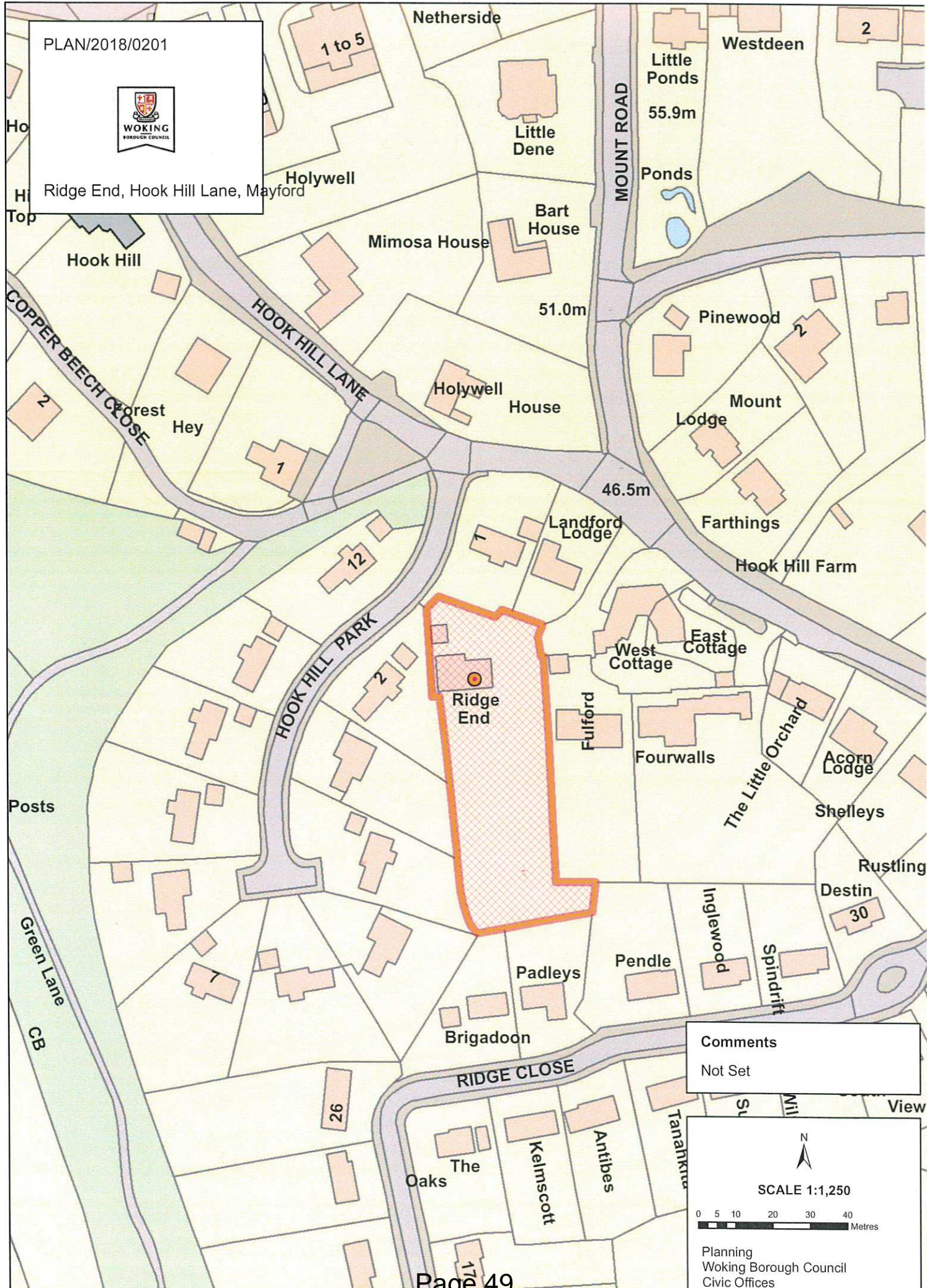




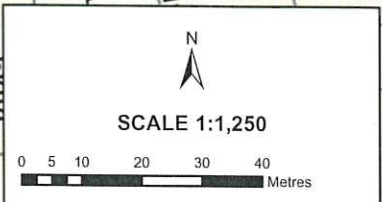
PLAN/2018/0201



Ridge End, Hook Hill Lane, Mayford



Comments  
Not Set



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



## 05 JUNE 2018 PLANNING COMMITTEE

5c 18/0201 Reg'd: 12.05.16 Expires: 02.05.18 Ward: HE  
Nei. 04.04.18 BVPI Minor Number 13/8 On No  
Con. Target dwellings -13 of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** Ridge End, Hook Hill Lane, Woking, GU22 0PT

**PROPOSAL:** Demolition of existing bungalow and garage and erection of a replacement two storey dwelling with attached garage.

**TYPE:** Full Planning Application

**APPLICANT:** Mrs Victoria Evans

**OFFICER:** David Raper

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### **REASON FOR REFERRAL TO COMMITTEE:**

The proposal includes the erection of a replacement dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is for the erection of a part two storey, part single storey replacement dwelling following the demolition of the existing single storey dwelling and detached garage. The replacement dwelling would be erected in the same location as the existing dwelling and includes a two storey front projecting element with a double garage.

### **PLANNING STATUS**

- Urban Area
- Hook Heath Neighbourhood Area
- Tree Preservation Order
- Thames Basin Heaths SPA ZoneB (400m-5km)

### **RECOMMENDATION**

GRANT planning permission subject to conditions.

### **SITE DESCRIPTION**

The proposal relates to a single storey dwelling dating from the mid C20. The site is accessed via Hook Hill Lane and shares an access with West Cottage and Fulford to the east. The property features a detached garage and parking area to the frontage and a large, mature garden to the rear which slopes downwards towards Ridge Close to the south. To the west the property is bounded by the rear gardens of neighbours on Hook Hill Park which is a spacious development of detached dwellings dating from the 1970s. The surrounding area is spacious and sylvan in character and is generally characterised by large detached dwellings. The proposal site is within the Urban Area in the Hook Heath Neighbourhood Area of the Borough.

**PLANNING HISTORY**

- TREE/2018/8074 - Fell Oak tree T1(Works Subject to TPO TPO/0007/2016) – Permitted 18/04/2018
- PLAN/1994/1049 - Erection of a rear conservatory – Permitted 02/02/1995
- 26459 – Extension – Permitted 01/10/1970
- 25657 – Erection of double garage – Permitted 17/03/1970
- 25397 – Extension – Permitted 01/01/1970

**CONSULTATIONS**

**County Highway Authority:** No objection.

**Arboricultural Officer:** No objection subject to conditions.

**Hook Heath Neighbourhood Forum:** Objection, raising the following summarised concerns:

- The submitted Planning Statement does not refer to the Hook Heath Neighbourhood Plan
- The proposal would cause overlooking and the screening is too sparse to be effective
- The eaves and gutters would overhang the neighbouring property
- The submitted Block Plan does not accurately show the position of neighbours
- The applicant is proposing to fell a TPO tree with no justification and no replacement proposed
- There is insufficient separation to the boundaries and the proposal is out of character with the area and should be placed more centrally in the plot

**REPRESENTATIONS**

A total of 16x representations have been received objecting to the proposal, including one from the Hook Heath Residents' Association. The representations raise the following concerns:

- The proposal would cause overlooking and loss of light to neighbours
- The recently installed front rooflights do not serve habitable rooms and have been installed to justify the current application
- The screening that has been planted is ineffective
- Proposal would be high density in nature and out of character with the area
- Proposal would have an oppressive appearance
- The proposed dwelling would be better positioned more centrally within the site
- The placement of the dwelling means the rest of the site could be subdivided in the future
- Proposal would result in a 'terracing effect' and would harm the street scene on Hook Hill Park
- The applicant proposes the removal of a TPO Oak tree for which there is no justification
- No machinery should be allowed to operate in the Root Protection Area of trees
- Conditions should be applied relating to working hours and construction management

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- The construction phase would cause disruption and place pressure on parking. Hook Hill Lane is not suitable for HGVs
- The proposed dwelling would be too close to the western boundary and guttering may overhang (*Officer note: Officers are satisfied that the development would be within the proposal site*)
- The proposed Block Plan does not accurately show neighbouring dwellings (*Officer note: officers have taken account of the true positions of neighbouring dwellings and have visited the neighbour at No.2 Hook Hill Park*)

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2012):

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

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

Section 11 - Conserving and enhancing the natural environment

#### Development Management Policies DPD (2016):

DM2 - Trees and Landscaping

#### Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

#### Hook Heath Neighbourhood Plan (2015):

BE1 - Design of New Developments

BE2 - Off-road Parking

#### Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

### **BACKGROUND**

Amended plans were received on 9<sup>th</sup> and 10<sup>th</sup> May which made the following amendments:

- The overall height of the proposed dwelling has been reduced by 0.8m. This has been achieved by lowering the pitch of the roof and by lowering the ground floor level which is currently built on a raised plinth.
- A first floor side-facing window has been removed and two storey flank elevation moved 0.4m further from the boundary.

The proposal has been assessed based on these plans.

### **PLANNING ISSUES**

#### Impact on Character:

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1. The proposal relates to a detached single storey dwelling understood to date from the mid C20. The dwelling has a simple, traditional form and character but is not considered to possess any notable architectural merit. The demolition and replacement of the dwelling can therefore be considered acceptable subject to the design of the proposed replacement. The proposed dwelling would be two storeys and adopts a simple traditional design with hipped roofs and includes a two storey front projecting element with an integral garage. The dwelling would occupy a similar footprint to the existing dwelling. The plans indicate the use of brickwork and tile hanging. Overall the proposed dwelling is considered to represent a visually acceptable and well proportioned dwelling which respects the character of the surrounding area, which is predominately characterised by dwellings built in a traditional style.
2. Apart from the neighbour at Fulford to the east, the surrounding area is predominately characterised by two storey dwellings and the resulting height and scale of the proposed dwelling is considered consistent with the character of the surrounding area. The proposed development would not be prominent in views from Hook Hill Lane due to the set-back of the site from the road and its 'backland' position. The dwelling would be visible from Hook Hill Park to the north and west however this would be viewed in the context of the existing two storey dwellings along Hook Hill Park and the proposal is not considered to unduly harm the character and street scene of Hook Hill Park. Whilst the proposed dwelling would inevitably be greater in height and scale compared to the existing dwelling, as discussed above this is not considered to result in unacceptable harm to the character of the area and is considered consistent with the character of the surrounding area.
3. It is acknowledged that the dwelling would be positioned in the western portion of the site, leaving a gap to the eastern boundary of the site. This is not however considered to result in visual harm to the area or an unduly cramped form of development and it is borne in mind that the dwelling would occupy a similar footprint to the existing dwelling. The projecting garage element would be positioned 0.2m from the western boundary however this is a similar arrangement to the existing garage which would be demolished.
4. Overall the proposed replacement dwelling is considered a visually acceptable form of development and is considered to respect the character and appearance of the surrounding area. The proposal therefore accords with Core Strategy (2012) policies CS21, CS24 and CS25, Hook Heath Neighbourhood Plan (2015) policy BE1, Supplementary Planning Document 'Working Design' (2015) and the National Planning Policy Framework (2012).

### Impact on Neighbours:

5. The nearest neighbours potentially most affected by the proposed development are those on Hook Hill Park to the west, Hook Hill Lane to the north and west and neighbours at Fulford and West Cottage to the east. The potential impacts on the amenities of neighbours are assessed below.

### *No.2 Hook Hill Park:*

6. No.2 Hook Hill Park is positioned immediately to the west of the proposal site and its rear elevation is orientated towards the proposal site. This neighbour includes a single storey side extension including a garage at the point nearest to Ridge End as well as a habitable room serving as a living area which opens onto a patio adjacent to the boundary with Ridge End. Although the rear elevation of this neighbour is orientated towards Ridge End, the orientation is such that the proposed replacement

## 05 JUNE 2018 PLANNING COMMITTEE

dwelling would not be sited directly opposite the windows of this neighbour, however the replacement dwelling would inevitably be readily appreciable from this neighbour and the nearest habitable room window in question. The existing dwelling on the site is located 1.4m from the boundary and the twin hipped roof elements of the dwelling are prominent from this neighbour's window and patio area. The existing dwelling has a maximum height of 7.9m from ground level including the raised area the dwelling sits on.

7. The part of the proposed replacement dwelling nearest this neighbour would be single storey with a maximum height of 2.9m and sited 1.4m from the boundary. The first floor element of the replacement dwelling would be set-in further and would be positioned 3.5m from the boundary and would be positioned 10m from the nearest habitable room window at No.2 Hook Hill Park with an eaves height of 5m. The maximum height of the dwelling would be 8.5m and this element would be positioned 7.3m from the boundary and approximately 14.5m from the neighbouring window. The maximum height of the proposed dwelling would be 0.6m taller than the existing but greater in bulk and massing due to the first floor accommodation and larger roof form.
8. Whilst there is no dedicated test in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) for this particular relationship, the '25° test' relates to developments which are directly opposite habitable room windows and establishes that if the proposed development does not intersect a 25° angle line drawn from the window, then an undue loss of light or overbearing impact is unlikely to occur. Such a relationship would be worse than the proposed relationship as the development is not directly opposite the neighbouring window, however the proposal would pass this test. The '45° test' relates to dwellings which are adjacent to one another and the proposal would also pass this test in both plan and elevation form. Considering the points discussed above, overall the proposed development is not considered to result in an unacceptable loss of light or overbearing impact on the habitable room windows of No.2 Hook Hill Park.
9. The proposed garage element includes first floor accommodation and would be sited closer to the boundary (0.2m) however this element is positioned further to the north of this neighbour and would only be visible from the nearest neighbouring window at an oblique angle and is not considered to result in an undue loss of light or overbearing impact on this window.
10. It is acknowledged that there is a patio area adjacent to the boundary with Ridge End. Whilst the proposed building would be clearly visible from the patio area and the building would inevitably be greater in height and mass compared to the existing, considering the 3.5m separation distance of the two storey element from the boundary and the hipped roof design, the proposal is not considered to result in an unacceptable loss of light or overbearing impact on the patio area. It is also borne in mind that this neighbour benefits from a garden which extends to the south and south-west.
11. In terms of overlooking, the windows on the flank elevation facing west would be limited to high-level rooflights and ground floor windows which are not considered to cause any undue overlooking. The ground floor windows would be positioned 1.4m from the boundary; this separation distance, the ground floor position of the windows and the boundary fence are considered to avoid any undue overlooking from these windows. The rooflights can be required to be high-level by condition and the insertion of future side-facing windows can also be restricted by condition.

*Landford Lodge and No.1 Hook Hill Park:*

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12. The neighbours at Landford Lodge and No.1 Hook Hill Park are sited to the north of the proposal site and the existing and proposed dwellings have a front-to-rear relationship with these neighbours. The proposal would introduce first floor accommodation with first floor windows facing towards the rear elevations and rear gardens of these neighbours serving a bedroom, staircase and landing. These first floor windows would however be located a minimum of 10m from the rear boundary of No.1 Hook Hill Park at their nearest point and 13m from the rear boundary of Landford Lodge at their nearest point. The windows would be positioned a minimum of 24m from the rear elevations of these neighbours. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) recommends minimum separation distances for different relationships; whilst there is no recommended minimum for front-to-rear relationships, the most generous recommended separation distance is for rear-to-rear relationships which is 20m and the recommended minimum for front-to-boundary relationships is 10m. The proposed development would meet these recommended minimum standards with regards to the three windows in question. Furthermore, these neighbours and their rear gardens are positioned on ground which is approximately 1.5m higher than that of the proposal site which further diminishes the potential for undue overlooking or overbearing impacts. The applicant has also planted pleached trees on the boundary with these neighbours which would have some screening value when in leaf and matured. In any case, the separation distances and the change in levels involved are considered to result in an acceptable overlooking, loss of light and overbearing impact on these neighbours.
13. Front-facing rooflights have been recently installed on the front roof slope of the existing dwelling and some representations allege this has been done to justify the current planning application. It is acknowledged that the potential for overlooking from these rooflights is materially different to the proposed development and limited weight has therefore been given to their presence. In any case, the proposed first floor windows are considered to form an acceptable relationship with neighbours, regardless of the presence of existing windows.
14. The two storey front projecting element includes a front-facing window positioned around 5m from the boundary with No.1 Hook Hill Park however as this window serves a bathroom, this can be required to be obscurely glazed with restricted opening by condition to avoid undue overlooking. There would also be first floor windows above the garage facing east however these would only have oblique views of neighbours to the north and are not considered to result in undue overlooking.

### *Fulford, Hook Hill Lane:*

15. Fulford is a single storey dwelling located to the south-east and is set-back in the plot relative to the proposed replacement dwelling. The proposed dwelling would be located a minimum of 15m from the side boundary with this neighbour and 18.2m from the neighbour itself at its nearest point. The proposal would pass the '45° test' in plan and elevation form and the relationship is considered to result in acceptable loss of light and overbearing impact on this neighbour. The proposed dwelling includes a side-facing first floor window which window would be sited 15m from the boundary with Fulford and looks towards the frontage of this neighbour; as this window serves a shower room, this can be required to be obscurely glazed with restricted opening by condition. The accommodation above the garage features windows facing east towards Fulford however these would be located a minimum of 22m from the boundary with this neighbour and look towards the frontage and driveway of this neighbour. These windows are not therefore considered to result in undue overlooking.

### *West Cottage, Hook Hill Lane:*



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16. This neighbour is positioned 28.6m from the proposed dwelling at its nearest point and the parking area and driveways of both Ridge End and West Cottage separate the two properties. The separation distance is considered sufficient to achieve an acceptable relationship with this neighbour in terms of loss of light, overbearing and overlooking impacts.

### *Other neighbours:*

17. Other neighbours include No.3-5 Hook Hill Park which back onto the proposal site's rear garden. These neighbours are not considered to be unduly affected by the proposal due to the separation distances involved and their orientation away from proposed replacement dwelling. Padleys and Brigadoon on Ridge Close to the south have a rear-to-rear relationship with the proposal site however these neighbours are positioned approximately 80m from the proposed dwelling. These and other neighbours in the area are considered a sufficient distance from the proposed development to not be unduly affected.
18. Considering the points discussed above, overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours and accords with Core Strategy (2012) policy CS21, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the National Planning Policy Framework (2012).

### Impact on Trees:

19. The proposal site includes a mature Beech and Oak in the rear garden which are protected by a Tree Preservation Order (TPO) as well as other smaller trees which are not protected. The applicant has provided an Arboricultural Report demonstrating how trees on the site would be protected during construction which is considered acceptable by the Council's Arboricultural Officer. The applicant has submitted a separate tree works application (TREE/2018/8074) to fell the TPO Oak tree due to a fungus infection; this application was granted on 18/04/2018 subject to conditions, including a condition securing a replacement tree. The Oak tree is not required to be felled to accommodate the proposed development and the felling has been permitted due to the long-term health of the tree; this is not therefore considered directly relevant to the current planning application. The applicant has however demonstrated the protection and retention of the remaining trees on the site including the TPO Beech tree. The proposal is therefore considered acceptable in terms of its impact on trees, subject to conditions.

### Standard of Accommodation:

20. The proposed dwelling would have four bedrooms and a total internal floor area of 332m<sup>2</sup>. The garden of Ridge End is substantial and exceeds the internal floor area of the dwelling. Overall the proposal is considered to achieve an acceptable standard of accommodation for future residents.

### Transportation Impact:

21. The proposed dwelling would have sufficient off-street parking space to accommodate at least three vehicles in accordance with policy BE2 of the Hook Heath Neighbourhood Plan (2015) and the Council's recently adopted Parking Standards (2018). The existing access arrangements via Hook Hill Lane would not be altered by the application. The County Highway Authority has reviewed the proposal and raises no objection.

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22. Overall the proposal is therefore considered to have an acceptable transportation impact.

### Community Infrastructure Levy (CIL):

23. The proposal would be liable to make a CIL contribution of £27,084.38 based on a net increase in floor area of 175.5m<sup>2</sup>. The applicant has however submitted a self-build exemption form claiming relief from CIL. Notwithstanding this, the LPA must assess the application for exemption separately and the applicant must submit a Commencement of Development Notice prior to any commencement of development.

### **CONCLUSION**

24. Overall, the proposed replacement dwelling is considered to constitute an acceptable form of development which would have an acceptable impact on the character of the surrounding area, on the amenities of neighbours and on trees. The proposal therefore accords with Core Strategy (2012) policies CS21, CS24 and CS25, Woking DMP DPD (2016) policy DM2, Hook Heath Neighbourhood Plan (2015) policies BE1 and BE2, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the National Planning Policy Framework (2012) and is recommended for approval subject to conditions.

### **BACKGROUND PAPERS**

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

### **RECOMMENDATION**

GRANT Planning Permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

18-690 (Proposed elevations, floor plan and roof plan) received by the LPA on 09/05/2018

18-690/BP (1:200 Block Plan) received by the LPA on 10/05/2018

VE001 (Existing floor plan) received by the LPA on 23/02/2018

VE002 (Existing east elevation) received by the LPA on 23/02/2018

VE003 (Existing north elevation) received by the LPA on 23/02/2018

VE004 (Existing south elevation) received by the LPA on 23/02/2018

VE005 (Existing west elevation) received by the LPA on 23/02/2018

VE006 (Existing garage elevations) received by the LPA on 23/02/2018

18-690/LP (Location Plan) received by the LPA on 23/02/2018

## 05 JUNE 2018 PLANNING COMMITTEE

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

3. ++Prior to the commencement any above ground works in connection with the development hereby permitted, a written specification of all external materials to be used in the construction of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. The development hereby permitted shall take place in strict accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan prepared by Acornarb dated February 2018, including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself to comply with Policy CS21 of the Woking Core Strategy 2012.

5. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Classes A and B of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any orders amending or re-enacting that Order with or without modification) no extension or enlargement of the dwelling hereby permitted shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no window, rooflight or other additional openings, other than those expressly authorised by this permission, shall be formed in the north facing front elevation or roof slope or the west-facing side elevation or roof slope of the new dwelling hereby permitted, at first floor level or above, without planning permission being first obtained from the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

7. The first floor window in the east-facing side elevation and the first floor window in the north facing front elevation of the dwelling hereby permitted, identified as serving an en-suite bathroom on the approved plans listed in this notice, shall be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor levels of the rooms in which the windows are installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

## 05 JUNE 2018 PLANNING COMMITTEE

Reason: To safeguard the amenities of the adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

8. The rooflights in the east and west-facing roof slopes of the dwelling hereby permitted, shall be high-level windows with a minimum internal sill height of 1.7 metres above the floor levels of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

### **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 of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. The provisions of The Party Wall Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
5. The proposed development is Community Infrastructure Levy (CIL) liable although the applicant has submitted a Self-Build Exemption Form. Notwithstanding this, a self-build exemption must be granted prior to the commencement of the development. Additionally the applicant must complete and submit a Commencement (of development) Notice to the Local Planning Authority, which the Local Planning Authority must receive prior to commencement of the development, in order to benefit from relief from the levy.
6. 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.





**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)**





# 85 Maybury Road, Woking

## PLAN/2017/1229

Proposed erection of single storey rear extension to create 5No flats (1No two bed unit and 4No 1 bed units).

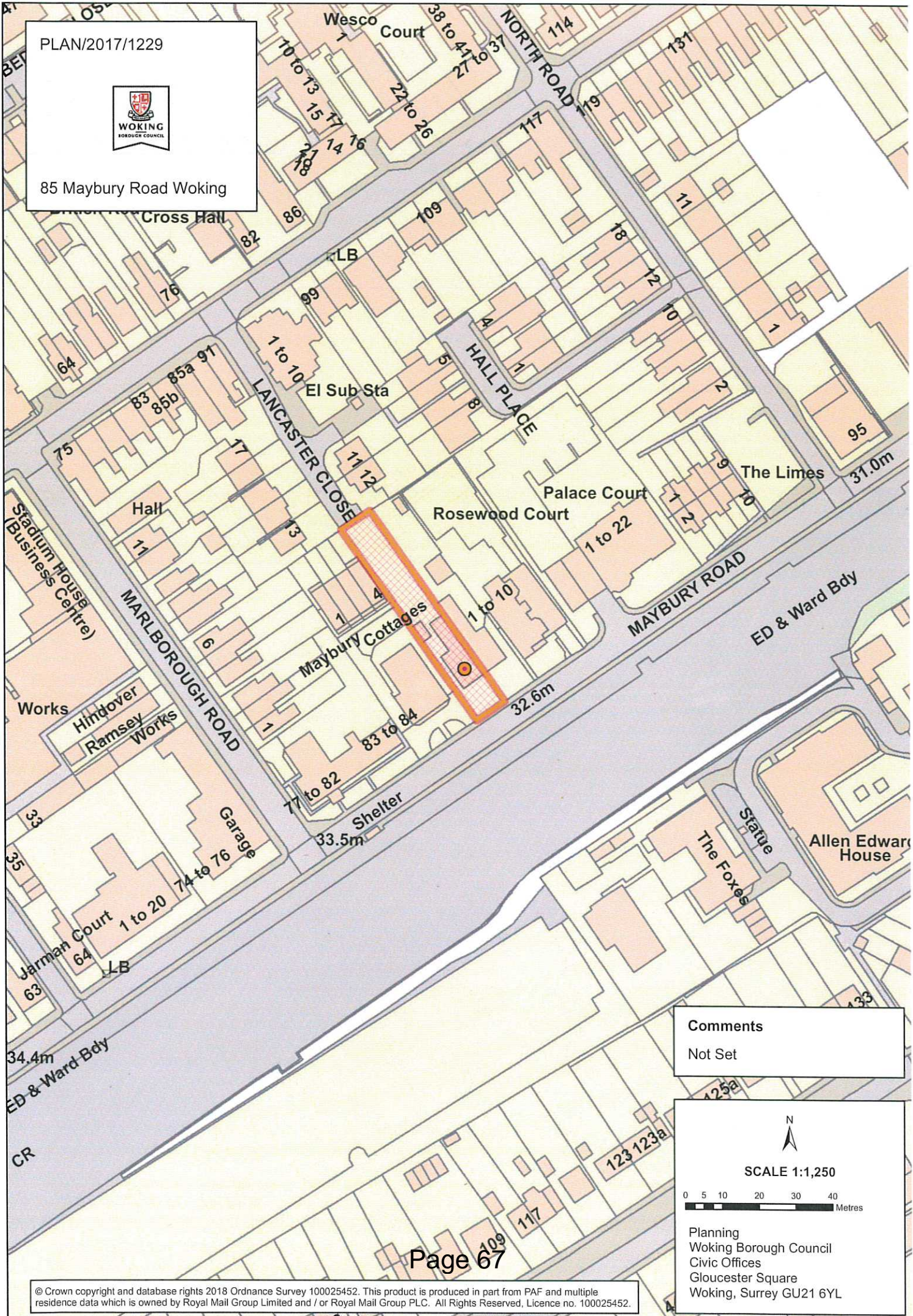




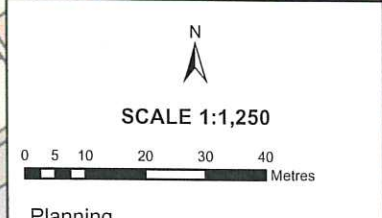
PLAN/2017/1229



85 Maybury Road Woking



Comments  
Not Set



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



## 5<sup>th</sup> June 2018 PLANNING COMMITTEE

5d 17/1229 Reg'd: 28.11.17 Expires: 23.01.18 Ward: C  
Nei. 26.12.17 BVPI 13 (Dwellings) Number On  
Con. Target Target? N  
Exp: of Weeks  
on Cttee'  
Day:

**LOCATION:** 85 Maybury Road, Woking, GU21 5JH

**PROPOSAL:** Proposed erection of single storey rear extension to create 5No flats (1No two bed unit and 4No 1 bed units)

**TYPE:** Full Application

**APPLICANT:** Mr Ali

**OFFICER:** Komal Gorasia

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### **REASON FOR REFERRAL TO COMMITTEE**

The application is for the subdivision of an existing dwelling to create five dwellings and is therefore outside the Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The application seeks planning permission for the erection of a single storey rear extension and the conversion of the dwelling into 5no flats comprising 1x 2bed unit and 4x 1bed units

### **PLANNING STATUS**

- Urban Area
- Priority Place
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- High Density Residential Area
- High Accessibility Zone
- Adjacent to Neighbourhood Centre

### **RECOMMENDATION**

**GRANT** planning permission subject to a legal agreement and recommended conditions.

### **SITE DESCRIPTION**

No.85 Maybury Road is part of a pair of two storey semi-detached dwellings. The properties are finished in render and brick beneath a tiled roof and the host property benefits from a roof extension comprising of a rear and side dormer window (the side dormer being on the two storey rear outrigger). The frontage of the dwelling is laid to hardstanding. The rear amenity space is laid to a combination of hardstanding and lawn. The properties are situated within the designated Urban Area, Priority Place, High Accessibility Zone and High Density Residential Area within close proximity to Woking Town Centre.

The host property is not listed and does not fall within a designated conservation area. There exist no outstanding conditions on the application site which might limit development.

**RELEVANT PLANNING HISTORY**

PLAN/1987/0733 - Continued use of premises as offices (previous use as residential) for a temporary period until 1.10.88 – subject to Legal agreement

PLAN/1990/0300 - Conversion of existing property to 2,two bedroom units and 1,one bedroom flat with six parking spaces. – Refused

PLAN/1993/0132 - Use of single dwellinghouse as bedsit accommodation. – Refused

PLAN/2007/0350 - Conversion of roof space into a 2-bed flat. – Withdrawn

PLAN/2006/0425 - Conversion of existing two storey dwelling to a shop and self contained flat on ground floor, 1 x one bed flat and 1 x two bed flat on first floor. (3 flats in total). – Permitted

PLAN/2016/0991 - Proposed conversion of existing two storey dwelling into 1x 1 bedroom flats and 4x 2 bedroom flat. Proposed erection of a two storey side extension. – Refused dated 31.10.2016 for the following reasons:

1. *The proposed 4No. 2 bedroom flats fail to meet the definition of family accommodation, and would not be suitable for family accommodation due to their restricted gross internal floor area. The proposal would therefore result in an overall loss of an existing family home contrary to Policy DM11 of the Development Management Policies DPD and Policy CS11 of the Woking Core Strategy 2012.*
2. *By reason of the design of the first floor rear windows these would fail to respect and make a positive contribution to the character of dwelling and the area in which it would be situated. Additionally the windows would appear incongruous and contrived on the dwelling and within the street scene of Lancaster Close. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD, section 7 of the National Planning Policy Framework (2012) and Supplementary Planning Document 'Design (2015)'.*
3. *By reason of the restricted gross internal floor areas of flats 2-5, the siting of single aspect ground floor level habitable room windows in relation to proposed frontage car parking (Flat 1) and rear communal amenity space (Flat 2), and the room depths of the living areas serving Flat 1 and Flat 3, the poor outlook to Flat 1 and Flat 3, the internal configuration of Flat 2 and Flat 4 living areas receiving inadequate light, the lack of outlook of Flat 3, Flat 4 and Flat 5 and lack of light to Flat 1 and Flat 3 bedrooms, the proposal would fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers contrary to Policy DM11 of the Development Management Policies DPD, Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)' and the core principles of the National Planning Policy Framework 2012.*
4. *By reason of the loss of outlook to No.83-84 the Maybury Lodge bedroom 10, the proposal would form an unneighbourly form of development detrimental to neighbouring amenities and would be contrary to Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)' and the core principles of the National Planning Policy Framework 2012.*

## 5<sup>th</sup> June 2018 PLANNING COMMITTEE

5. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwellings would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009), the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations") and Policy DM11 of the Development Management Policies DPD.*

PLAN/2016/1458 - Certificate of Proposed Lawful Development for a hip-to-gable roof extension, side and rear dormer windows and front and rear rooflights – Refused 02.03.2017

PLAN/2017/0274 - Certificate of Proposed Lawful Development for side and rear dormer window extensions, front and rear rooflights and single storey rear extension – Permitted 11.05.2017

### **PROPOSED DEVELOPMENT**

The application seeks planning permission for the erection of a single storey rear extension and the conversion of the dwelling into 5no flats comprising 1x 2bed unit and 4x 1bed units

The proposed units would be laid out as follows:

	<b>Location</b>	<b>Occupancy</b>	<b>Bedroom GIA</b>	<b>Total GIA</b>
Flat 1	Ground floor	1bed 1person	10.8m <sup>2</sup>	49.8m <sup>2</sup>
Flat 2	Ground floor	1bed 2person	12.7m <sup>2</sup>	50.84m <sup>2</sup>
Flat 3	First floor	1bed 1person	10.8m <sup>2</sup>	52.7m <sup>2</sup>
Flat 4	First and second floor	2bed 3person	Bedroom 1: 10.24m <sup>2</sup> Bedroom 2: 12.8m <sup>2</sup>	68.9m <sup>2</sup>
Flat 5	Second floor	1person studio	8.7m <sup>2</sup>	41.46m <sup>2</sup> (excl. Floorspace located at less than 1.5m height)

It should be noted that this application follows a previous refusal at the site (ref: PLAN/2016/0991) and a subsequent pre-application meeting which resulted in a successful Certificate of Lawful Development for roof extensions (ref: PLAN/2017/0274) which has since been built on site. In addition to this, it is important to note at this stage that the current proposal does not include the two storey side extension as proposed under the previous unsuccessful application.

This application seeks to address the previous points of refusal.

### **CONSULTATIONS**

None

### **REPRESENTATIONS**

None received

**RELEVANT PLANNING POLICIES**

National Planning Policy Framework 2012 (NPPF)

Section 4 - Promoting sustainable transport  
Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring good design  
Section 11 - Conserving and enhancing the natural environment

South East Plan 2009

Saved Policy NRM6 – Thames Basin Heaths Special Protection Area

Woking Core Strategy 2012

CS1 - A spatial strategy for Woking Borough  
CS5 - Priority Places  
CS8 - Thames Basin Heaths Special Protection Areas  
CS10 - Housing provision and distribution  
CS11 - Housing mix  
CS12 - Affordable housing  
CS18 - Transport and accessibility  
CS21 - Design  
CS24 - Woking's landscape and townscape  
CS25 - Presumption in favour of sustainable development

Development Management (DM) Policies DPD 2016

DM11 – Sub-divisions, specialist housing, conversions and loss of housing

Supplementary Planning Documents (SPD)

Parking Standards 2018  
Outlook, Amenity, Privacy and Daylight 2008  
Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015  
Affordable Housing Delivery 2014  
Design February 2015  
Waste and recycling provisions for new residential developments

Other Material Considerations

National Planning Practice Guidance (NPPG)

**PLANNING ISSUES**

1. The main planning issues to consider in the determination of this application are, the principle of development, visual impact of the proposed development on the locality including impact on neighbouring amenity, highways and parking, Thames Basin Heaths Special Protection Area (TBHSPA), affordable housing and local finance considerations.

Principle of development



2. The National Planning Policy Framework (2012) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development. The application site is within a sustainable location within the defined Urban Area and within the 400m-5km (Zone B) threshold of the Thames Basin Heaths Special Protection Area, where the impact of new residential development can be mitigated. The application site is within a designated Priority Place and High Density Residential Area.
3. Policy DM11 (Sub-divisions, Specialist Housing, Conversions and Loss of Housing) of the Development Management Policies (DPD) states that:

*proposals for...the sub-division of existing dwellings of an appropriate size to two or more dwellings, including flats...will be permitted provided the following criteria are met:*

- *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 would be no detrimental impact on the visual appearance of the area or that of the building itself;*
- *any proposed alterations, extensions or additional areas of hard surfacing required to enable the conversion of the dwelling are appropriate in scale, form and extent to the site and its surroundings;*
- *maximum tree cover, mature planting, and screening is retained;*
- *boundary treatment to the street frontage of the property is retained and a sufficient area of amenity space is retained or provided;*
- *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. Car parking (including drop-off points if relevant) will not be permitted in rear gardens or in locations which might cause a nuisance to adjoining residential properties;*
- *the traffic impacts of the proposal are considered acceptable;*
- *the internal layout of the rooms within the proposed conversion will not cause undue disturbance to adjoining residential properties in the building.*
- *Appropriate contribution is made to avoid harm to the Thames Basin Heaths Special Protection Areas, as set out in Core Strategy Policy CS8, where relevant.*

*In addition to the 'General Criteria' above, the sub-division of dwellings of an appropriate size to two or more dwellings will only be permitted where:*

- *the proposal would not result in an overall loss of a family home; and*
- *each proposed dwelling has access to a suitable area of private amenity space.*

4. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)' states, in paragraph 4.5, that "*family accommodation will be taken to mean...all flats with two bedrooms of more and exceeding 65 sq.m. gross floor space*"
5. This was an issue of concern in the previous application and formed a reason for refusal as follows:

*The proposed 4No. 2 bedroom flats fail to meet the definition of family accommodation, and would not be suitable for family accommodation due to their restricted gross internal floor area. The proposal would therefore result in an overall loss of an existing family*

*home contrary to Policy DM11 of the Development Management Policies DPD and Policy CS11 of the Woking Core Strategy 2012.*

6. The current scheme proposes flat 4 as a 2 bedroom unit with a total GIA of 68.9m<sup>2</sup> and therefore would constitute 'family accommodation' as indicated above. The proposal would therefore not result in the overall loss of 'family accommodation' and addresses the previous reason for refusal in this regard.

Design and impact upon the character of the area

7. One of the core principles of the NPPF is to seek to secure high quality design. Furthermore Policy CS21 of the Woking Core Strategy 2012 states that buildings should respect and make a positive contribution to the street scene and the character of the area paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
8. The Supplementary Planning Document 'Woking Design (2015)' states 'significant extensions to the street façade will usually be resisted where there is a well established building line, extensions should not result in unbalanced or disproportionate frontages. The additional mass should respect the existing building proportion, symmetry and balance.'
9. This area of Woking has been developed and re-developed over the years since the arrival of the railway. Large areas of the original Late Victorian/Edwardian development have been retained but there has been piecemeal redevelopment of plots and conversion to other uses. The character of this dwelling has been maintained with the windows and detailing remaining.
10. The second reason for refusal under the previous application was as follows:  
  
*By reason of the design of the first floor rear windows these would fail to respect and make a positive contribution to the character of dwelling and the area in which it would be situated. Additionally the windows would appear incongruous and contrived on the dwelling and within the street scene of Lancaster Close. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD, section 7 of the National Planning Policy Framework (2012) and Supplementary Planning Document 'Design (2015)'.*
11. The officer noted the following in their delegated report: "*The proposal would have uncharacteristic rear windows which are not in keeping with the host dwelling. The windows would be at eaves height level and appear to merge with the roof lights. This appears incongruous and contrived and does not relate to the dwelling or the surrounding area. Although to the rear, the windows would not impact the street scene of Maybury Road, however, there will be views from Lancaster Close.*"
12. The current proposal has removed the windows as previously proposed with a replacement with windows which are of similar size and style to the existing dwelling. This amendment is deemed to adequately address the previous reason for refusal as shown above.
13. The application includes a proposal for a single storey rear extension; the extension is minimal in size and located to the rear of the property. It would not extend beyond the extension at the attached neighbouring property (No. 86) and is considered to form a subordinate and proportionate addition to the existing building. There are a number of

examples of similar extensions at properties within the immediate vicinity of the application site. For the reasons highlighted, this element of the proposal is deemed to have an acceptable level of impact on the character and appearance of the host dwelling and surrounding area.

Impact upon neighbouring amenity

14. Policy CS21 (Design) 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. Policy CS21 is enhanced by Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)'.
15. The main adjoining properties affected by the proposal are No.86 Maybury Road to the side (east) and No.83-84 Maybury Road and 1-4 Maybury Cottages to the side (west). The impact upon these adjoining properties will be addressed in turn:

*No.86:*

16. No.86 adjoins the application site to the side (east) and is a two storey dwelling with a single storey rear extension. The proposed extension is not considered to impact this property in terms of overbearing, loss of light, outlook and privacy given that it would not extend further beyond the ground floor rear wall of this neighbouring property. There are no windows facing this property. The change of use into flats is not considered to impact this neighbour.

*No.83-84 and 1-4 Maybury cottages:*

17. No.83-84 is a lodge and has side facing windows and dormers. Two windows serve the ensuite and the other four at first floor level serve bedrooms. The 25 degree test was applied to the windows facing the extension and passed.
18. The existing side windows in No.85 will be increased in size; this is not considered to cause significant further overlooking over and above the existing situation. The existing side dormer is not considered to be impacted by the proposal.
19. 1-4 Maybury Cottages are approximately 10m away and are not considered to be impacted by the proposal. Overall, the impact on these neighbouring properties in terms of overlooking, light, outlook and overbearing impact is considered acceptable.

*Properties to the rear*

20. To the rear of the site is Lancaster Close and the proposal would remain situated approximately 30m from the common (rear) boundary. In terms of privacy the proposal would result in second floor rear-facing windows. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)' identifies a recommended minimum separation distance for achieving privacy, for three storey rear elevation-to-boundary relationships, of 15.0m. The proposal exceeds this recommended separation distance and is therefore not considered to cause a significantly harmful loss of privacy or overlooking to Lancaster Close.

Residential amenities of future occupiers

21. One of the Core planning principles set out within paragraph 17 of the NPPF is to “*secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.
22. Policy DM11 of the Development Management Policies DPD (DMP DPD) states that “*proposals for...the sub-division of existing dwellings of an appropriate size to two or more dwellings, including flats...will be permitted provided the following criteria are met...a good quality of accommodation is provided by meeting any relevant housing standards*”. Footnote 9 states “*for example, standards set in other Development Plan policies, and national planning policy, such as the nationally described space standard*”.
23. The Technical Housing Standards - Nationally Described Space Standard (March 2015) identifies a minimum gross internal floor area (GIA m<sup>2</sup>), for 1 bedroom, 1 person, 1 storey dwellings, measuring 37m<sup>2</sup> (stating that, where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>). It also identifies 1 bedroom 2 person, 1 storey dwellings should measure a minimum GIA of 50m<sup>2</sup> and a 2 bedroom 3 person, 1 storey dwelling should have a minimum GIA of 61m<sup>2</sup>.
24. Supplementary Planning Document ‘Outlook, Amenity, Privacy and Daylight (2008)’ states, in paragraph 3.5, that “*outlook from a principal window may also become adversely affected where a dwelling is sited in close proximity to an incongruous feature...it may be unacceptable to site grouped areas of residential parking immediately in front of a dwelling’s principal elevation without the inclusion of a landscaped margin to provide a visual buffer. This would be particularly important in the case of principal windows to single aspect dwellings*”. It goes on to state in paragraph 6.5, that “*building depth will always be a factor in achieving good interior lighting. Rooms over 5m deep will always be difficult to light adequately from a single elevation*”.
25. Taking the above into consideration, reason for refusal 3 under the previous application found this to be an area of concern:

*By reason of the restricted gross internal floor areas of flats 2-5, the siting of single aspect ground floor level habitable room windows in relation to proposed frontage car parking (Flat 1) and rear communal amenity space (Flat 2), and the room depths of the living areas serving Flat 1 and Flat 3, the poor outlook to Flat 1 and Flat 3, the internal configuration of Flat 2 and Flat 4 living areas receiving inadequate light, the lack of outlook of Flat 3, Flat 4 and Flat 5 and lack of light to Flat 1 and Flat 3 bedrooms, the proposal would fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers contrary to Policy DM11 of the Development Management Policies DPD, Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Documents ‘Outlook, Amenity, Privacy and Daylight (2008)’ and ‘Design (2015)’ and the core principles of the National Planning Policy Framework 2012.*

26. Furthermore, reason for refusal 4 under the previous application elaborating on the need for sufficient outlook from habitable rooms:

*By reason of the loss of outlook to No.83-84 the Maybury Lodge bedroom 10, the proposal would form an unneighbourly form of development detrimental to neighbouring amenities and would be contrary to Policy CS21 of the Woking Core*

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*Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)' and the core principles of the National Planning Policy Framework 2012.*

27. The current application has completely omitted the two storey side extension from this proposal, thus mitigating any adverse impact in regards to windows being in close proximity to neighbouring dwellings.
28. The applicant has also amended the internal layouts of the flats and proposed additional windows to allow for sufficient outlook. Furthermore, a visual buffer by way of planting has been proposed at the front of the parking area so the living area for flat 1 does not face onto parked cars.
29. Most importantly, the internal reconfiguration has allowed for each flat to now meet and adequately exceed the minimum GIAs as stated within the Technical Housing Standards and thus will provide sufficient internal amenity for future occupiers.
30. For the reasons highlighted above, it is considered that the scheme as proposed under the current application fully addresses the previous reason for refusal in regards to amenities for future occupiers.

### Highways and car parking implications

31. The proposal would provide 1No. 2 bedroom unit, and 4No. 1 bedroom units. Supplementary Planning Document 'Parking Standards (2018)' requires 1 bedroom flats to have a parking space of 0.5 and a 2 bedroom flat to have 1 parking space.
32. The submitted block plan indicates 3 car parking spaces to the front of the proposal in compliance with the requirements within the Parking Standards SPD (2018). It should be noted that there is sufficient space within the curtilage of the site for bin and cycle storage.

### Affordable Housing

33. Policy CS12 of the Core Strategy states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.
34. However, following the Court of Appeal's judgment of 11<sup>th</sup> May 2016 (*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*), wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31<sup>st</sup> July 2015 (*West Berkshire district Council and Reading Borough Council v Department for Communities and Local Government [2015] EWHC 2222 (Admin)*), it is acknowledged that the policies within the Written Ministerial Statement of 28th November 2014, as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must once again be treated as a material consideration in development management decisions.

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35. Additionally the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal judgment dated 13<sup>th</sup> May 2016, which again gives legal effect to the policy set out in the Written Ministerial Statement of 28<sup>th</sup> November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
36. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28<sup>th</sup> November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). As the proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

### Thames Basin Heaths Special Protection Area (TBH SPA)

37. The application site falls within the 400m - 5km (Zone B) of the Thames Basin Heath Special Protection Area (TBH SPA) buffer zone. The Thames Basin Heath Special Protection Area (SPA) is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitats Regulations). The Habitats Regulations designate the Local Planning Authority as the Competent Authority for assessing the impact of development on European sites and the LPA must ascertain that development proposals will not have an adverse effect on the integrity of the site, alone or in combination with other plans and projects, either directly or indirectly, before granting planning permission. The TBH SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species: Dartford Warbler, Woodlark and Nightjars. The Conservation Objectives of the TBH SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive.
38. Policy CS8 of the Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres, of the SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
39. The Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. The applicant is required to submit a Legal Agreement to secure the relevant SAMM contribution of **£2,036.00** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy. The TBH SPA Avoidance Strategy tariff (April 2018 update) is set at a SAMM contribution of £503 per studio or 1 bedroom unit and £682 per 2 bedroom unit.
40. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the TBHSPA and therefore accords with Policy NRM6 of the South East Plan, Policy CS8 of the Core Strategy 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy.

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41. The previous application included the lack of a legal agreement as a reason for refusal (reason 5) as follows:

*In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwellings would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009), the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations") and Policy DM11 of the Development Management Policies DPD.*

In this instance, the application is being recommended for an approval and therefore a legal agreement in line with the above can be sought pending an approval.

### Other matters

42. Policy CS22 relating to sustainable construction does not explicitly state that it relates to conversions of existing buildings. In this case there is limited extension and alteration to the building to facilitate its use as 5no. dwellings. Therefore it is not considered reasonable or necessary to impose any conditions relating to sustainable construction.

### LOCAL FINANCE CONSIDERATIONS

43. The proposed increase in residential floor area does not exceed 100m<sup>2</sup> and is consequently not CIL liable.

### CONCLUSION

44. Considering the points discussed above, the proposal is considered an acceptable form of development which would have an acceptable impact on the amenities of neighbours and on the character of the area. Subject to a Legal Agreement, the proposal is considered to have an acceptable impact on the Thames Basin Heath SPA. The proposal therefore accords with the Development Plan and is thus recommended for approval subject to conditions and a Legal Agreement.

### BACKGROUND PAPERS

1. Site photographs
2. Planning application PLAN/2016/0991 dated 31.10.2016

### PLANNING OBLIGATIONS

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	<b>£2,036.00</b> SAMM (SPA) contribution.	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths Special Protection Area (SPA) Avoidance Strategy.

**RECOMMENDATION**

It is recommended that planning permission be **Granted** subject to:

(i) the prior completion of a S106 Legal Agreement to secure the required SAMM (TBHSPA) contribution; and

(ii) the following planning conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans numbered/titled:

Location Plan  
1705/PL/01 Existing Drawings  
1705/PL/02 Proposed Drawings  
1705/PL/03 Proposed & Existing Block Plans

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

3. The external finishes of the development hereby permitted shall match those used in the existing dwelling in material, colour, style, bonding and texture.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. Prior to the first occupation of the development hereby approved, details of any changes to boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

5. Prior to the first occupation of the development hereby approved, details of secure cycle storage for a minimum of four bicycles shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained and made available for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in accordance with the principles set out in paragraph 17 of the National Planning Policy Framework 2012 and Policy CS18 of the Woking Core Strategy 2012.



## 5<sup>th</sup> June 2018 PLANNING COMMITTEE

6. Prior to the first occupation of the development hereby approved, details of the proposed waste and recycling storage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development and maintained and made available thereafter for use at all times.

Reason: In the interests of amenity and to ensure the appropriate provision of infrastructure in accordance with Policies CS16 and CS21 of the Woking Core Strategy 2012.

7. Prior to the first occupation of the development hereby approved, space shall be laid out within the site for vehicles to be parked in accordance with the approved plans. Thereafter the parking areas shall be permanently retained and maintained for their designated purposes.

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

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no window, dormer window, rooflight, door or other additional openings, other than those expressly authorised by this permission, shall be formed in the east-facing side elevation of the development hereby approved without planning permission being first obtained from the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

9. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Classes A, B, D, E and F of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, building or structure shall be erected in the curtilage of the dwelling hereby approved, other than those expressly authorised by this permission, without planning permission being first obtained from the Local Planning Authority.

Reason: The local planning authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

10. ++ The development hereby permitted shall not commence until details of the measures to be undertaken to upgrade the acoustic performance of the party ceilings/floors and walls have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To protect the environment and amenities of the occupants of neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

11. Prior to the first occupation of the dwelling hereby approved, a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted, details of materials for areas of hardstanding and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the

approved details unless otherwise first agreed in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance the character and appearance of the locality in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012.

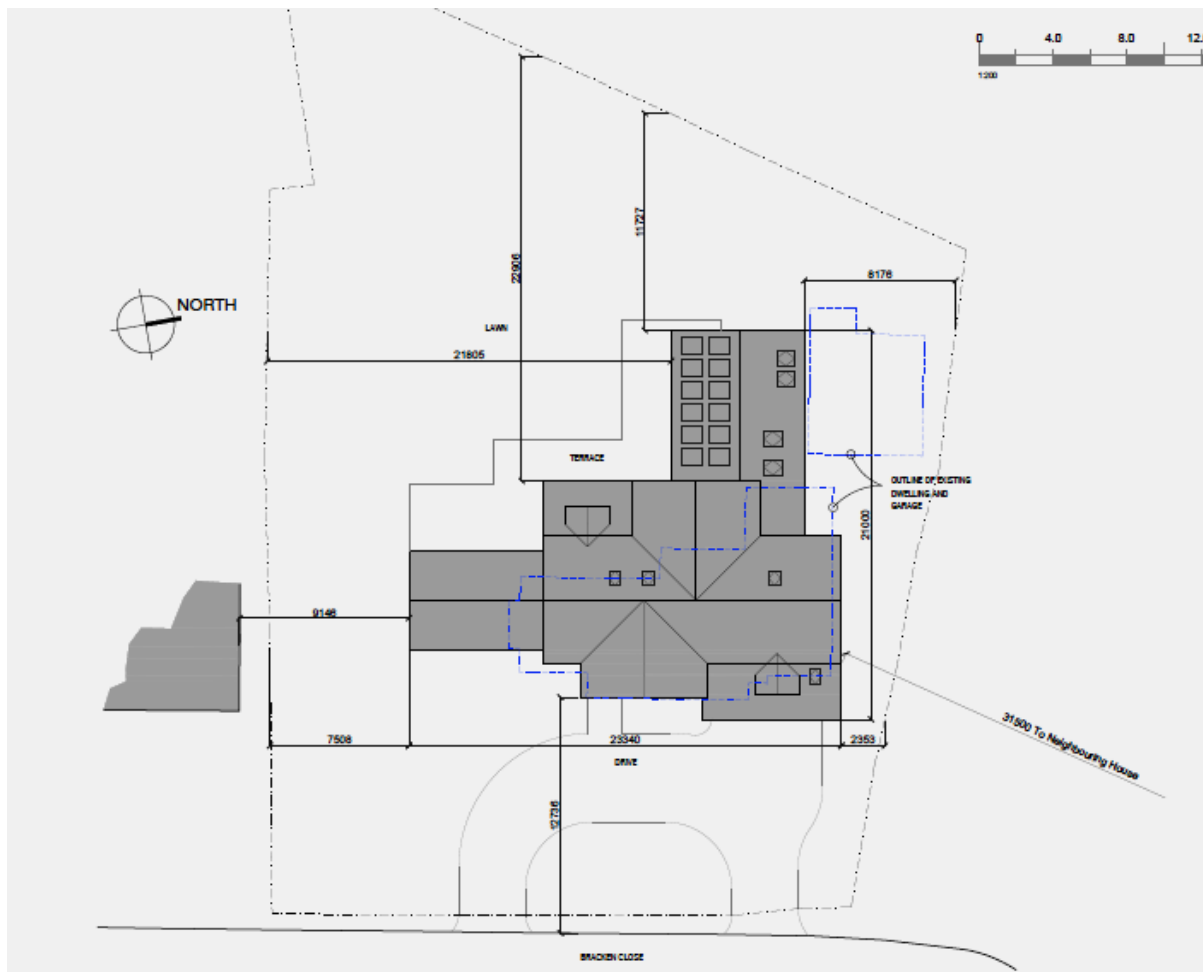
**Informatives**

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 of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The applicants attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

# Arden, Bracken Close, Woking

## PLAN/2017/1452

Erection of a new detached dwelling following the demolition of the existing dwelling

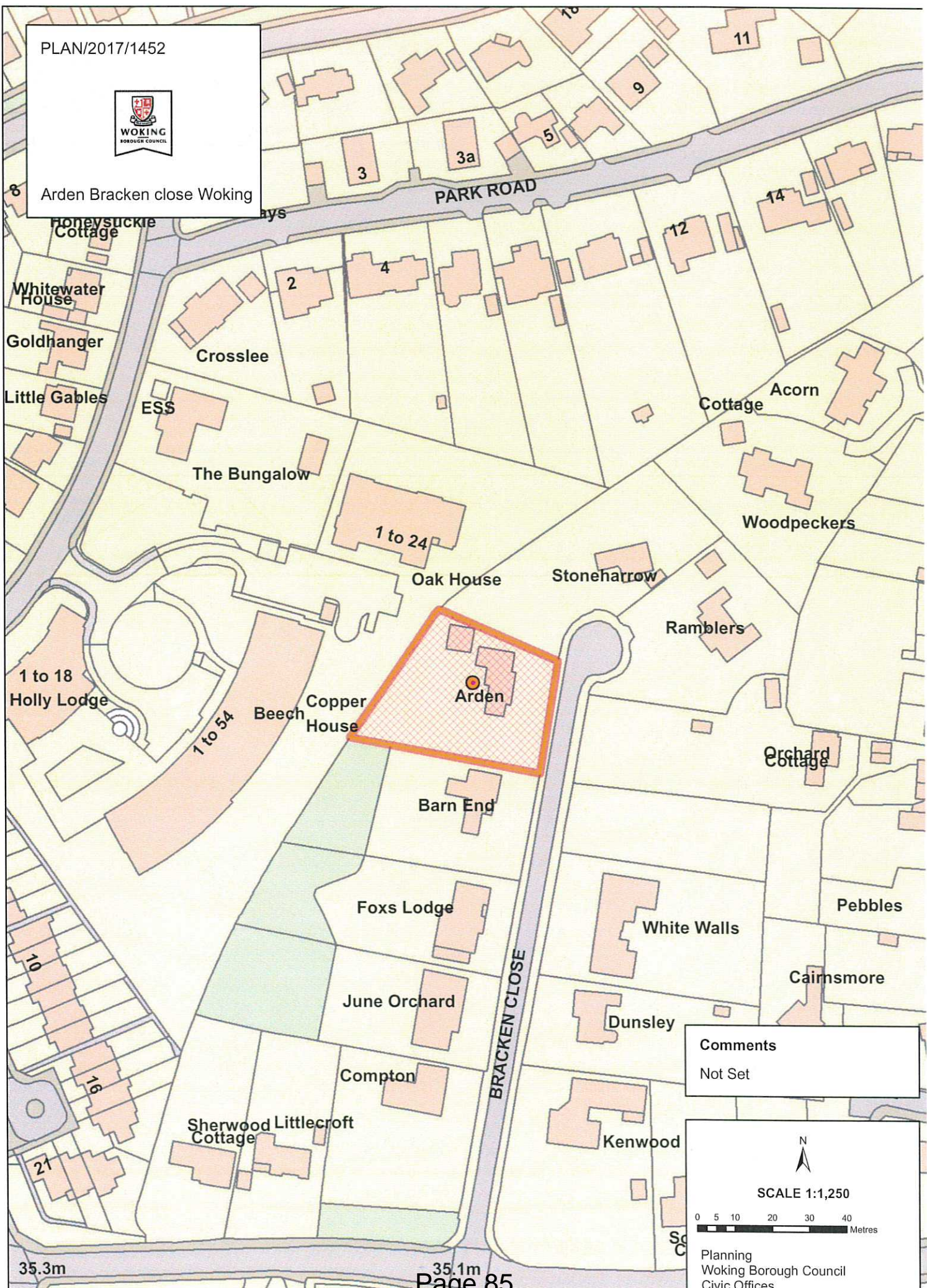




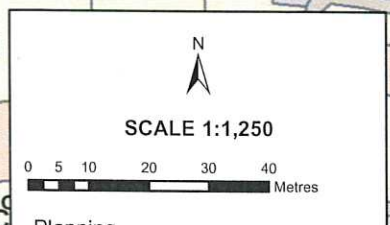
PLAN/2017/1452



Arden Bracken close Woking



Comments  
Not Set



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

35.3m

35.1m



## 5<sup>th</sup> June 2018 PLANNING COMMITTEE

5e 17/1452 Reg'd: 17.01.18 Expires: 14.03.18 Ward: MH  
Nei. 06.02.18 BVPI Minor Number On No  
Con. Target dwellings - 13 of Weeks Target? No  
Exp: on Cttee'  
Day:

**LOCATION:** Arden, Bracken Close, Woking, Surrey, GU22 7HD

**PROPOSAL:** Erection of a new detached dwelling following the demolition of the existing dwelling

**TYPE:** Full Planning Application

**APPLICANT:** Mr Nick Temple

**OFFICER:** Komal Gorasia

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### **REASON FOR REFERRAL TO COMMITTEE**

The proposal includes the creation of a new dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **PROPOSED DEVELOPMENT**

Demolition of existing two storey dwelling and erection of 4no bedroom detached dwelling with an integral double garage.

Site Area: 1547 m<sup>2</sup>  
Existing units: 1  
Proposed units: 1

Existing dwelling GIA 208.6 m<sup>2</sup>  
Proposed dwelling GIA 352.9 m<sup>2</sup> (incl. 42.5 m<sup>2</sup> double garage)

#### Proposed dwelling:

Footprint: 240.7 m<sup>2</sup>  
Total Width: 23.34 m  
Total Depth: 21.34 m  
Maximum height: 9.27 m (to main ridge)

### **PLANNING STATUS**

- Urban Area
- Tree Preservation Order
- Thames Basin Heaths SPA ZoneB (400m-5km)

### **RECOMMENDATION**

Grant planning permission subject to conditions.

### **SITE DESCRIPTION**

The application site comprises of a two storey detached dwelling ('Arden') which appears to date from the 1950's and is built in a traditional style. Arden lies on Bracken Close, a private residential cul-de-sac serving 11 detached dwellings (including the application site) all set on spacious plots of land with mature vegetation separating the properties. Bracken Close falls within the Mount Hermon ward of the borough.

The application site shares adjoining side boundaries with 'Barn End' to the south and 'Stoneharrow' to the north.

There is no clear consistent architectural character to the buildings and thus there is limited uniformity to the road and no clear spatial pattern of development. Consistency is maintained however in the large distances between properties and general siting of buildings from the road.

Arden is not listed and does not fall within a designated conservation area. There exist no outstanding conditions on the application site which might limit development. There are however a number of trees protected by Tree Preservation Orders within the curtilage of the site.

### **PLANNING HISTORY**

There is no relevant planning history to this site.

### **CONSULTATIONS**

Arboricultural Officer: No objection subject full compliance with submitted Arboricultural Planning Report and pre-commencement meeting.

### **REPRESENTATIONS**

None

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2012):

- Section 4 - Promoting sustainable transport
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring good design
- Section 10 - Meeting the challenge of climate change, flooding and coastal change
- Section 11 - Conserving and enhancing the natural environment

#### Woking Core Strategy (2012):

- CS1 - A Spatial strategy for Woking Borough
- CS7 - Biodiversity and nature conservation
- CS8 - Thames Basin Heaths Special Protection Areas
- CS10 - Housing provision and distribution
- CS11 - Housing Mix
- CS12 - Affordable housing



CS18 - Transport and accessibility  
CS20 - Heritage and Conservation  
CS21 - Design  
CS22 - Sustainable construction  
CS24 - Woking's landscape and townscape  
CS25 - Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):

DM2 - Trees and Landscaping  
DM10 - Development on Garden Land  
DM20 - Heritage Assets and their settings

Supplementary Planning Documents (SPDs):

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

Supplementary Planning Guidance (SPG):

Plot Sub-Division: 'Infilling' and 'Backland' Development (2000)

**PLANNING ISSUES**

Principle of Development:

1. The National Planning Policy Framework (2012) and Core Strategy (2012) policy CS25 promote a presumption in favour of sustainable development. The site lies within the designated Urban Area and within the 400m-5km (Zone B) Thames Basin Heaths Special Protection Area (SPA) buffer zone. The development of previous garden land for additional dwellings can be acceptable provided that the proposal respects the overall grain and character of development in the area. Core Strategy (2012) policy CS10 seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place. The principle of a replacement residential development is considered acceptable subject to further material planning considerations, specific development plan policies and national planning policy and guidance as discussed below.

Impact on Character:

2. The proposal is for the erection of a two storey replacement dwelling with an integral double garage, following demolition of the existing dwelling. The current dwelling on site is not locally listed or in a conservation area. The demolition of the existing dwelling is therefore considered acceptable in principle subject to the design quality of the proposed replacement dwelling and its impact on the character of the area.
3. The surrounding area is characterised by detached properties on generous sized plots with large distances between the buildings. The proposed building would maintain a distance of approximately 9.15m to the building at Barn End (to the south) and approximately 31.5m to the building at Stoneharrow (to the north).

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4. Bracken Close comprises of two storey dwellings, a number of which have been previously extended or rebuilt. There is therefore a mix of roof styles and heights along the road. In this instance, the proposed building would be taller than the neighbouring property to the south at Barn End, however this in itself does not appear to result in a visually harmful relationship in terms of building heights given the varied building heights along the road and is thus not considered to result in an incongruous dwelling within the streetscene.
5. The location of any new dwelling would need to reflect the spatial pattern of development in the surrounding area and immediate vicinity. In this case, there is no clear spatial pattern but there is a general uniformity with front building lines. The proposed building would be sited marginally forward than the current building on site, however the minimal forward projection is not deemed significant so as to cause a disruption with the general uniformity of building lines on this side of Bracken Close.
6. The front elevation of the proposed dwelling features the main architectural features of the dwelling and is considered to positively contribute to the local distinctiveness of the area and the quality of the streetscene. It is acknowledged that Bracken Close is characterised by dwellings built in a rather traditional style whereas the proposed replacement dwelling would have a contemporary appearance due to the use of render and slate roof tiles as the proposed material finishes, however the dwelling would have a traditional overall form and officers do not regard the use of contemporary materials as having an unacceptable impact on the character of the area due to the low density, informal nature of Bracken Close and the individually designed dwellings which characterise it.
7. The success of the building will depend on the quality of the materials to be used. The proposed dwelling would have a traditional design with a pitched roof. As discussed previously and above, the absence of consistency on the road would not detract from its positive contribution when considered as a group value with the surrounding buildings. Bearing this in mind, it is important that the quality of materials reflects the architectural vernacular and contributes to its success and preserves the streetscene. The applicant has provided a schedule of materials with the application and the LPA is satisfied the materials are of an adequate and sufficient quality ensuring the building would harmonise with its context and neighbouring properties.
8. For the reasons highlighted above, it is considered that the proposed development is consistent with the grain and pattern of development in the surrounding area, respecting the character and appearance of the surrounding area and resulting in a visually acceptable structure within its setting. The principle of the development is therefore deemed acceptable and in compliance with Core Strategy (2012) policies CS20, CS21, CS24 and CS25, Woking DPD (2016) policies DM2 and DM9, Supplementary Planning Document 'Woking Design' (2015) and the National Planning Policy Framework (2012).

### Impact on Neighbours:

9. The proposed dwelling would maintain a distance of 7.5m to the southern boundary shared with Barn End and would maintain a distance of 2.35m (at the closest point) to the northern boundary shared with Stoneharrow. These separation distances comply with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' SPD (2008) for two storey development (1m for side to boundary relationships). Due to the separation distances involved, the proposed building would be clear of a 25 degree line measured from the closest habitable windows on both neighbouring properties; it is therefore considered the proposed dwelling would not

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have an overbearing or loss of daylight impact on either neighbouring property. It should be noted that the applicant proposed to retain the current boundary hedging and thus it is not considered necessary to attach a condition in regards to proposed boundary treatments.

10. The proposal includes a side facing windows at first floor level to the north elevation. For the protection of neighbouring and future occupier privacy, it is recommended a condition be attached restricting the north facing window to be obscure glazed and restricting the insertion of any new windows to either side elevation without the prior written consent of the LPA.
11. Overall the proposed development is considered to have an acceptable impact on neighbours in terms of loss of light, overlooking and overbearing impacts.

### Standard of Accommodation:

12. The proposed dwelling is considered to achieve an acceptable size and standard of accommodation with good quality outlook to habitable rooms. The National Technical Housing Standards (2015) requires a 4 bedroom dwelling across 2 floors to have a minimum Gross Internal Area (GIA) of between 97m<sup>2</sup>-124m<sup>2</sup>; the proposed development exceeds this with a proposed GIA of 352.9m<sup>2</sup>. The amenity space is approximately double the footprint of the proposed dwelling. Overall the proposal is considered to offer an acceptable level of amenity for family dwellings and future occupiers.

### Impact on Trees:

13. There are mature trees to the front and side of the property and the trees on the northern boundary are protected by a Tree Preservation Order. Policy DM2 of DM Policies DPD (2016) states that *'Trees, hedgerows and other vegetation of amenity and/or environmental significance or which form part of the intrinsic character of an area must be considered holistically as part of the landscaping treatment of new development'*. The applicant has submitted an Arboricultural Report which details how trees would be protected during construction and the Council's Arboricultural Officer considers the information acceptable in principle providing a pre-commencement meeting takes place as part of the development process. A condition has been recommended which should be attached to the decision.

### Flood Risk:

14. The proposal site is not within a Flood Zone or a surface water flood risk area.

### Transportation Impacts:

15. The existing dwelling is accessed via a crossover to the front of the site onto Bracken Close; the applicant proposes to retain this crossover as access for the new dwelling. The proposal is therefore not considered to impact the safety of the public highway.
16. The site is located within the High Accessibility Zone. Supplementary Planning Document 'Parking Standards' (2018) requires dwellings with 4 bedrooms to provide a total of 3no off street parking spaces. There is considered to be sufficient off-street parking proposed with the double garage being able to accommodate 2no large cars and the proposed hardstanding being able to accommodate 1no large car. The

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applicant has proposed a bin store and cycle parking inside the integral garage which is deemed acceptable.

17. Overall therefore the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with policy CS18 of the Woking Core Strategy 2012, Supplementary Planning Document 'Parking Standards' (2008) and the National Planning Policy Framework (2012).

### Sustainability

18. Following a Ministerial Written Statement to Parliament on 25 March 2015, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.
19. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4.

### Community Infrastructure Levy (CIL):

20. The proposal would be liable for Community Infrastructure Levy (CIL). The proposed additional floorspace would be 352.9m<sup>2</sup> and therefore the applicant is liable to pay a CIL Levy of approximately £44,112.50. As part of this application, the applicant has submitted a CIL Additional Information form and the Self Build Exemption form. For relief to be granted, the LPA would require the applicant to submit an Assumption of Liability form as well as a Commencement Notice prior to any works commencing.

## **CONCLUSION**

21. Considering the points discussed above, the proposal is considered an acceptable form of development which would have an acceptable impact on the amenities of neighbours, on the character of the surrounding area and on protected trees. The proposal therefore accords with Core Strategy (2012) policies CS1, CS7, CS8, CS10, CS11, CS18, CS20, CS21, CS24 and CS25, Supplementary Planning Documents 'Parking Standards' (2006), 'Outlook, Amenity, Privacy and Daylight' (2008), 'Woking Design' (2015) and 'Plot Sub-Division: Infilling and Backland Development' (2000), DPD (2016) policies DM2 and DM10 and the NPPF (2012) and is recommended for approval subject to conditions.

## **BACKGROUND PAPERS**

1. Site visit photographs
2. Consultation responses

## **RECOMMENDATION**

It is recommended that planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

- Supporting Statement by 'UrbanCurve Architecture'
- Arboricultural Survey by 'PJC Consultancy' Ref: 3703AO/17/01 dated 19<sup>th</sup> December 2017
- Arboricultural Impact Assessment & Preliminary Method Statement by 'PJC Consultancy' Ref: 3703AO/17/02 Rev 01 dated 19<sup>th</sup> December 2017
- P133-100
- P133-101 Rev A
- P133-102
- P133-103
- P133-104
- P133-105
- P133-106
- P133-107
- P133-108
- P133-109
- P133-110
- P133-111
- P133-112

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

3. The external materials to be used in the construction of the development hereby approved shall be as those specified on Drawing No. P133-111 hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. The development hereby approved shall take place in strict accordance with the Arboricultural Impact Assessment & Preliminary Method Statement by 'PJC Consultancy' Ref: 3703AO/17/02 Rev 01 dated 19<sup>th</sup> December 2017, including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself to comply with Policy CS21 of the Woking Core Strategy 2012.

5. The window in the first floor north-facing side elevation hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

## 5<sup>th</sup> June 2018 PLANNING COMMITTEE

Reason: To safeguard the amenities of the adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Classes A, B, C and D of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any orders amending or re-enacting that Order with or without modification) no extension or enlargement of the new dwelling hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no window, rooflight, door or other additional openings at first floor level or above, other than those expressly authorised by this permission, shall be formed in the north or south facing side elevations of the new dwelling hereby approved without planning permission being first obtained from the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

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

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

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

## 5<sup>th</sup> June 2018 PLANNING COMMITTEE

2. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-  
08.00 – 18.00 Monday to Friday  
08.00 – 13.00 Saturday  
and not at all on Sundays and Bank/Public Holidays.
4. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. The applicant is advised that this application is liable to make a CIL contribution. The applicant must complete and submit a Commencement (of development) Notice to the Local Planning Authority, which the Local Planning Authority must receive prior to commencement of the development.

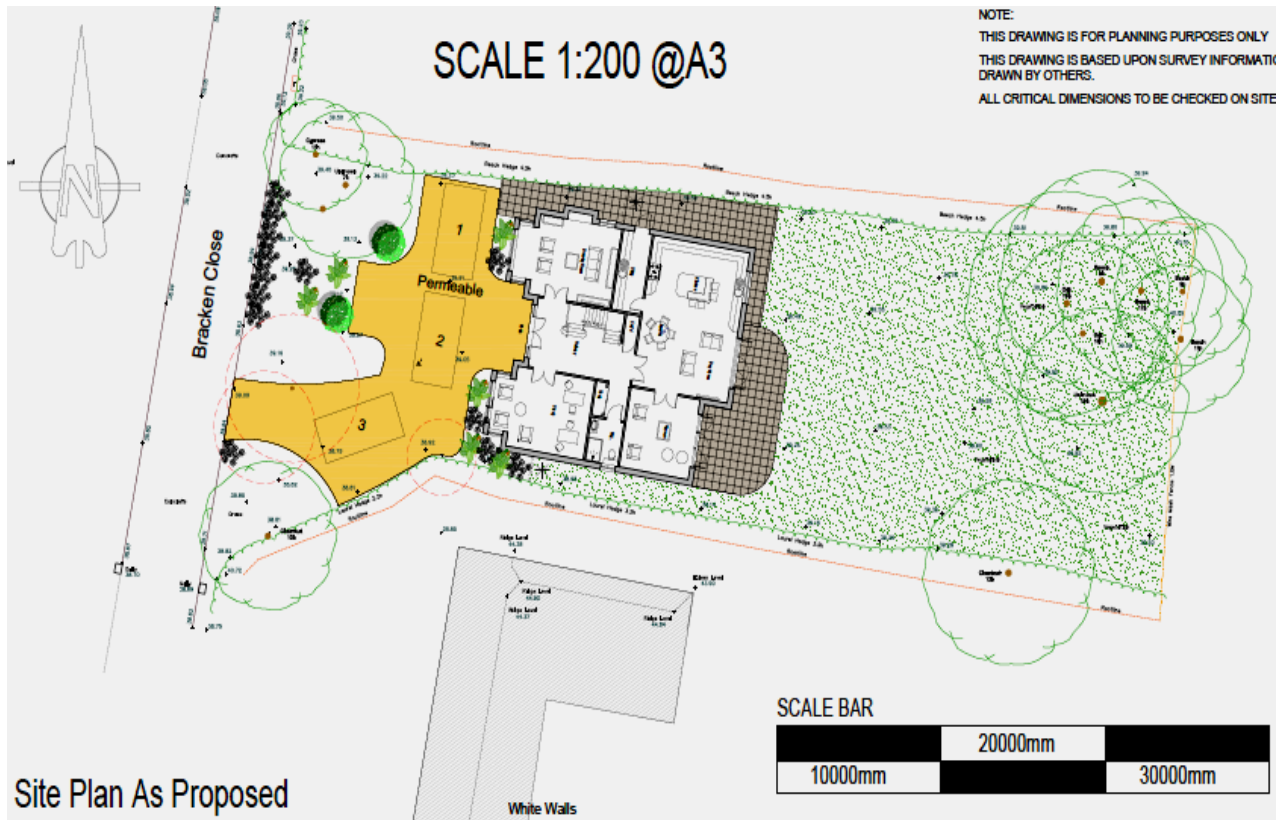




# Land Adjacent White Walls, Bracken Close, Woking

PLAN/2018/0008

Erection of a two storey 5 bedroom dwelling on land adjacent to Whitewalls (additional information).





PLAN/2018/0008



Land Adj White Walls Bracken Close Woking

PARK ROAD

Honeysuckle Cottage

Whitewater House

Goldhanger

Little Gables

ESS

The Bungalow

1 to 24

Oak House

Stoneharrow

Ramblers

1 to 18 Holly Lodge

1 to 54 Copper House Beech

Arden

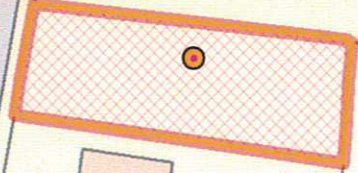
Barn End

Foxs Lodge

June Orchard

Compton

Sherwood Littlecroft Cottage



White Walls

Orchard Cottage

Pebbles

Cainsmore

Dunsley

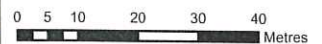
Kenwood

Comments

Not Set



SCALE 1:1,250



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

35.3m

35.1m  
Page 99



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5f 18/0008 Reg'd: 18.01.18 Expires: 06.06.18 Ward: MH  
Nei. 14.02.18 BVPI Minor Number 21 On Yes  
Con. Target dwellings -13 of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** Land Adjacent White Walls, Bracken Close, Woking, Surrey, GU22 7HD

**PROPOSAL:** Erection of a two-storey 5 bedroom dwelling on land adjacent to Whitewalls (additional information).

**TYPE:** Full Planning Application

**APPLICANT:** Mr Salvatore Piazza

**OFFICER:** William Flaherty

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### **REASON FOR REFERRAL TO COMMITTEE:**

The proposal includes the erection of 1 dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **PLANNING STATUS**

- Urban Area
- Thames Basin Heaths SPA ZoneB (400m-5km)
- Tree Preservation Order

### **RECOMMENDATION**

GRANT planning permission subject to conditions and a Section 106 Agreement to secure a Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) contribution.

### **SITE DESCRIPTION**

The application site is approximately 0.1ha in size located between White Walls to the south and Orchard Cottage to the north on the eastern side of Bracken Close. The site is currently vacant and has been sub-divided from White Walls by a mature hedgerow. The boundaries of the site are screened by mature vegetation which includes a Strawberry Tree along the front boundary facing Bracken Close which is protected by a Tree Preservation Order (TPO). The site is considered to be garden land.

The site is not situated in Fluvial Flood Zones 2 or 3 and there are no areas on site identified as being at risk of surface water flooding. The site does not concern a Listed Building and is not situated within a Conservation Area.

### **PLANNING HISTORY**

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- PLAN/2014/1274 – Erection of a 3 bed bungalow and detached garage – Permit 17/08/2016
- PLAN/2011/0605 – Erection of a 3 bedroom bungalow and detached garage with associated access – Permit 20/12/2007
- PLAN/2007/1163 – Erection of a 3 bed bungalow with a conservatory and detached garage – Permit – 19/12/2007
- PLAN/2005/0588 – Variation of Condition 1 of planning permission 2000/0226 to allow a further 5 years to commence building works for the erection of a detached single storey dwelling (amended description) – Granted – 04/07/2005
- PLAN/2005/0585 – Renewal of planning permission 1999/0555 for a detached two storey 3no bedroom dwelling with a detached double garage with vehicular access off Bracken Close – Granted – 04/07/2005
- PLAN/2000/0226 – Erection of one single storey detached dwelling – Granted – 13/06/2000
- PLAN/1999/0555 – Full planning application for a detached two storey 3 bedroom dwelling with a detached double garage with vehicular access off Bracken Close (amended plans and description) – Granted – 13/06/2000
- 0032206 – Outline permission for detached dwelling with garage – Withdrawn – 01/11/1973
- 0020137 – Detached bungalow – Granted – 01/01/1966
- 0017507 – Detached bungalow (outline) 0- Granted – 01/01/1964

### **PROPOSED DEVELOPMENT**

The proposal is for the erection of a two storey 5 bedroom dwelling with accommodation in the roof space on land adjacent to White Walls.

### **SUMMARY INFORMATION**

Site area:	0.1 ha
Number of units:	1 (1x 5 bedroom)
Number of proposed parking spaces:	3
Existing density on site:	0 dph (dwellings per hectare)
Proposed density on site:	10 dph

### **CONSULTATIONS**

**County Highway Authority:** No objection: *“The application site is accessed via Bracken Close, which is a private road and does not form part of the public highway, therefore it falls outside The County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.”*

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**Arboricultural Officer:** No objection: The amended Site Plan and Arboricultural Information are considered to be acceptable and should be complied with in full, including a pre-commencement meeting on-site as indicated. A detailed landscape plan will be required as a condition.

**Surrey Wildlife Trust:** No objection subject to planning conditions.

### **REPRESENTATIONS**

7 letters of objection have been received raising the following issues:

- The proposed dwelling would be considerably higher than adjacent properties;
- The proposal would result in loss of privacy, overbearing impact and overlooking to neighbouring dwellings;
- The front hedge should be retained in accordance with covenants along the Close;
- There is no garage in the proposal;
- The proposal would be too big for the plot and too close to the boundaries;
- Bracken Close is a leafy oasis very close to Woking with low density properties;
- A front hedge should be retained;
- There is a lack of details about the proposed building materials;
- As the site has remained vacant for so long it is a haven for Foxes, Badgers, bats, Tawny owls and Deer.
- Insufficient neighbour notification has taken place;
- The proposal represents an overdevelopment of the plot;
- Cars would be visible to the front of the proposed dwelling;

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (NPPF) (2012):

Section 6 - Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

Woking Borough Core Strategy (2012):

CS9 - Flooding and water management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS18 – Transport and Accessibility

CS21 – Design

CS22 – Sustainable Construction

CS24 – Woking's Landscape and Townscape

CS25 – Presumption in favour of sustainable development

Supplementary Planning Documents:

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

Climate Change (2013)

Development Management Policies DPD (2015)

DM2 – Trees and Landscaping

DM7 – Noise and Light Pollution

DM11 – Sub-Divisions, Specialist Housing, Conversions and Loss of Housing

Supplementary Planning Guidance (SPG):

Plot Sub-Division, Infilling and Backland Development (2000)

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### Other Material Considerations:

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

Thames Basin Heaths Special Protection Area Avoidance Strategy

WBC Strategic Flood Risk Assessment (November 2015)

### **PLANNING ISSUES**

1. The main issues to consider in determining this application are: the principle of development, design considerations and the impact of the proposal on the character and appearance of the surrounding area, standard of accommodation, impact on residential amenity, highways and parking implications, impact on landscaping, sustainability, affordable housing, local finance considerations, the impact on the Thames Basin Heaths Special Protection Area, impact on trees and biodiversity (including protected species) and any other matters having regard to the relevant policies of the Development Plan.

### Principle of Development

2. The NPPF (2012) and Core Strategy (2012) Policy CS25 promotes a presumption in favour of sustainable development. Paragraph 17 of the NPPF sets out that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The site lies within the designated Urban Area and within the 400m-5km (Zone B) Thames Basin Heaths Special Protection Area (SPA) buffer zone.
3. The proposed development would involve the construction of a two storey dwelling with accommodation in the roof space. The proposed dwelling would be built on former garden land on a vacant site which has been subdivided from White Walls in the past. Given this, the site constitutes garden land. The development of greenfield land for additional dwellings can be acceptable provided that the proposal respects the overall grain and character of development in the area.
4. Woking Development Management Policies (DMP) 2016 Policy DM10 'Development on Garden Land' permits the subdivision of existing plots and the erection of new dwellings providing the proposed development "...does not involve the inappropriate sub-division of existing curtilages to a size significantly below that prevailing in the area", "the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area" and "suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality".
5. The application site is positioned along the east side of Bracken Close with part single/part two-storey White Walls immediately to the south and two-storey Orchard Cottage to the north-east. The wider area is mixed in character with neighbouring dwellings along Bracken Close comprising of large detached two-storey dwellings situated in large plots and detached bungalows also. The proposal would be built along the building line with neighbouring White Walls to the south with Orchard Cottage to the north being set back significantly from Bracken Close (approximately 60m). The proposal would move the existing site access further north towards the centre of the site.



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6. In accordance with the Development Plan, new residential development should seek to maximise the efficient use of land by concentrating most new developments in existing urban areas. Housing provision is also integral to the creation of sustainable communities and Policy CS10 of the Woking Core Strategy 2012 seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place. The proposal makes best use of urban land, achieving a marginally greater density in the area while maintaining the grain of development. Furthermore, previous planning permissions on the site for residential development have established the principle of the use of this plot for residential development.
7. The principle of the proposed development is considered to be acceptable subject to the further material considerations as set out in this report.

### Design Considerations and the Impact of the Proposal on the Character and Appearance of the Surrounding Area

8. Policy CS24 of the Woking Core Strategy 2012 states that *'development will be expected to...respect the setting of, and relationship between, settlements and individual buildings within the landscape'* and to *'conserve, and where possible, enhance townscape character'*. Policy CS21 states that new developments 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'*. This advice is echoed in Paragraph 59 of the National Planning Policy Framework where it points out that the overall scale, density, layout, materials etc. of development should be guided by neighbouring buildings and the local area.
9. The application site fronts onto Bracken Close, with properties in the immediate vicinity comprising primarily of two-storey detached dwellings. White Walls to the south has a large sloped roof on the front elevation with a roof light which gives it the appearance of a dormer bungalow; White Walls extends at the two-storey level near the application site boundary behind the large pitched roof at the front. Plot widths and sizes vary along Bracken Close with June Orchard and Dunsley to the south having approximate plot widths of 24-25m while the application site has a plot width of approximately 23.5m at its widest point. Boundary treatment along Bracken Close comprises primarily of established hedging.
10. The application site has a maximum depth of 55m and a maximum width of 23.5m (approximately 18m at its most narrow point). The proposed dwelling would have a maximum height of 9m, an eave height of 5.6m (5.45m for the front gable features) a maximum depth of 14.8m and a maximum width of 13.95m. The proposal would be set back approximately 2.5m from the southern boundary with White Walls and approximately 3m to the boundary with Orchard Cottage to the north-east). The proposal would be set back from Bracken Close by approximately 15m to be in line with neighbouring properties to the south. Existing boundary hedging (with the exception of the front boundary treatment) and trees to the rear would be retained as part of the proposal. A total of 3 off-street car parking spaces are proposed.
11. The proposed plot width is considered to be acceptable and in line with the character of the area and previous planning permissions on site. The proposed dwelling would be similar in appearance to Fox Lodge to the south-west of the site which has two prominent projecting gables fronting Bracken Close. The proposal would be constructed along the same building line as those properties to the south on the eastern side of Bracken Close. In terms of materials the proposal would have dark red

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brickwork, dark red plain roof/hanging tiles, windows would be uPVC and fascias and soffits would be white also. It is considered that the proposed materials would be acceptable in principle, although further details such as manufacturer's specifications and samples would need to be secured by way of planning condition were Officers minded to recommend the application for approval (Condition 3).

12. While the proposed dwelling would be 3m greater in height than the highest roof point of neighbouring White Walls to south, Officers note that the eave height of the proposal is similar to the maximum height of White Walls so that views from further down Bracken Close would largely be of the roof slope which reduces the visual presence of the proposal within the street scene. Considering that other neighbouring dwellings are at the two-storey level, the proposal would be built along the same building line as the majority of properties along the east side of Bracken Close and the established existing screening along the side and rear boundaries, it is considered that the proposal would not appear unduly prominent or incongruous within the street scene.
13. The proposed tiled roof and projecting gable features would respond well to the character of neighbouring properties which generally have prominent gables facing onto Bracken Close. Limited details of the front garden landscaping, parking area and boundary treatments have been submitted. A detailed landscaping scheme and details of the proposed driveway/boundary treatments should be secured by way of planning conditions to ensure that the development enhances the character and appearance of the surrounding area and to ensure that the driveway does not increase surface water runoff off-site (see Condition 4). Officers would seek boundary treatment fronting onto Bracken Close to comprise of hedging to respond to the established character of the area.
14. For the reasons set out above, it is considered that the proposed replacement dwelling would be a visually acceptable form of development which would respect the character of the surrounding area, subject to planning conditions.

### Standard of Accommodation

15. The proposed dwelling is shown to have 4 bedrooms with a "Bonus Room" in the loft space. Considering that the "Bonus Room" meets the minimum size requirements for a double bedroom and would be served by an ensuite bathroom, it shall be considered as a fifth bedroom for the purposes of assessing the standard of accommodation. The proposal would have a gross internal floor area (GIA) of 358 square metres (sqm) which would exceed the minimum 134sqm for a dwelling of this type (as set out in the Technical Housing Standards – National Described Space Standard 2015 [as amended]). Habitable rooms would have outlook with a separation distance of over 25m to the rear garden boundary. The dwelling would benefit from over 500sqm of private amenity space to the rear. The SPD on 'Outlook, Amenity, Privacy and Daylight' 2008 recommends a garden size in scale with the dwelling and broadly greater than the footprint is advised.
16. For the reasons set out above, it is considered that the proposed dwelling would provide a good standard of accommodation for future owner/occupiers.

### Impact on Residential Amenity

17. Policy CS21 of the Woking Core Strategy 2012 advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding

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significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook. The main dwellings to consider in assessing the impact of the proposal on neighbouring residential amenity are: White Walls to the south, Orchard Cottage to the north-east, those dwellings on the west side of Bracken Close and those dwellings to the rear which are accessed off Coley Avenue.

18. In terms of White Walls, the proposal would be set back from the side elevation of White Walls by approximately 5.6m and the proposed side elevation closest to White Walls would have a depth of approximately 11.5m. It is noted that there is an existing established hedge between these properties such that only first floor windows at White Walls are visible from ground level at the application site. Having looked at previous permissions at White Walls, Officers note that there is a primary bedroom window on the ground floor north elevation and two secondary living room windows also. At the first floor level there is a bathroom window, two corridor/landing windows and a secondary bedroom window.
19. The proposal would have two bathroom windows on the side elevation facing White Walls which could be secured as obscure glazed and non-opening below 1.7m above internal floor level by way of a planning condition (see Condition 17): loss of privacy is therefore not considered to be an issue. In terms of loss of daylight/sunlight, the windows along the first floor side elevation of White Walls appear to be high level windows with the only habitable room window being a single bedroom window. This window is a secondary window serving this bedroom with the main outlook and source of daylight/sunlight being the south facing dormer window. Within this context, it is not considered that there would be any significant loss of outlook, daylight/sunlight to these first floor habitable rooms. In terms of the ground floor bedroom window, Officers note that this is on the north elevation of the property and as such would not currently receive a significant amount of direct sunlight. It is acknowledged that there would be some loss of daylight and outlook as a result of the proposal, however this is considered to be acceptable within the context of the existing boundary treatment which is to be retained.
20. In terms of Orchard Cottage to the north-east, the proposal would be separated by approximately 36m from Orchard Cottage at its closest point. The proposal would have bedroom windows at the first and second floor levels which would have an outlook to the rear of the site. While there would be some loss of privacy to habitable room windows on the front elevation of Orchard Cottage and to the private amenity space to the front of the dwelling, it is not considered that this would be significant as the proposal would meet the minimum separation distances set out in the Council's Outlook, Amenity, Privacy and Daylight' SPD 2008, the proposed rear facing windows would not look directly into any habitable room windows at Orchard Cottage and it is noted that there is established hedging and planting along the boundary separating these properties. Considering the separation distance between these properties and the acceptability of the proposal in terms of character and design, it is considered that there would be no significant adverse impact in terms of loss of daylight/sunlight, visual intrusion or loss of outlook.
21. Regarding those dwellings to the west along Bracken Close (namely Arden, Barn End and Foxs Lodge), the proposal would be set back from the closest dwelling Barn End by approximately 31.5m. It is noted that the existing planting along the front boundary would be removed as part of the proposal which would increase the prominence of the proposal within the street scene, a point raised in letters of objection. However, it is noted that the proposed separation distance would accord with the Council's guidance and that the proposal would replicate the building line of neighbouring White Walls to

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the south. While there would be an increased loss of privacy and some loss of outlook by virtue of the site currently being undeveloped garden land, it is considered that this impact would be acceptable considering that it meets the Council's guidance for separation distances. However, it is considered both reasonable and necessary to require that details of boundary treatment along the Bracken Close facing boundary of the site be required by way of planning condition to ensure that the proposal makes a positive contribution to the street scene and to mitigate any loss of outlook.

22. In terms of those dwellings to the rear accessed off Coley Avenue, the proposal would be set back from these dwellings by approximately 65m and it is noted that well-established trees are situated between the sites. Within this site context, it is considered that there would be no significant adverse impact in terms of loss of privacy, loss of daylight/sunlight, loss of outlook or visual intrusion to those dwellings to the rear accessed off Coley Avenue.
23. For the reasons set out above, it is considered that the proposed dwelling is acceptable in terms of its relationship with neighbouring properties and would safeguard the outlook, amenity, privacy and daylight of existing and future occupiers of existing dwellings, in accordance with Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 and the National Planning Policy Framework.

### Arboricultural Impact

24. The application site is host to a group Tree Preservation Order (TPO) towards the rear eastern boundary of the site and there is a Sweet Chestnut tree protected by a TPO near the south-west boundary of the site near Bracken Close. The applicant has submitted an Arboricultural Report in support of the planning application. Following review of the submitted details and scheme, the Council's Arboricultural Officer advised that the impact of the proposal on the TPO Sweet Chestnut Tree would be unacceptable. Following this response, the proposed access has been moved from its initial position within the Root Protection Area (RPA) of the TPO Sweet Chestnut Tree to a more central position and an amended Arboricultural Report has been submitted.
25. The Council's Arboricultural Officer has reviewed the revised proposal and raises no objection subject to the submitted Arboricultural information being complied with in full, which includes a pre-commencement meeting as indicated, and the submission of a detailed landscaping scheme to include a landscape plan. Subject to planning conditions requiring compliance with the submitted Arboricultural information and the submission of a landscaping scheme (see Conditions 4 and 11), it is considered that the proposal would have an acceptable impact on trees and landscape.

### Impact on Biodiversity

26. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. This approach is supported by Circular 06/05 – Biodiversity and Geological Conservation and is reflected in Policy CS7 of the Woking Core Strategy.
27. As the site is garden land and has lain vacant for a number of years the site has potential to provide habitat for a number of species, as such a Preliminary Ecological Appraisal (PEA) has been submitted. It is noted that a number of burrows are situated on site which could be occupied by Badgers (a legally protected species under The Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act

## 10 APRIL 2018 PLANNING COMMITTEE

[1981 as amended]). It has been raised in letters of representation that the site is a haven for Foxes, Badgers, bats, Tawny owls and Deer. The Surrey Wildlife Trust (SWT) have reviewed the planning application and submitted PEA and have raised no objection subject to planning conditions requiring the installation of bird boxes on site and for suitable mitigation measures for the protection of badgers. A pre-commencement Badger Scoping survey must be undertaken prior to the commencement of development (including site preparation and clearance works) with the findings of this survey and any mitigation measures to be submitted to the Local Planning Authority for approval in writing.

28. Subject to the planning conditions suggested by the Surrey Wildlife Trust (see Conditions 14, 15 and 16), it is considered that the proposed development would not have any significant adverse impact on the natural and local environment or any biodiversity and that the proposed development would have the potential to enhance the biodiversity value of the site. The impact of the proposal on the Thames Basin Heaths Special Protection Area (SPA) shall be considered below.

### Impact on the Thames Basin Heaths Special Protection Area

29. The Thames Basin Heaths Special Protection Area (SPA) is classified for its internationally important bird breeding populations. The designation is made under the Habitats Regulations 2010. It is necessary to ensure that planning applications for new residential developments include sufficient measures to ensure avoidance of any potential impacts on the SPA.
30. The proposed development would result in a net increase of 1x 5 bedroom dwelling on site which would require a Strategic Access Management and Monitoring (SAMM) payment of £1,041. This financial contribution would be secured by a Section 106 Legal Agreement prior to the issuing of any grant of planning permission. The applicant has indicated that they are prepared to enter into such an agreement should planning permission be granted.
31. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the SPA and therefore accords with Policy CS8 of the Woking Core Strategy 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015.

### Highways and Parking Implications

32. The proposal would create a new vehicular access onto Bracken Close in order to remove the need for any incursion within the Root Protection Area (RPA) of the existing Sweet Chestnut tree adjacent to the existing access which is subject to a Tree Preservation Order (TPO). The County Highway Authority have reviewed the proposal and advise that Bracken Close is a private road and does not form part of the public highway and would therefore fall outside of the County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.
33. The Council's Parking Standards SPD (2018) sets out minimum car parking standards for residential development. For a property of this type, a minimum of 3 on-site car parking spaces is required. No garage is proposed as part of the submission, however, the applicant has demonstrated that at least 3 on-site car parking spaces could be accommodated on the proposed driveway. It is also noted that the site is in a highly sustainable location with Woking Railway Station situated approximately 330m to the

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north-west of the application site. Concerns have been raised that no garage is proposed and that parking to the front of the property could be unsightly. It was noted on the site visit that a number of cars were parked on front driveways of neighbouring properties, including those with garages.

34. Within this context, it is considered that the proposal would have no significant adverse impact on the safety of the public highway and that sufficient on-site car parking would be provided subject to planning conditions securing the construction and permanent retention of the site access; the provision and retention of the areas shown on site for on-site car parking; and a Construction Transport Management Plan to secure details of vehicle parking, loading and unloading of materials and storage of plant and materials to ensure the highway safety and convenience of the highway users are not compromised as a result of the development.

### Sustainability

35. Following a Ministerial Written Statement to Parliament on 25<sup>th</sup> March, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.
36. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential development which seeks the equivalent water and energy improvements of the former Code Level 4. It is considered that the proposal would be acceptable in terms of sustainability subject to planning conditions (see Conditions 6 and 7).

### Affordable Housing

37. Policy CS12 of the Woking Core Strategy 2012 states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.
38. However, following the Court of Appeal's judgment of 11th May 2016 (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441), wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31st July 2015 (West Berkshire district Council and Reading Borough Council v Department for Communities and Local Government [2015] EWHC 2222 (Admin)), it is acknowledged that the policies within the Written Ministerial Statement of 28th November 2014, as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must once again be treated as a material consideration in development management decisions.
39. Additionally the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal judgment dated 13th May 2016, which again gives legal effect to the policy set out in the Written Ministerial

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Statement of 28th November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

40. Whilst it is considered that weight should still be afforded to Policy CS12 (Affordable housing) of the Woking Core Strategy 2012 it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). As the proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

### Local Finance Considerations

41. The Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development would incur a cost of £125 per sqm which equates to a contribution of £44,750 (358sqm net additional GIA).

### Conclusion

42. The principle of development is considered to be acceptable and the proposal will incorporate a satisfactory design and will preserve the character and appearance of the surrounding area. The proposal will not detrimentally affect the setting of the adjacent dwellings on Bracken Close and will have an acceptable impact on neighbouring amenity, highway safety, biodiversity, trees and the surrounding landscape. The development would incorporate appropriate sustainability measures in order to achieve energy performance requirements equivalent to Level 4 for Code for Sustainable Homes. It is also noted that the applicant has provisionally agreed to enter into a legal agreement to secure a payment in accordance with the Thames Basin Heaths Special Protection Area.
43. The proposal is considered to be an acceptable form of development that complies with Sections 4, 6 and 7 of the National Planning Policy Framework. Policies CS8, CS9, CS10, CS16, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008, 'Design' 2015 and 'Parking Standards' 2018, Policies DM2, DM10, DM12 and DM13 of the Development Management Policies DPD 2016 and Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015. It is therefore recommended that planning permission is granted subject to the recommended conditions and the applicant entering into a legal agreement to secure the necessary Thames Basin Heaths SAMM contribution.

### **BACKGROUND PAPERS**

1. Site Visit Photographs – 19.02.2018
2. Response from County Highway Authority – 31.01.2018
3. Final Response from Arboricultural Officer – 10.04.2018
4. Final Response from Surrey Wildlife Trust – 16.05.2018
5. PLAN/1987/1408 - Erection of a two storey side extension with lounge on ground floor and two bedrooms above at existing dwelling. – Permit

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### PLANNING OBLIGATIONS

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	Provision of £1,041 SAMM contribution to monitoring and management of avoidance measures against the impact of the site on the SPA in accordance with the formula in the Avoidance Strategy.	To accord with the Habitat Regulations and associated Development Plan policies and the Council's Adopted Avoidance Strategy.

### RECOMMENDATION

It is recommended that planning permission be GRANTED subject a S.106 agreement to secure SAMM contribution and subject to the following Conditions:

1. The development hereby permitted shall be commenced not later than three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

CDA-255-001, Location Plans As Existing and Proposed, dated 17.01.2018, received 17.01.2018

CDA-255-002, Site Plan as Existing, dated 17.01.2018, received 17.01.2018

CDA-255-003, Site Plan as Proposed, dated 13.04.2018, received 16.04.2018

CDA-255-004, Ground & First Floor Plans as Proposed, dated 17.01.2018, received 17.01.2018

CDA-255-005, Second Floor Plan As Proposed, dated 17.01.2018, received 17.01.2018

CDA-255-006, Elevations As Proposed Sheet 1 of 2, dated Nov 2017, received 04.01.2018

CDA-255-007, Elevations As Proposed Sheet 2 of 2, Section As Prop., dated Nov 2017, received 04.01.2018

CDA-255-008, Street Scenes as Existing and As Proposed, dated Nov 2017, received 04.01.2018

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

3. ++ Prior to the commencement of the development hereby permitted, details, including samples, of all external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.



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Reason: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. ++ Prior to the first occupation of the dwelling hereby approved, a hard and soft landscaping scheme showing details of hard and soft landscaping to the frontage including hedge planting along the boundary fronting Bracken Close, details of materials for areas of hardstanding (including any drainage arrangements) and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance the character and appearance of the locality in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012.

5. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Classes A and B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or alteration of the dwelling hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

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

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

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Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

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

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

8. ++ Prior to the first occupation of the development hereby approved, the vehicular access to Bracken Close, as shown on 'CDA-255-003, Site Plan as Proposed, dated 13.04.2018, received 16.04.2018', shall be constructed in accordance with the approved plans and thereafter shall be kept permanently maintained.

Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy CS9 of the Woking Core Strategy (2012).

9. ++ Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with the approved plans 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 used solely for parking and turning.

Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy CS9 of the Woking Core Strategy (2012).

10. ++ Prior to the commencement of the development hereby approved, a Construction Transport Management Plan (CTMP) to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials

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

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Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy CS9 of the Woking Core Strategy (2012).

11. Tree protection measures shall be carried out in strict accordance with the Arboricultural Information provided by AP Arboriculture ref: APA/AP/2018/002/A dated 27.02.2018, received 27.02.2018, including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protective measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure the retention and protection of trees on the site and in the interests of the visual amenities of the locality and the appearance of the development in accordance with Policy CS21 of the Woking Core Strategy 2012 and Policy DM2 of the Woking Development Management Policies Development Plan Document 2016.

12. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no additional windows shall be installed on the side elevations of the dwellinghouse hereby approved without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

14. Any scrub, hedgerow and tree clearance must be undertaken outside the bird breeding season (1<sup>st</sup> March to 30<sup>th</sup> August inclusive) unless the applicant has first carried out a survey of such vegetation (undertaken by an ecologist) which shows that there are no nesting species within relevant parts of the application site and any such survey results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent birds being injured or killed during site clearance works and to comply Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

15. ++ Prior to the first occupation of the dwelling hereby approved, details of the measures for the enhancement of biodiversity on the site (including the provision of bird and bat boxes), the recommendations in sections 4.1.2 and 4.2.3 of the 'Preliminary Ecological Appraisal, UES02324/01, dated 16<sup>th</sup> April 2018' and the guidance contained in the Surrey Wildlife Trust response dated 15<sup>th</sup> May 2018, a timetable for their provision on the site and details of their long term management and maintenance have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall be carried out and shall thereafter be retained on the site in accordance with the approved details.

Reason: In order to enhance the biodiversity on the site and to comply with Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

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16. ++ No development (including site clearance and site preparation works) shall commence until a pre-commencement badger scoping survey has been undertaken on site to determine whether badgers are present (in accordance with Section 4.2.1 of the 'Preliminary Ecological Appraisal, UES02324/01, dated 16<sup>th</sup> April 2018'). The findings of the surveys along with any mitigations as may be required shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including site clearance and site preparation works) on site. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure the proposed development has no adverse impact on the ecology of the site and to comply with Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

17. The roof light window and the first floor windows on the north and south side elevations (as shown on CDA-255-006, Elevations As Proposed Sheet 1 of 2, dated Nov 2017, received 04.01.2018; and CDA-255-007, Elevations As Proposed Sheet 2 of 2, Section As Prop., dated Nov 2017, received 04.01.2018) hereby permitted shall be glazed entirely with obscure glass and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the roof light windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

18. Prior to the first above-ground works for the development hereby approved, details of active/passive electric vehicle charging points to be provided shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.

Reason: in the interests of achieving a high standard of sustainability and in accordance with the electric vehicle charging infrastructure requirements of policy CS22 of the Woking Core Strategy (2012) and the Climate Change SPD (2013).

### **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 of paragraph 186-187 of the National Planning Policy Framework 2012.
2. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.
3. 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,

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carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see: [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)

3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
5. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.
6. The applicant is advised that this application is liable to make a CIL contribution of £15,068. The applicant must complete and submit a Commencement (of development) Notice to the Local Planning Authority, which the Local Planning Authority must receive prior to commencement of the development.
7. 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:-  

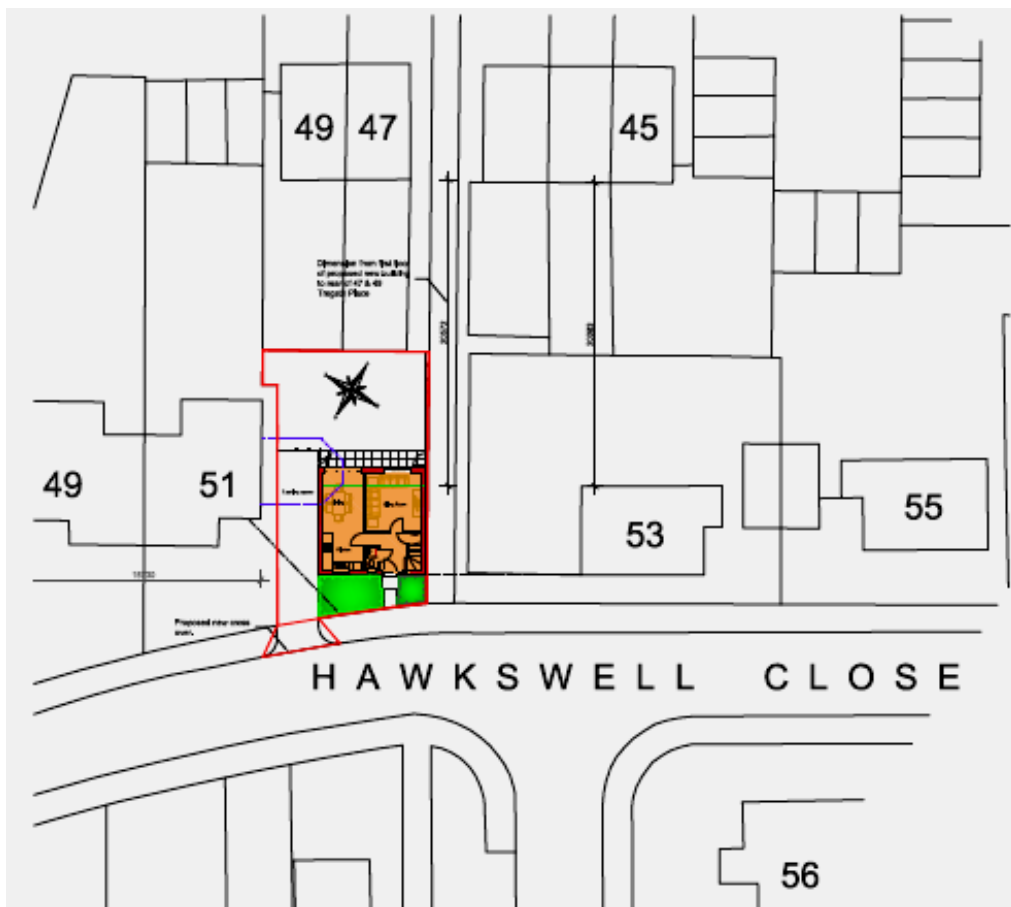
8.00 a.m. - 6.00 p.m. Monday to Friday  
8.00 a.m. - 1.00 p.m. Saturday  
and not at all on Sundays and Bank Holidays.
8. The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
9. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.



# 51 Hawkswell Close, Woking

## PLAN/2018/0282

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







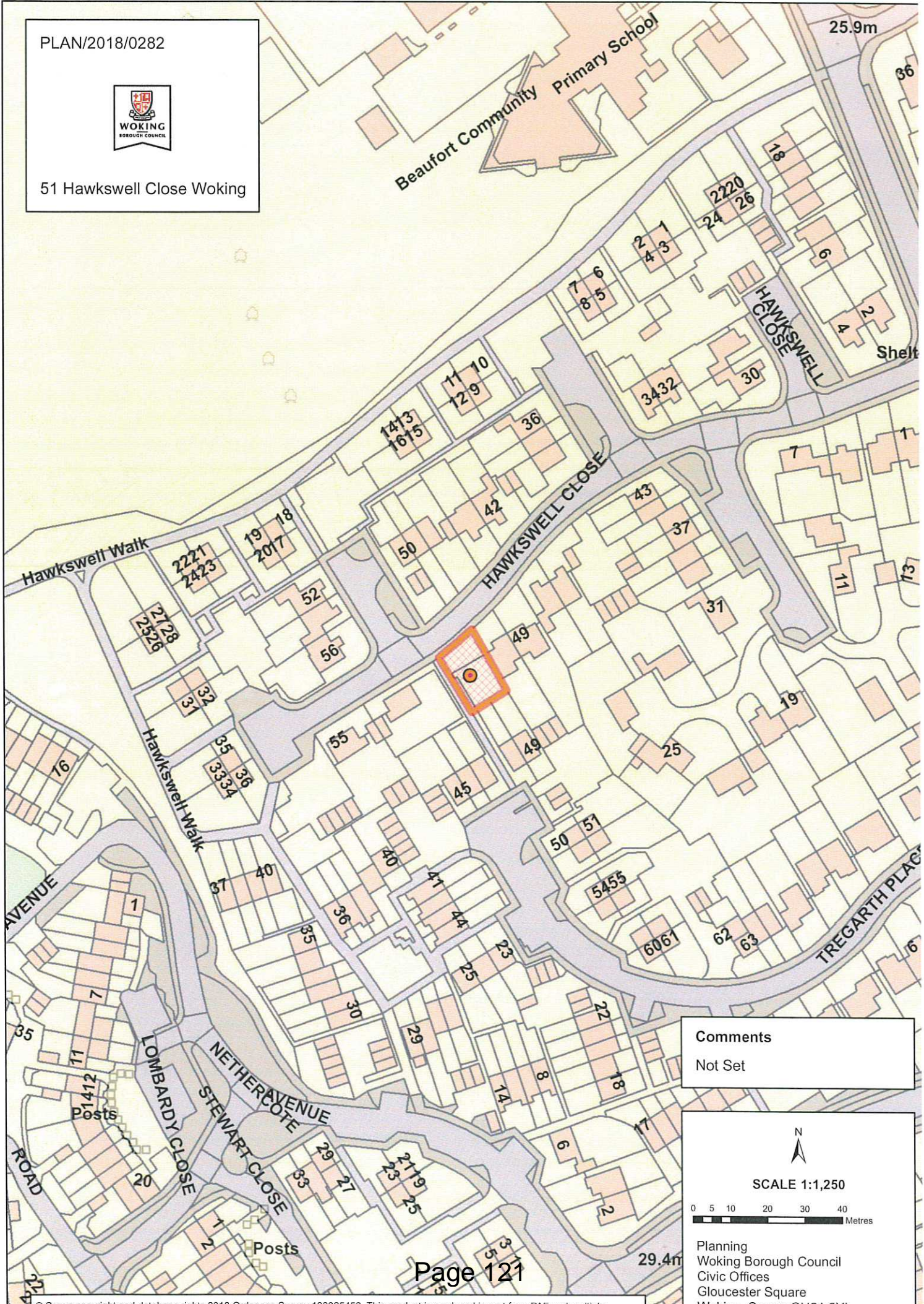
PLAN/2018/0282



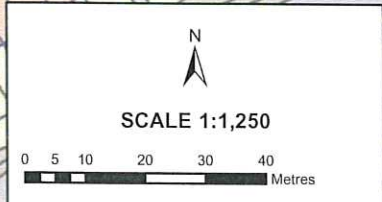
51 Hawkswell Close Woking

Beaufort Community Primary School

25.9m



Comments  
Not Set



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



## 5 JUNE 2018 PLANNING COMMITTEE

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

**LOCATION:** 51 Hawkswell Close, Woking, GU21 3RS

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

**TYPE:** Full Application

**APPLICANT:** Land Solutions

**OFFICER:** Benjamin  
Bailey

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### **REASON FOR REFERRAL TO COMMITTEE**

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

### **SUMMARY OF PROPOSED DEVELOPMENT**

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

#### Red lined application site only

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

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

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

### **PLANNING STATUS**

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

### **RECOMMENDATION**

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

**SITE DESCRIPTION**

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

**RELEVANT PLANNING HISTORY**

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

Refused (20.10.2017) for the following reasons:

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

**CONSULTATIONS**

## 5 JUNE 2018 PLANNING COMMITTEE

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

### **REPRESENTATIONS**

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

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

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

### **COMMENTARY**

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

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

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

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (NPPF) (2012)

Core planning principles

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

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

Section 11 - Conserving and enhancing the natural environment

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### Woking Core Strategy (2012)

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

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

DM10 - Development on Garden Land

### Supplementary Planning Documents (SPD's)

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

### Other Material Considerations

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

## **PLANNING ISSUES**

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

### Principle of development

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

## 5 JUNE 2018 PLANNING COMMITTEE

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

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

### Design and impact upon the character of the area

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

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



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

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

### Impact upon neighbouring amenity

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

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

### No.51 Hawkswell Close:

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

### No.53 Hawkswell Close:

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

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

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

### Nos.48 and 49 Tregarth Place:

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

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

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

### Nos.48 and 50 Hawkswell Close:

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

### Amenities of future occupiers

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

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

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

### Highways and parking implications

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

### Thames Basin Heaths Special Protection Area (TBH SPA)

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

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

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

### Affordable Housing

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

### Energy and water consumption:

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

### Surface water flood risk

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

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

### **LOCAL FINANCE CONSIDERATIONS**

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

### **CONCLUSION**

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

### **BACKGROUND PAPERS**

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

### **PLANNING OBLIGATIONS**

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

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	Avoidance Strategy.
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### **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5 JUNE 2018 PLANNING COMMITTEE

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

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

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

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

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

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

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

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

## 5 JUNE 2018 PLANNING COMMITTEE

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

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

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

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

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

### **Informatives**

01. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework (NPPF) (2012). Amended plans were requested, and accepted, during determination of the application to address concerns initially identified with the application. Following the submission of amended plans the application was considered to be acceptable.
02. The applicants attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

## 5 JUNE 2018 PLANNING COMMITTEE

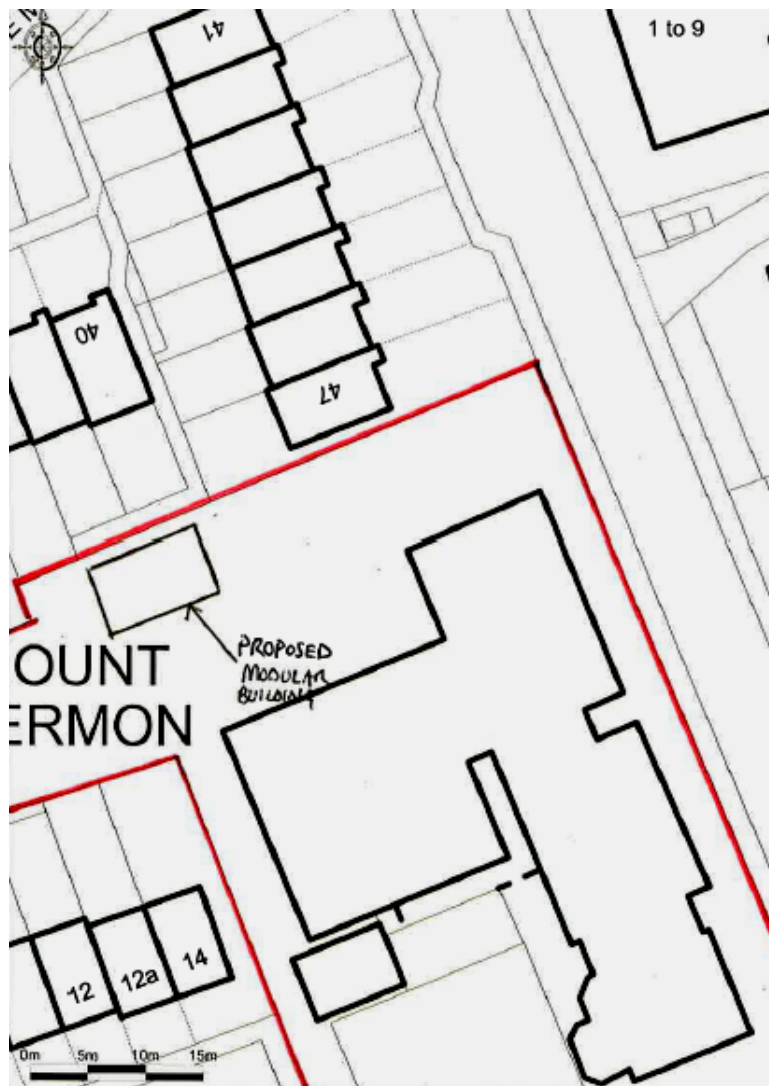
03. The development hereby permitted is subject to the Community Infrastructure Levy (CIL). The charge becomes due when development commences. A Commencement Notice, which is available from the Planning Portal website (Form 6: Commencement Notice:  
[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf) ) must be issued to the Local Planning Authority and all owners of the relevant land to notify them of the intended commencement date of the development.
04. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
05. The applicant's attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and the associated British Standard Code of Practice BS 5228 : 1984 "Noise Control on Construction and Open Sites" (with respect to the statutory provision relating to the control of noise on construction and demolition sites). If work is to be carried out outside normal working hours, (i.e. 8 am to 6 p.m. Monday to Friday, 8 am to 1 p.m. Saturday and not at all on Sundays or Bank Holidays) prior consent should be obtained from the Council's Environmental Health Service prior to commencement of works.
06. The planning permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see:  
[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
07. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
08. This decision notice should be read in conjunction with the related Legal Agreement.
09. The applicant is reminded that this planning permission has been granted solely on the basis of the amended plans submitted during consideration of the application as listed within condition 02.
10. The applicant is advised that where windows are required by planning condition to be fitted with obscure glazing the glass should have a sufficient degree of obscuration so that a person looking through the glass cannot clearly see the objects on the other side. 'Patterned' glass or obscured plastic adhesive are not acceptable. If in doubt, further advice should be sought from the Local Planning Authority before work is commenced.
11. The applicant is advised that the term 'fixed' or 'non-opening window refers to a window where the glazing is fitted directly into a permanent fixed frame which contains no opening or openable casement or other device or mechanism to permit opening. Fixing an openable casement with screws or bolts into the frame is not acceptable. If in doubt, further advice should be sought from the Local Planning Authority before work is commenced.



# Greenfield School, Brooklyn Road, Woking

PLAN/2018/0294

Erection of a new modular building.



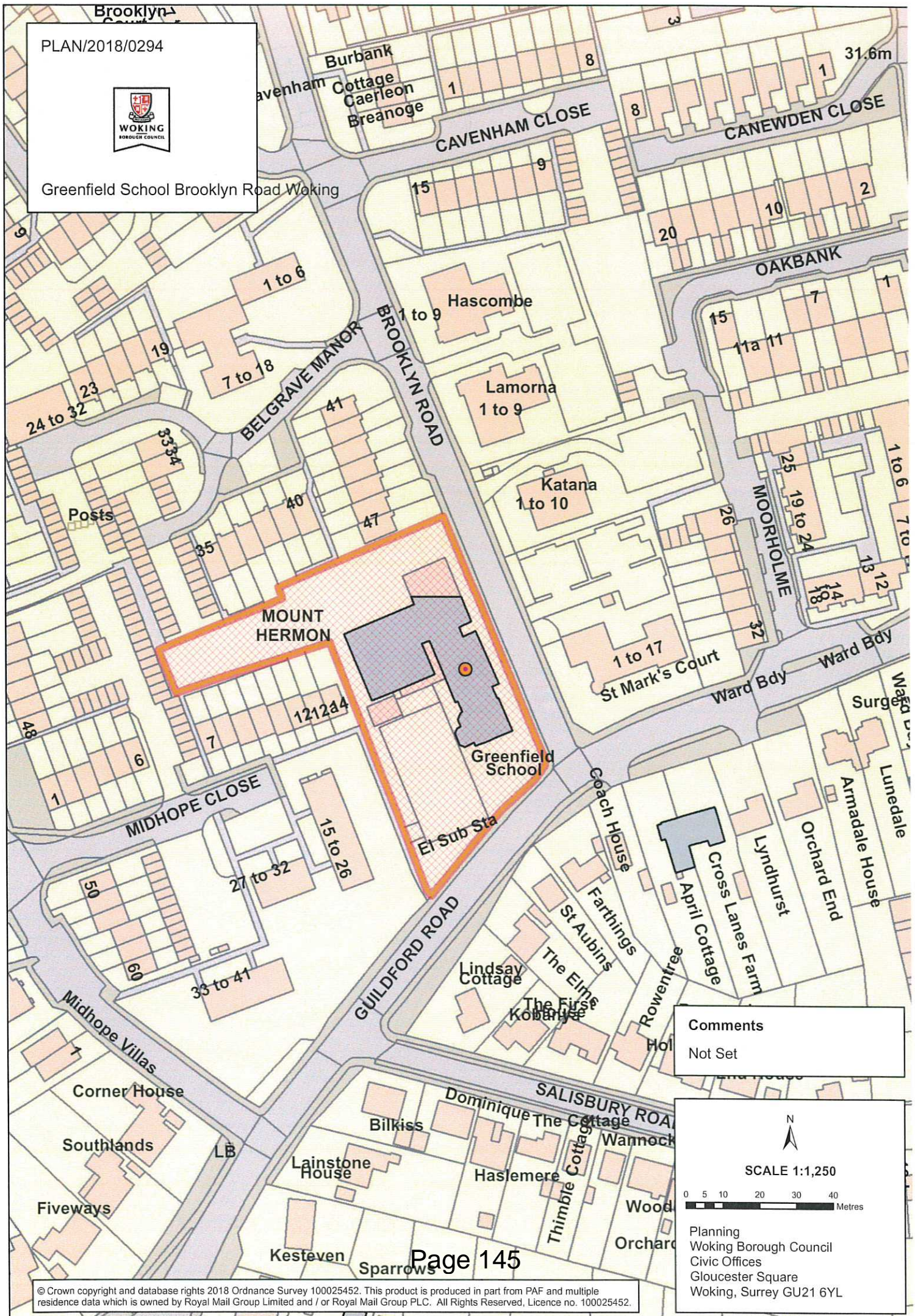




PLAN/2018/0294



Greenfield School Brooklyn Road Woking



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



## 5<sup>th</sup> JUNE 2018 PLANNING COMMITTEE

5h 18/0294 Reg'd: 19.03.18 Expires: 07.06.18 Ward: MH  
Nei. 18.04.18 BVPI Minor (other) Number 11/11 On Yes  
Con. Target of Weeks Target?  
Exp: on Cttee'  
Day:

LOCATION: Greenfield School, Brooklyn Road, Woking, Surrey, GU22 7TP

PROPOSAL: Erection of a new modular building for D1 educational use

TYPE: Full

APPLICANT: Mrs Tania Botting

OFFICER: Barry Curran

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### **REASON FOR REFERRAL TO COMMITTEE**

The proposal results in the erection of a new detached building which falls outside the parameters within the scheme of delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

This is an application for the erection of a single storey detached modular building for D1 educational use ancillary to Greenfield School.

### **PLANNING STATUS**

- Urban Area
- Locally Listed Building
- TPO Area
- SPA Zone B

### **RECOMMENDATION**

GRANT planning permission subject to conditions.

### **SITE DESCRIPTION**

The application site relates to Greenfield School, a Locally Listed Building sited on a corner plot on the junction with Guildford Road and Brooklyn Road. The school building is a Victorian two storey building with a separate detached timber built ancillary building located along the northern boundary with a MUGA to the South and West of the main building. Land slopes from West-to-East in the rear with 2 metre high timber board fencing separating residential properties to the West and south-west and similar boundary treatments and 3-4 metre high trees along the northern boundary which are covered by an area Tree Preservation Order.

### **PLANNING HISTORY**

Extensive. Of relevance;

## 5<sup>th</sup> JUNE 2018 PLANNING COMMITTEE

PLAN/2013/1245 – Erection of a first floor link to rear of building and insertion of three roof-lights with internal alterations – Permitted 06.02.2014

PLAN/2008/0571 – Single storey extensions to existing teaching block/dining room building on northern part of site – Permitted 10.07.2008

PLAN/2003/1494 – Erection of a two storey extension to the lower school building Permitted – 05.02.2004

PLAN/1999/1382 – Erection of new outdoor teaching building/winter shelter Permitted 17.02.2000

### **PROPOSED DEVELOPMENT**

The application seeks permission for the erection of a stand alone single storey modular building measuring 9.9 metres in length, 6.1 metres in depth and standing at 3.2 metres in height adopting a flat roof.

Set to provide additional educational floorspace in connection with the D1 use on site, the building will be positioned along the northern rear boundary in close proximity to the existing outbuilding. The aim of the outbuilding is to provide further classroom space for up to 16 additional pupils to the school.

### **CONSULTATIONS**

Arboricultural Officer: No objection raised to the proposal (30.04.18)

Surrey Highways: Recommend a number of conditions (10.05.18)

Conservation Officer: No comments raised

### **REPRESENTATIONS**

There have been 2 third party letters of objection received in relation to the proposed development. The issues raised in these letters draw concern over:

- Loss of light
- Disruption to traffic along Brooklyn Road
- Highway safety implications

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework 2012

Section 1 - Building a strong, competitive economy

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the historic environment

#### Core Strategy Publication Document 2012

CS1 - A Spatial Strategy for Woking

CS16 - Infrastructure delivery

CS19 - Social and community infrastructure

CS20 - Heritage and conservation

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management Policies DPD 2016

DM2 – Trees and Landscaping

DM20 – Heritage Assets and their Settings

DM21 - Education Facilities

Supplementary Planning Documents

Supplementary Planning Document 'Design' 2015

Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008

Supplementary Planning Document 'Parking Standards' 2018

## **PLANNING ISSUES**

1. The main issues to consider in determining this application are; the principle of development, design considerations and the impact of the proposal on the character of the area and setting of the Locally Listed Building, impact on residential amenities, highway safety impact, impact on trees and local finance considerations.

### Principle of Development

2. The site is within the Urban Area and contains a Locally Listed Building in D1 educational use. Paragraph 72 of the National Planning Policy Framework states that the *“Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting educational requirements and to ensure development that will widen choice in education. They should:*
  - *Give great weight to the need to create, expand or alter schools; and*
  - *Work with school promoters to identify and resolve key planning issues before applications are submitted”.*
3. Policies CS16 and CS19 of the Woking Core Strategy echo this and state that the Council will work in partnership with infrastructure providers to ensure that infrastructure needed is provided in a timely manner and to provide accessible and sustainable social and community infrastructure growth. The proposed outbuilding would provide additional classroom space to accommodate up to 16 net additional students into reception year group. Policy DM21 of the Development Management Policies DPD 2016 provides additional detail on how proposals for educational provision will be determined, these include:
  - (i) it meets an identified need;
  - (ii) it makes an appropriate provision for on-site car parking and stopping, access to public transport, cycling and walking, and the effect on traffic movement and highway safety is in accordance with Policy CS18 of the Core Strategy;
  - (iii) where appropriate, a School Travel Plan is provided with the proposal to manage the travel needs of pupils and staff;
  - (iv) the use of the site would be compatible with the surrounding land uses;
  - (v) it does not give rise to significant adverse impacts on the environment, residential character and amenity;

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- (vi) where appropriate, adequate provision is made and/or existing provision is retained for indoor and outdoor recreation, outdoor sports and amenity space, to meet the needs of the school;
  - (vii) it meets other Development Plan policy criteria, paying particular attention to Policy CS19 of the Core Strategy.
4. The proposal is for a detached modular building to provide additional space for D1 educational use which is considered to enhance the current capacity for students which is identified in an ISI Inspection letter from 2016. The need for school places has been identified by the school and expansion of the school would be supported and in accordance with the NPPF. The modular building would be located within a site which is in D1 Educational Use and primarily on existing hard-standing in close proximity to the principal building. Policy DM21 of the Development management Policies DPD 2016 also requires *“where appropriate, adequate provision is made and/or existing provision is retained for indoor and outdoor recreation, outdoor sports and amenity space, to meet the needs of the school”*. Notwithstanding the size of the building and its small encroachment onto soft landscaping, the school campus would retain an adequate provision of space for outdoor recreational and amenity uses to meet the needs of the school.
5. Overall, subject to other material planning considerations outlined in this report, the principle of development is considered to be acceptable and in accordance with provisions outlined in the National Planning Policy Framework, Policies CS16 and CS19 of the Woking Core Strategy 2012 and Policy DM21 of the Development Management Policies DPD 2016.

### Design Considerations and the Impact of the Proposal on the Character and Appearance of the Surrounding Area

6. Policy CS21 requires new development to pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land; to achieve a satisfactory relationship to adjoining properties. One of the core principles of the National Planning Policy Framework is to seek to secure high quality design. Para 131 echoes the provisions of the Core Strategy Policy CS21 in that Local Planning Authorities should take account of the *“the desirability of new development making a positive contribution to local character”*.
7. In this instance, the proposed modular building would be ancillary to the main building, a Locally Listed Victorian building. Policy CS20 of the Core Strategy states that *“New development should also make a positive contribution to the character, distinctiveness and significance of the historic environment...”* At a national level, one of the core principles of the National Planning Policy Framework is to conserve heritage assets in a manner appropriate to their significance.
8. The proposed detached building is single storey in height (measuring approximately 3.2 metres at maximum height) and of a flat roofed form. As noted previously, at single storey in height the proposal building would appear as subordinate and ancillary to the main school campus building with external materials to match those of the existing ancillary building along the northern boundary. The external materials will emulate those of the existing outbuilding with pure white external cladding offering a sympathetic appearance.

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Conditions 3 and 4 are recommended to secure external materials in accordance with the submitted details. Given the form and appearance of the existing school campus buildings it is considered that the proposed detached building would integrate into the school campus in an acceptable manner.

9. The proposed building would be positioned within an existing rear 'courtyard', to the West of an existing ancillary outbuilding and along the northern boundary. The proposed building would therefore be almost entirely indiscernible from the surrounding public realm given its secluded positioning at the rear of the Locally Listed Building and existing boundary treatments providing a natural screen to it. Whilst some glimpsed views of the proposed building may be achievable from the public realm such views would be intermittent and skewed.
10. The scale and character of the proposal is considered to be visually acceptable and to appear as an appropriate structure within the grounds of the school. Its emulating design with regards to the existing ancillary outbuilding and its subordinate form results in a building which would not detract from the established character of the Locally Listed Victorian Building or its setting and is therefore in accordance with provisions outlined in the National Planning Policy Framework, Policies CS20 and CS21 of the Woking Core Strategy 2012 and the Supplementary Planning Document 'Design' 2015.

### Impact on Residential Amenity

11. The application site is bound to the West by residential properties within Midhope Close and to the North by residential properties within Belgrave Manor and terraced dwellings along Brooklyn Road. Policy DM21 of the Development Management Policies DPD 2016 states that the extension of educational facilities will be permitted provided the expansion does not give rise to significant adverse impacts on residential character and amenity. Considering the proposed ancillary use of the proposed modular building and its siting along the northern boundary, approximately 13 metres off the boundary shared with properties within Midhope Close, the amenities of these properties are not considered to be detrimentally affected as a result of the building.
12. To the north of the application site, an end-of-terraced dwelling along Brooklyn Road and terraced dwellings within Belgrave Manor bound the site. No.47 Brooklyn Road abuts the shared northern boundary and includes a modest rear amenity space which projects back in line with the existing single storey pitched roof building along the northern boundary. Terraced dwellings within Belgrave Manor contain a rear access path which runs along the northern boundary of the application site with a band of recently pruned trees at approximately 4 metres in height. The proposed modular building will be sited opposite this rear access path with a gap of approximately 3 metres between the proposed building and rear boundary of these properties.
13. Considering its location in relation to No.47 Brooklyn Road and the terraced dwellings within Belgrave Manor as well as its height of 3.2 metres and existing boundary treatments, the modular building is not considered to result in significant detrimental harm, in terms of loss of outlook, loss of light or overbearing impact, on the neighbouring properties to the North by which a recommendation for refusal could be substantiated.

14. Furthermore, while the school will increase in pupil numbers (up to a maximum of 16 students), the school hours will not be altered and any associated impact of these additional pupils are not considered to result in a level of noise or activity which would be apparent as a result of this increase by which it would be detrimental to the amenities of neighbours. As such, the proposed modular building is considered to comply with provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policy DM21 of the Development Management Policies DPD 2016 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

Impact on Highway Safety

15. The Supplementary Planning Document 'Parking Standards' 2018 does not include specific parking standards for schools and an individual assessment of parking provision for these uses is therefore required. In relation to schools, the 'Parking Standards' SPD advises that only operational car parking should be provided for, noting that parent parking and pupil parking should not be provided for as this is a disincentive to travelling by sustainable modes. The existing car parking area at the school as such would remain unchanged. It is noted that the additional students would result in an uplift of a maximum of 1 full time teacher and 1 part time teacher.
16. The proposed modular building would lead to an enhancement of the existing school facilities through the provision of an additional classroom space to accommodate up to 16 net additional students into the Reception year group. Policy DM21 of the Development Management Policies DPD 2016 states that a school travel plan should be provided with the proposal to manage the travel needs of pupils and staff in connection with educational facilities. The increase of 16 net pupils and 2 staff members in line with the expansion of the school will result in additional car journeys and traffic on surrounding highways.
17. Policy CS19 of the Woking Core Strategy 2012 recognises the important role school provision can have in helping deliver sustainable communities and the contribution schools can make towards the well-being of the community and overall quality of life. A Travel Plan has been submitted in support of this application which outlines a number of objectives and targets including reducing the dropping off and collecting of pupils along Brooklyn Road and increasing the use of sustainable modes of transport to and from the school. These targets and objectives are outlined in Sections 6 and 7 of the Travel Plan. The County Highway Authority have been consulted on this and raise no objection subject to conditions ensuring a Construction Transport Management Plan is submitted prior to the commencement of development (Condition 6) and the Travel Plan has been amended to include details of measures to promote sustainable modes of transport amongst pupils and staff, and provisions for the maintenance, monitoring and review of the impact of the Plan and its further development (Condition 7).

Impact on Trees



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18. A Tree Preservation Order area covers the application site and surrounding areas. The proposed modular building will be sited on hard-standing to the West of an existing outbuilding and to the South of a band of trees. From the information submitted it appears as though the building will not infringe on the RPAs of surrounding trees considering its location on existing hard-standing.
19. The Council's Arboricultural Officer has been consulted on this application and raises no objection to the scheme.

### Local Finance Consideration

20. CIL is a mechanism adopted by Woking Borough Council which came into force on 1<sup>st</sup> April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed additional floorspace would be within class D1 use as per the existing educational use on site. Class D1 use is Nil rated within the Council's Community Infrastructure Levy (CIL) Charging Schedule and therefore the proposal is not CIL liable.

### Conclusion

21. To conclude, it has been demonstrated that the proposal is acceptable development within the urban area and would not result in any adverse impacts to visual amenity, including the Locally Listed Building, amenities enjoyed by surrounding neighbours, trees or highway safety or any other material planning consideration subject to the conditions as recommended. Having regard to the relevant material planning considerations as well as national and local planning policies and guidance, the proposal, is seen to comply with provisions outlined Sections 1, 7 and 12 of the National Planning Policy Framework, Policies CS1, CS16, CS19, CS20, CS21, CS24 and CS25 of the Woking Core Strategy 2012, Policies DM2, DM20 and DM21 of the Development Management Policies DPD 2016, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008, 'Parking Standards' 2018 and 'Design' 2015 and is accordingly recommended for approval subject to the attached conditions.

## **BACKGROUND PAPERS**

1. Site visit photographs.
2. Response from Arboricultural Officer (30.04.18)
3. Response from Highway Authority (10.05.18)
4. Site Notice (General Site Notice) (12.04.18)

## **RECOMMENDATION**

It is recommended that planning permission be Granted subject to the following Conditions:

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

Reason:

## 5<sup>th</sup> JUNE 2018 PLANNING COMMITTEE

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

2. The materials to be used in the construction of the external surfaces of the building hereby approved shall match those shown in the submitted application and approved drawings.

Reason:

In the interests of the visual amenities of the area.

3. The development hereby permitted shall be carried out in accordance with approved plans;  
Site Plan (Received 14.03.18)  
Architectural Elevations Drawing No. 1802-369-A011 Rev A3  
Layout Plan with Dimensions Drawing No. 1802-369-A011 Rev A3

Reason:

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

4. Notwithstanding any indication otherwise shown on the approved plans listed within this notice, nor within the supporting documents submitted with the application, the building, hereby permitted, shall be externally finished Pure White (RAL 9010) unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and to comply with the National Planning Policy Framework and Policy CS21 of the Woking Core Strategy 2012.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) (or any Orders amending or re-enacting that Order) and the Town and Country Planning (Use Classes) Order 1987 (or any Orders amending or re-enacting that Order), the building hereby approved shall only be used for the purposes incidental to the educational use on site (Class D1) and for no other purpose whatsoever, including any other purpose within Class D1 (Non-Residential Institutes) of the Town and Country Planning (Use Classes) Order 1987 (or any Orders amending or re-enacting that Order).

Reason:

The development is only justified on the basis of the needs of the building for the provision of educational facilities on this site and to accord with the National Planning Policy Framework, Policies CS16 and CS19 of the Woking Core Strategy and Policy DM21 of the Development Management Plan DPD 2016.

6. ++ Prior to the commencement of any development on the site, a Construction Transport Management Plan, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors;
  - (b) loading and unloading of plant and materials;

## 5<sup>th</sup> JUNE 2018 PLANNING COMMITTEE

- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management); and
- (e) HGV movements to or from the site which shall not take place between the hours of 07.45 and 08.30 am and 15.30 and 16.15 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Brooklyn Road during these times

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

Reason:

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. The modular building hereby approved shall not be first occupied unless and until the Travel Plan for Greenfield School has been amended/updated and submitted for the written approval of the Local Planning Authority. The submitted details shall include details of measures to promote sustainable modes of transport amongst pupils and staff, and provisions for the maintenance, monitoring and review of the impact of the Plan and its further development. The approved Travel Plan shall then be implemented upon first occupation of the development, and shall thereafter be maintained, monitored, reviewed and developed to the satisfaction of the Local Planning Authority.

Reason:

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

The above condition is required in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework 2012.

### **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 of paragraph 186-187 of the National Planning Policy Framework 2012.
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. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and

## 5<sup>th</sup> JUNE 2018 PLANNING COMMITTEE

the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

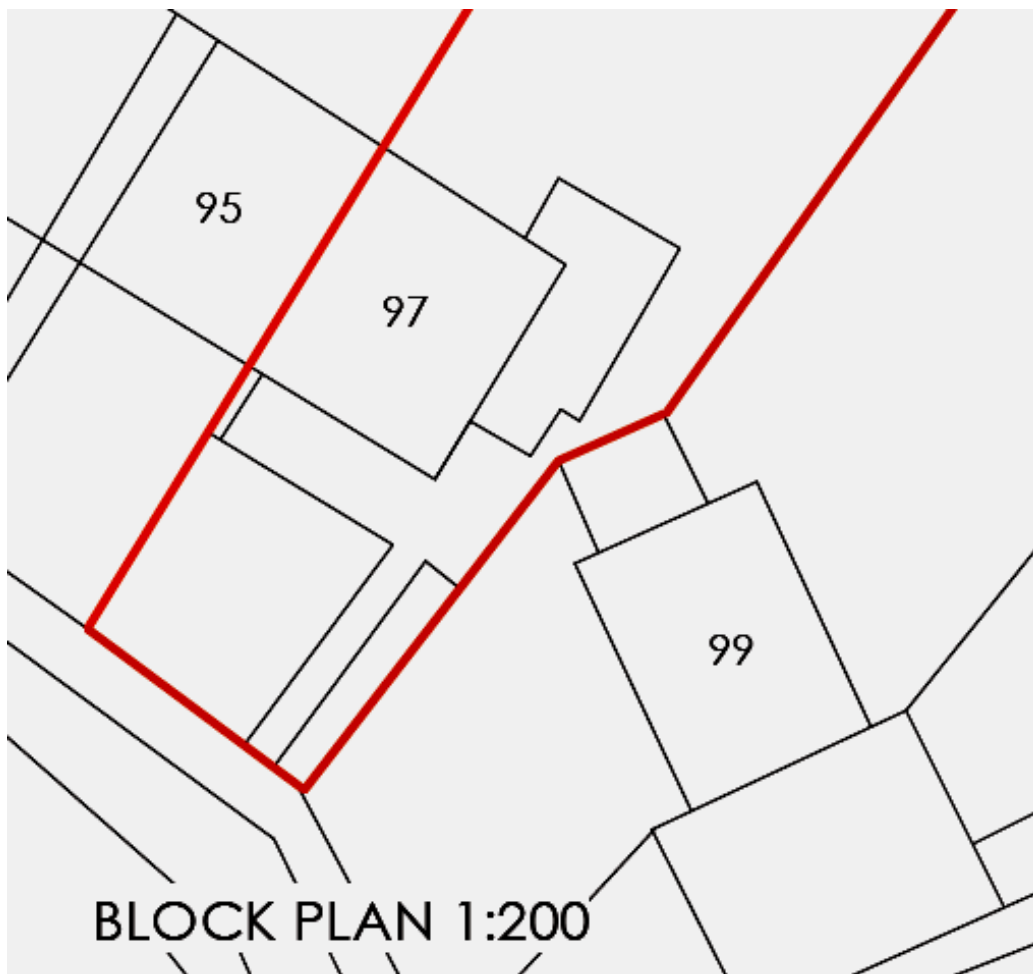
You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149)
5. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-  
08.00 - 18.00 Monday to Friday  
08:00 – 13.00 Saturdays  
and not at all on Sundays and Bank/Public Holidays.

# 97 Princess Road, Maybury, Woking

PLAN/2018/0128

Installation of disabled step lift to front elevation.

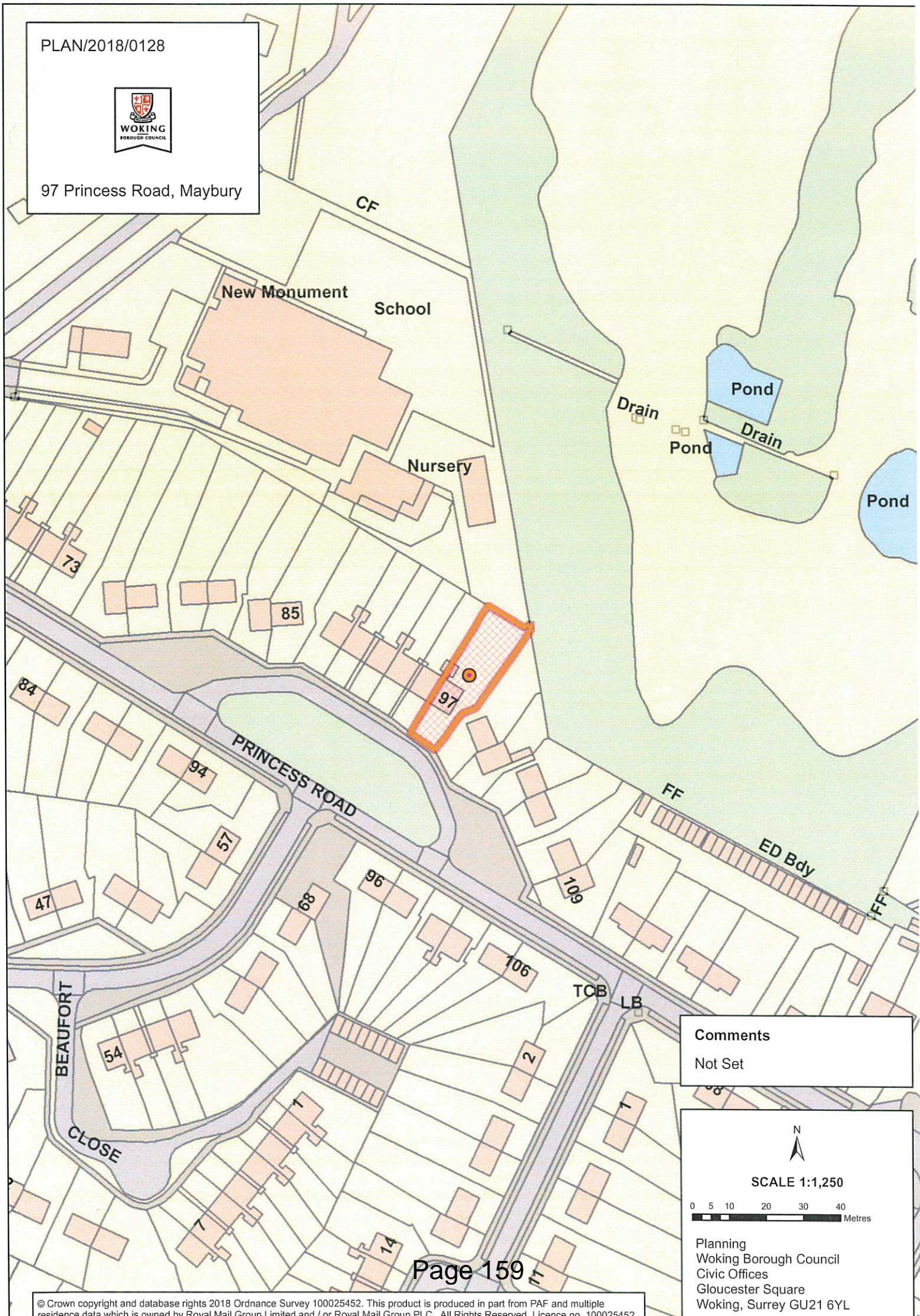




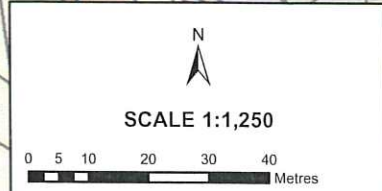
PLAN/2018/0128



97 Princess Road, Maybury



Comments  
Not Set



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





## 5<sup>th</sup> June 2018 PLANNING COMMITTEE

5i 18/0128 Reg'd: 08.02.18 Expires: 05.04.18 Ward: PY  
Nei. 13.03.18 BVPI 13 (Dwellings) Number On  
Con. Target of Weeks Target? N  
Exp: on Cttee'  
Day:

**LOCATION:** 97 Princess Road, Maybury, Woking, GU22 8er

**PROPOSAL:** Installation of disabled step lift to front elevation.

**TYPE:** Full Application

**APPLICANT:** Ms Anita Ghalot

**OFFICER:** Komal  
Gorasia

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### **REASON FOR REFERRAL TO COMMITTEE**

The applicant is Woking Borough Council and the application is therefore outside the Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The application seeks consent for the installation of a disabled step lift to the front of the property to provide appropriate access for disabled occupant.

### **PLANNING STATUS**

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

### **RECOMMENDATION**

**GRANT** planning permission subject to the recommended conditions.

### **SITE DESCRIPTION**

The application site is a two storey end of terrace single family dwellinghouse located on Princess Road; a residential street which lies within the Pyrford ward of the borough.

97 Princess Road is not listed and does not fall within a designated conservation area. There exist no outstanding conditions on the application site which might limit development.

### **RELEVANT PLANNING HISTORY**

PLAN/2002/0679 - Erection of a two storey extension to the side and rear, together with internal alterations. – Permitted - 22.07.2002

PLAN/2003/0057 - Erection of a two storey side and a single storey rear extension – Permitted – 21.02.2003

PLAN/2003/1382 - Erection of first floor side extension. – Permitted – 08.01.2004

**PROPOSED DEVELOPMENT**

The application seeks consent for the installation of a disabled step lift to the front of the property to provide appropriate access for disabled occupant.

**CONSULTATIONS**

No consultations

**REPRESENTATIONS**

No representations

**RELEVANT PLANNING POLICIES**

National Planning Policy Framework 2012 (NPPF)

Section 7 – Requiring Good Design

Woking Core Strategy 2012

CS21 – Design

CS24 - Woking's landscape and townscape

Development Management (DM) Policies DPD 2016

Supplementary Planning Documents (SPD)

Outlook, Amenity, Privacy and Daylight (2008)

Woking Design (2015)

Other Material Considerations

National Planning Practice Guidance (NPPG)

**PLANNING ISSUES**

1. The main considerations within the determination of this application comprise the design and impact on the streetscene, impact on residential amenity and parking alterations.

Impact on character

2. Due to the open nature of the area to the front of the property, the step left would be visible from the streetscene. It is however proposed to be minimalist and contained within a small section to the middle of the property closest to the building itself and thus is not considered to adversely impact the character and appearance of the streetscene.
3. It should be noted that there is an example of an identical step lift at No. 73 Princess Road and thus would not be a stand-alone feature within Princess Road.

Impact on neighbours

4. The step lift is not considered to affect the amenities of neighbouring occupiers and is sited sufficiently away from both neighbouring properties.

Impact on parking

5. The proposal will not impact the current parking situation at the premises where 2no off-street car parking spaces are provided, in line with the recommendations within the SPD 'Parking Standards (2018)' and is therefore considered acceptable in terms of parking provision.

**CONCLUSION**

6. Overall, the proposal is considered to have an acceptable impact on the character of the host dwelling and surrounding area and on the amenities of neighbours. The proposal therefore accords with Core Strategy (2012) policy CS21 'Design', Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2008) and 'Working Design' (2015) and the National Planning Policy Framework (2012) and is recommended for approval.

**BACKGROUND PAPERS**

1. Site photographs

**RECOMMENDATION**

It is recommended that planning permission be **Granted** subject to the following planning conditions:

1. The development hereby permitted shall be commenced not later than three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans numbered/titled:

NVH 442/1001

NVH 442/1002

NVH 442/1003

NVH 442/SD 1001

NVH 442/SD 1002

NVH 442/SD 1003

Design And Access Statement dated 2 February 2018

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

3. The development hereby permitted shall be constructed in the external facing materials as shown on the plan(s) hereby approved unless otherwise first agreed in writing with the Local Planning Authority.

## 5<sup>th</sup> June 2018 PLANNING COMMITTEE

Reason: To protect the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy 2012.

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

# Lion Retail Park, 151 Oriental Road, Woking

## PLAN/2018/0263

Erection of a single storey building in existing car park to be used as a clothes recycling office with associated storage.



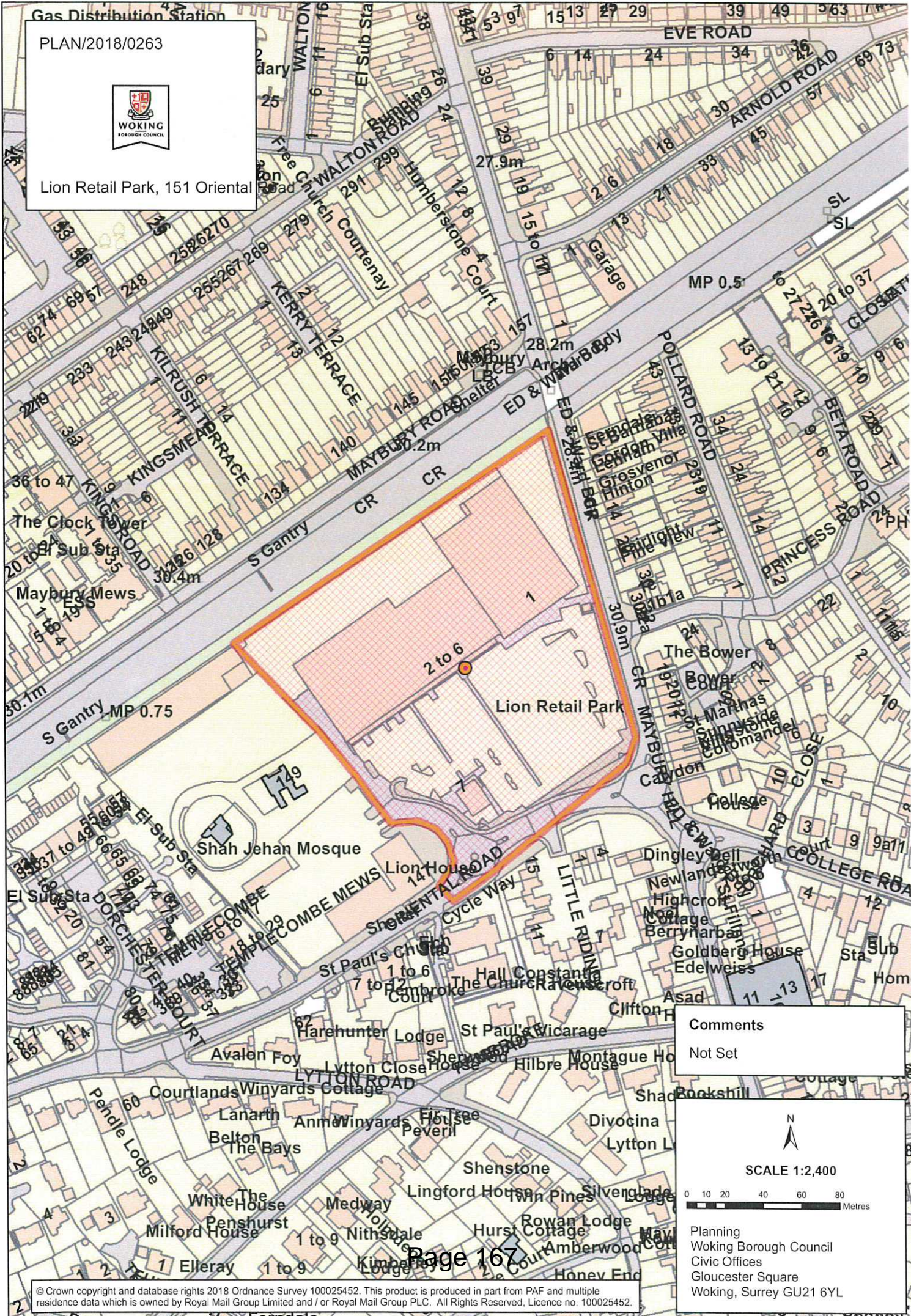


Gas Distribution Station

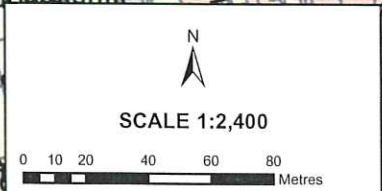
PLAN/2018/0263



Lion Retail Park, 151 Oriental Road



Comments  
Not Set



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





## 05 JUNE 2018 PLANNING COMMITTEE

5j	18/0263	Reg'd:	12.03.18	Expires:	07.05.18	Ward:	MH
Nei. Con. Exp:	04.04.18	BVPI Target	Minor other - 18	Number of Weeks on Cttee' Day:	12/8	On Target?	No

**LOCATION:** Lion Retail Park, 151 Oriental Road, Woking

**PROPOSAL:** Erection of a single storey building in existing car park to be used as a clothes recycling office with associated storage.

**TYPE:** Full Planning Application

**APPLICANT:** Mary Street Estate Ltd

**OFFICER:** David Raper

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### **REASON FOR REFERRAL TO COMMITTEE:**

The proposal includes the erection of a detached building which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is for the siting of a single storey detached structure to be used as a 'cash for clothes' recycling office and store. The proposed building would have a height of 2.85m with a length of 6.3m, a depth of 3.3m and an internal floor area of 18m<sup>2</sup>. The area in question is currently 3x parking spaces which would be occupied by the proposed structure.

### **PLANNING STATUS**

- Urban Area
- Priority Place
- Thames Basin Heaths SPA ZoneB (400m-5km)

### **RECOMMENDATION**

GRANT planning permission subject to conditions.

### **SITE DESCRIPTION**

The proposal relates to the Lion Retail Park which is characterised by 7x large warehouse retail units to the north of the site with a servicing area to the rear and a large customer car park in the southern portion of the site. Maybury Hill bounds the eastern boundary and Oriental Road forms the southern boundary. The railway line is to the north and an office building and Woking Mosque is located to the west. The wider area is characterised by residential development of a mixture of ages and styles.

### **PLANNING HISTORY**

There is substantial planning history for the site with the most relevant history listed below:

## 05 JUNE 2018 PLANNING COMMITTEE

- PLAN/1995/0290:- Full planning permission for the erection of a non-food retail park development, garden centre, associated car parking and highway modification works  
- Permitted 08/08/95

### CONSULTATIONS

**County Highway Authority:** No objection.

### REPRESENTATIONS

Two representations have been received objecting to the proposal raising the following summarised concerns:

- The surrounding area is already congested and the proposal would worsen this
- The applicant is inaccurate in suggesting the car park is under-capacity; the car park is regularly full and the proposal would worsen the parking situation
- There are enough facilities for collecting textiles, a permanent fixture here is not required
- Proposal would encourage people to dump unwanted clothes
- The proposed structure would be ugly and detract from the character of the area
- Proposal would worsen the highway safety of the area
- The food van already takes up parking spaces
- There is no longer a height restrictor at the site entrance and larger vehicles and coaches often take up more than one space
- The unit would encourage 24hour use of the site
- Proposal would lead to additional noise, air and light pollution
- The landowner is unreliable and there is a problem of pests, overflowing bins and poor quality soft landscaping
- Potential advertisements would be unsightly (*Officer note: Advertisements may require separate Advertisement Consent*)
- Proposal would be detrimental to charities as the proposal is a commercial venture (*Officer note: This is not regarded as a material planning consideration*)

### RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012):

Section 2 – Ensuring the Vitality of Town Centres

Section 4 - Promoting sustainable transport

Section 7 - Requiring good design

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough

CS5 - Priority Places

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

**PLANNING ISSUES**

Principle of Development:

1. The proposal is for the siting of a detached outbuilding to be used as a 'cash for clothes' clothes recycling facility whereby members of the public deposit second-hand clothes in exchange for money, the clothes are then taken to an off-site facility. The building would have a total floor area of 18m<sup>2</sup> and would comprise an office and a storage area for clothes. The proposed use is not considered a retail use and can best be described as a 'sui generis' use. The proposal site is not within a designated shopping frontage or Local or Neighbourhood Centre, however as the proposed use is not considered a 'main town centre use' as defined by the NPPF (2012), a Sequential Test assessing the impact on existing designated frontages is not considered necessary.
2. The scale of the proposed use is very modest and is considered ancillary and complimentary to the scale and function of the existing retail park and given the relatively unique nature of the proposed use, the proposal is not considered to draw custom away from existing retail centres in the Borough. The proposal is not therefore considered to detrimentally impact on the function or viability of existing retail centres.
3. Overall the proposed use is considered acceptable in principle in the context of the existing uses and character of the Lion Retail Park subject to the further material planning considerations outlined below.

Impact on Character:

4. The proposed building would have a height of 2.85m with a length of 6.3m and a depth of 3.3m and would be sited on an area currently occupied by 3x parking spaces. The proposal site is a large retail park characterised by large warehouse retail units to the north of the site and a large car park on the southern portion of the site with a detached building in A3 (café) use to the south. The proposed building would be positioned in the southern portion of the site close to the east of the detached building. Oriental Road bounds the southern boundary of the site and is significantly higher than the car park level of the retail park which means there is a retaining wall approximately 2.5m in height and a landscaped strip on the southern boundary. The retaining wall is staggered in nature and the proposed location of the building would be up-against the retaining wall and in the recessed area. This siting of the building significantly limits its prominence from public vantage points and the proposal is not considered to result in an unduly prominent building when viewed from surrounding roads. When viewed from the car park the building would be viewed against the backdrop of the existing retaining wall.
5. The building would be finished in timber cladding with grey UPVC doors and windows and would have a simple utilitarian appearance. The building would be viewed in the context of the existing modern retail buildings on the site and is relatively modest in scale compared to surrounding structures. Overall the proposal is considered a visually acceptable form of development and is considered to have an acceptable impact on the character of the proposal site and surrounding area.

Impact on Neighbours:

6. There are residential neighbours surrounding the site including on Maybury Hill to the east and on Little Riding to the south. The unit would generate activity in terms of members of the public depositing clothes to the unit and clothes being collected from

## 05 JUNE 2018 PLANNING COMMITTEE

the site. However given the modest scale of the proposed use (18m<sup>2</sup>) and when viewed in the context of the scale of the existing retail uses on the site and the existing associated vehicle movements, the activity generated by the proposed use is not considered to result in unacceptable impact on neighbouring amenity.

7. It is however considered appropriate to limit both the opening hours of the proposed unit and the hours in which deliveries and collections can be made in order to safeguard the amenities of neighbours. It is considered appropriate to limit the opening hours to the approved opening hours of the retail units on the retail park (08:00am to 20:00pm Monday- Sunday); this can be secured by condition (Condition 3). In terms of how the unit would operate, the applicant has confirmed that the unit would be staffed by two staff members and deposited clothes would be collected twice a week. The applicant has indicated that it would be unlikely that clothes would be left outside the unit due to the business model of exchanging clothes for money, however the applicant has confirmed that the operator would take full responsibility for any clothes which are left outside the unit outside of the hours of operation.
8. It is considered appropriate to limit the permission to a period of 12 months which will allow the situation to be reviewed in a year's time, including the impact on neighbouring amenity. Overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours subject to conditions.

### Transportation Impact:

9. The siting of the proposed building would result in the loss of 3x parking spaces in the existing car park which currently features approximately 375x spaces. The loss of 3x parking spaces cannot be considered to materially impact on parking availability in the context of the scale of the existing car park (0.8% reduction). The additional vehicle movements associated with the proposed use are not considered to materially impact on the local high network, congestion or parking availability due to the modest scale of the proposed use. The County Highway Authority has reviewed the proposal and raises no objection and overall the proposal is considered to have an acceptable transportation impact.

### CONCLUSION

10. Overall the proposal is considered an acceptable form of development which would have an acceptable impact on the visual amenities of the area, on the amenities of neighbours and in transportation terms subject to the situation being reviewed in a year's time. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions, including a condition limiting the permission for a temporary period of one year.

### BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations
4. General Site Notice dated 22/03/2018

**RECOMMENDATION**

PERMIT subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

AAA5158-P2-001 received by the LPA on 09/03/2018

AAA5158-P2-002 received by the LPA on 09/03/2018

AAA5158-P2-003 received by the LPA on 09/03/2018

ASB609-01 received by the LPA on 09/03/2018

ASB609-02 received by the LPA on 09/03/2018

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

2. This permission shall be for a limited period of 12 months from the date of this decision. On the expiry of 12 months from the date of this decision, the building hereby permitted shall be removed from the site in its entirety and the land restored to its former condition, including three parking spaces, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To review the condition of the building and the effect on the amenities of neighbours.

3. The building hereby permitted shall not be open to customers, nor any deliveries or collections carried out, outside the hours of 08:00am to 20:00pm Monday-Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the environment and amenities of the occupants of neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

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



**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)**

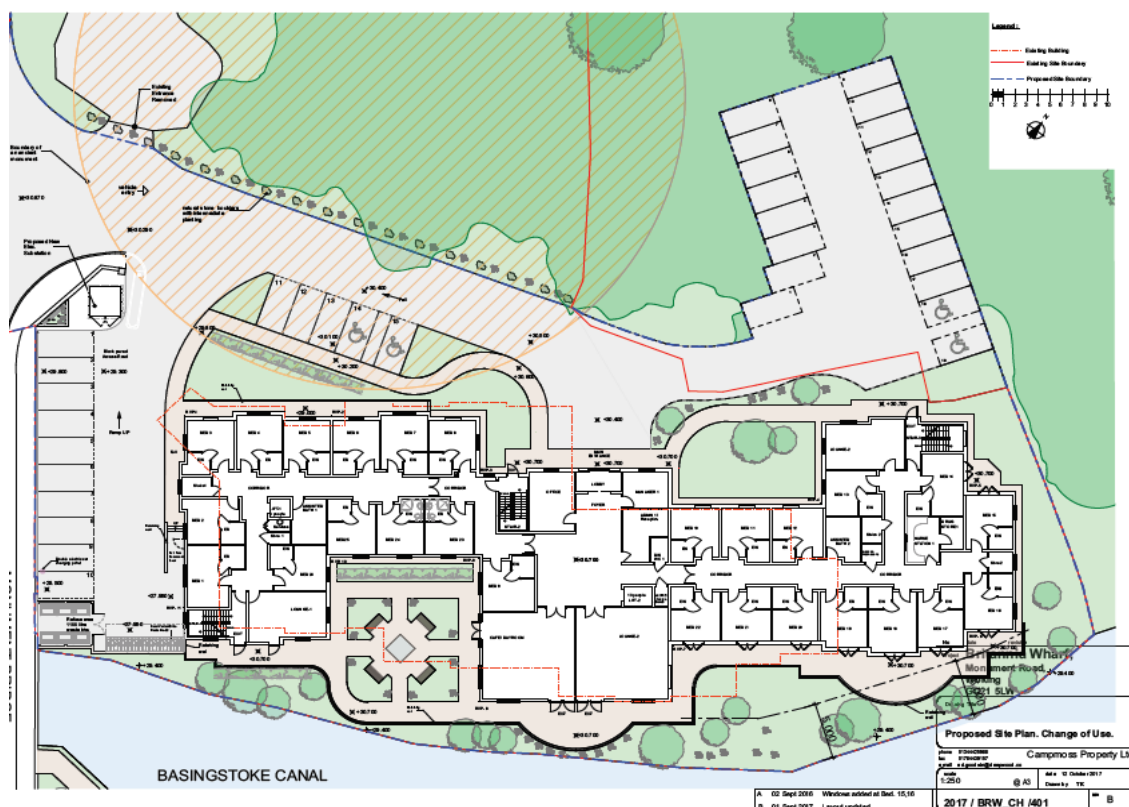




# Britannia Wharf, Monument Road, Woking

## PLAN/2017/1185

Change of use of land currently forming informal car park (land coloured green) to publicly accessible open space, change of use of land (coloured blue) from publicly accessible recreational open space to car park and construction of car park for exclusive use of the owners/occupiers of the property known as Britannia Wharf, change of use of land (coloured green and cross hatched black) from publicly accessible recreational open space to vehicle lay-by and construction of lay-by and removal/expunging of the existing S106 legal agreement dated 29th July 2017 to facilitate the proposed development.

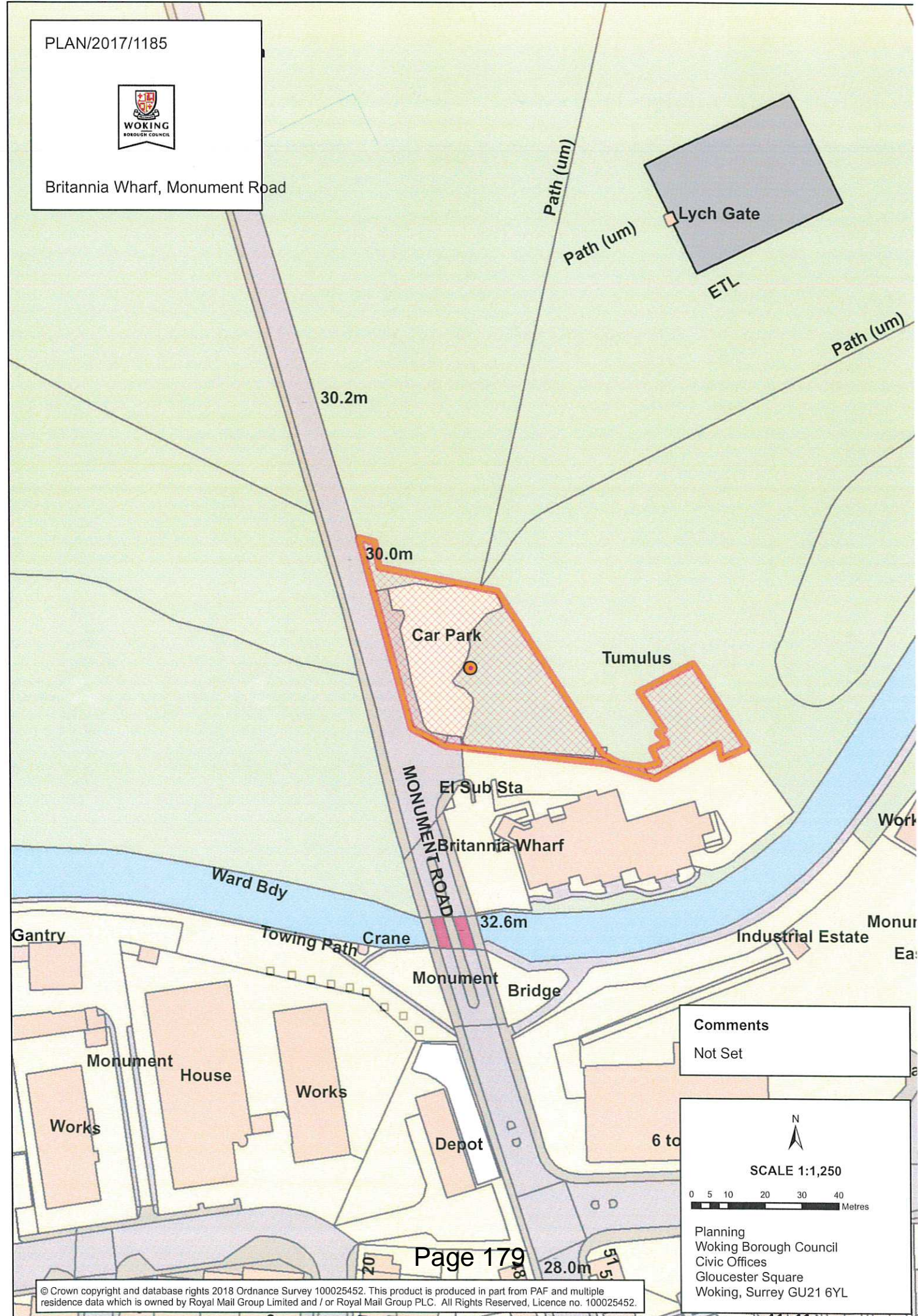




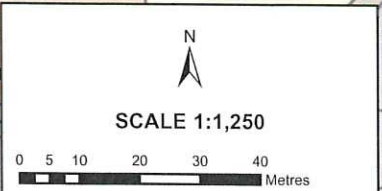
PLAN/2017/1185



Britannia Wharf, Monument Road



Comments  
Not Set



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



## 5 June 2018 PLANNING COMMITTEE

5k 17/1185 Reg'd: 16.10.17 Expires: 30.06.18 Ward: HO  
Nei. 16.11.17 BVPI 20 - COU Number of Weeks 33/36 On Y  
Con. Target on Cttee' Day: Target?  
Exp:

**LOCATION:** Britannia Wharf, Monument Road, Woking, GU21 5LW

**PROPOSAL:** Change of use of land currently forming an informal car park (land coloured green) to publicly accessible open space, change of use of land (coloured blue) from publicly accessible recreational open space to car park and construction of car park for exclusive use of the owners/occupiers of the property known as Britannia Wharf, change of use of land (coloured green and cross hatched black) from publicly accessible recreational open space to vehicle lay-by and construction of lay-by and removal/expunging of the existing S106 legal agreement dated 29th July 2017 to facilitate the proposed development.

**TYPE:** FULL

**APPLICANT:** Campmoss Property Ltd

**OFFICER:** Joanne  
Hollingdale

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### **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Committee by the Development Manager.

### **SUMMARY OF PROPOSED DEVELOPMENT**

This application seeks full planning permission for the change of use of land currently forming an informal car park (land coloured green) to publicly accessible open space, change of use of land (coloured blue) from publicly accessible recreational open space to car park and construction of car park for exclusive use of the owners/occupiers of the property known as Britannia Wharf, change of use of land (coloured green and cross hatched black) from publicly accessible recreational open space to vehicle lay-by and construction of lay-by and removal/expunging of the existing S106 legal agreement dated 29th July 2017 to facilitate the proposed development.

### **PLANNING STATUS**

- Green Belt
- Basingstoke Canal Conservation Area
- Scheduled Ancient Monument
- Common Land
- Basingstoke Canal SSSI (nearby)
- Site of Nature Conservation Importance (Woodham Common SNCI)
- High Archaeological Potential
- Flood Zone 1
- Thames Basin Heaths SPA Zone B (400m-5km)

### **RECOMMENDATION**

## 5 June 2018 PLANNING COMMITTEE

Subject to the expiry of the site and press notices on 6th June 2018 and the receipt of representations which do not raise any new issues it is recommended that planning permission be **GRANTED** subject to:

- i) the prior completion of a S106 Legal Agreement to secure the matters referred to in the section titled Planning Obligations; and
- ii) the recommended planning conditions.

### **SITE DESCRIPTION**

This application relates to an area of land immediately to the north of the Britannia Wharf site. The southern boundary of the application site is formed by the Britannia Wharf site with the eastern and northern boundaries of the site being formed by Horsell Common.

The western part of the application site includes part of Horsell Common and the informal car park which can accommodate around 19 vehicles. This part of the site also includes part of the bell barrow (Tumulus) which is designated as a scheduled ancient monument. The eastern part of the site includes an area of land currently forming part of Horsell Common. Access into the informal car park is via the access from Monument Road into the Britannia Wharf site.

### **PLANNING HISTORY**

There is a long planning history for the site as part of the adjacent Britannia Wharf site, most of which relates to the site before the existing office building was constructed. The most recent planning history for the application site and its adjacent Britannia Wharf site is as follows:

PLAN/2016/1204 – The partial demolition, rebuild and extension of existing B1 office building to create a 4/5 storey building for Class C3 use including 52 (47no. 2 bed and 5no. 1 bed) apartments, associated works. Existing access roads/car parking to be retained. Resolution to Grant planning permission subject to prior completion of S106 legal agreement and conditions 27.02.18

PLAN/2016/0724 - Prior notification for a proposed change of use - conversion of 4/5 storey office building (B1 use) to create 51 residential units (C3 use). Withdrawn

PLAN/2016/0358 - Prior notification for a proposed change of use - conversion of 4/5 storey office building (B1 use) to create 51 residential units (C3 use). Withdrawn

PLAN/2015/1438 - Demolition of existing 4/5 storey office building B1 Use and the construction of a new 3/4 storey care home (82 beds) C2 Use with associated access roads, car parking, landscaped amenity areas and new electricity sub station. Granted subject to S106 legal agreement 27.07.17.

PLAN/1991/0474 - Relaxation of Condition 5 (restricting office use to less than 300 square metres) of application 87/1213 for the erection of a three storey B1 office building. Granted 13.06.91

PLAN/1989/1073 - Amendment to application 88/0638 proposing use of redundant plant room to directors dining/board room and use of part of basement as lecture room/projection room and revisions to parking layout. Granted 06.04.90

## 5 June 2018 PLANNING COMMITTEE

PLAN/1988/0638 - Approval of Reserved Matters pursuant to application 87/1213 in respect of demolition of existing building, erection of B1 Use Class building and car parking, construction of new vehicle access. Granted 15.09.88

PLAN/1987/1213 - Demolition of existing industrial buildings and erection of a three storey building providing 25,188sq.ft. of Class B1 (Business) floor space (revised proposal). Granted 25.04.88

### **PROPOSED DEVELOPMENT**

This application seeks full planning permission for the change of use of land currently forming an informal car park (land coloured green) to publicly accessible open space, change of use of land (coloured blue) from publicly accessible recreational open space to car park and construction of car park for exclusive use of the owners/occupiers of the property known as Britannia Wharf, change of use of land (coloured green and cross hatched black) from publicly accessible recreational open space to vehicle lay-by and construction of lay-by and removal/expunging of the existing S106 legal agreement dated 29th July 2017 to facilitate the proposed development.

The proposed development would facilitate:

- The removal of the existing informal car park providing 19no. car parking spaces and the reversion of this land back to natural open green space to enhance the setting of the scheduled monument;
- Extinguish any S106 legal agreement relating to the public use of the existing informal car park in connection with the recreational use of Horsell Common;
- The creation of a coach parking lay-by along Monument Road, including the extension of the footway on the eastern side of Monument Road south to the Britannia Wharf access; and
- Re-provide a new smaller car park area for the exclusive use of the occupiers of Britannia Wharf site to replace the 19no. spaces lost from the informal car park.

In support of the application a Heritage Statement, Extended Ecology Survey Report, Drainage Design report, Arboricultural Report for new private car park and Arboricultural Report for layby have been submitted.

### **CONSULTATIONS**

**County Highway Authority** – Having assessed the application in terms of safety, capacity and policy grounds, recommends that conditions be attached to any permission granted (conditions 11, 12 and 13).

**Historic England** – The existing car park covers part of the scheduled area of the barrow on its western edge which means the barrow is subject to potential damage from ground compaction of cars driving over its outer ditch. It also makes it difficult to appreciate the full extent of the barrow when cars are parked on its western edge. Removal of the car park from the western edge of the barrow enables it to be better presented in its landscape setting and allows for a suitable reinstatement and management regime to be implemented. The addition of a vehicle layby will not encroach onto the scheduled area of the barrow or intrude significantly into the area surrounding it. The location of the layby will also ensure public accessibility to the range of designated heritage assets in this part of the common.

The proposed car park will intrude into the wider area surrounding the barrow on the eastern site but it is set far enough back from the barrow to preserve its immediate setting. There is also some tree screening between the two elements and setting the car parking to

## 5 June 2018 PLANNING COMMITTEE

the east is a significant improvement on having cars parked on the western edge of the barrow within the scheduled area.

The land changes have been devised through discussion with relevant consultees including Historic England and it is our view that the proposals seek to offer heritage benefits in terms of both improving the immediate setting of the barrow and enabling an improved future management regime both of which would enhance the monument (condition 19). No objection to the application on heritage grounds.

**Ancient Monuments Society** – No comments received.

**Natural England** (first response) – Objection as the further information is required with regard to the following: the site sits on a portion of SANG land and Natural England requires the applicant to liaise with the LPA in order to establish the proposed loss/gain of SANG land off the back of the proposals and submit this to Natural England for review. [*Officer note: this information was provided to Natural England by the LPA*]

**Natural England** (second response) – Objection withdrawn – on the basis of the further information received, satisfied that the issues raised have been resolved. Consider that there would be no significant adverse impacts on Horsell Common SSSI and the Thames Basin Heaths SPA.

**Environment Agency** – No comments received

**Surrey Wildlife Trust** – No comments received

**County Archaeologist** - With regard to below ground archaeological remains outside the Scheduled Ancient Monument, agree with the recommendation of the submitted archaeological information that the proposed car park should be subject to further archaeological investigation and the recommendations set out are appropriate i.e. archaeological monitoring and an archaeological 'strip map and sample exercise'. To ensure the required archaeological work is secured a condition should be attached to any planning permission granted (condition 10).

**WBC Drainage and Flood Risk Engineer** – No objection subject to condition (condition 14).

**WBC Contaminated Land Officer** – There is potential for ground contamination given the historical use of the site and the full condition should be imposed (condition 9).

**WBC Conservation Consultant** – I have no comment on this application which is mainly an archaeological issue which has been dealt with in the accompanying report.

**WBC Arboricultural Officer** – The new car park creation is acceptable subject to an Arboricultural Method statement and Tree Protection Plan as the majority of trees to be removed area of low quality with the best trees in the vicinity being retained. The information submitted in relation to the layby is acceptable and the trees shown for removal can be mitigated through replacement planting (conditions 4 and 8).

**Horsell Common Preservation Society** - has submitted two letters and provided clarification for Natural England. A summary of the main comments provided in the first letter is as follows:

- Support the application.



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- HCPS has for many years opposed the siting of the informal car park on the land coloured green on the application plans as it is registered common land and no consent was granted for the land to be used as a car park. The applicant has used it as a car park since 1991 although members of the public could also use the car park for access to Horsell Common for recreational use.
- The applicant also has within its freehold one of the finest bronze age bell barrows in Surrey which is a scheduled monument. This monument suffers from tree and scrub encroachment as well as having the informal car park extending across its outer boundary. HCPS would like to acquire the barrow and informal car park so that it can restore the barrow, remove the informal car park, enhance the setting of this monument and secure its long term protection. Historic England suggests that the continued use of the informal car park will cause harm to the significance of the barrow.
- The applicant has agreed, subject to contract, to transfer its title to the tumulus (barrow) and the informal car park to HCPS and to dedicate the land required for the proposed lay-by for highway use. In exchange HCPS will transfer, to the applicant, the land coloured blue on the application as an extension to the car park for the benefit of the occupiers of the new building at Britannia Wharf. This is dependant on the application being granted planning permission.
- The proposed lay-by will provide parking for two coaches (or other vehicles) to accommodate parties of school children and others visiting the Muslim Burial Ground.
- Consent has been obtained from the Secretary of State for the land coloured blue to be de-registered as common land in exchange for the land being transferred to HCPS which will become registered land. The Inspector concluded that this exchange did not adversely affect the interest of any persons having rights in relation to the exchange land and neither would the interests of the neighbourhood or the public be adversely affected.
- Since the closure of Britannia Wharf the informal car park has been open to the public and has been used to a minor extent by users of the common. However if the redevelopment of Britannia Wharf took place without the exchange then the informal car park would be in constant use and therefore we consider the loss of this potential parking for common users to be of little importance in practice and particularly in the light of the potential benefits of the scheme.
- HCPS wishes to support the application subject to a condition that the consent shall not be implemented until a legal agreement is concluded between the applicant and HCPS which binds the parties to the proposed land exchange and to rescind any S106 legal agreement made in relation to the use of the informal car park.

A second letter has been received from HCPS. A summary of the main comments provided is as follows:

- If the existing informal car park remains in the ownership of the applicant then it will be used by residents living in the new Britannia Wharf development;
- Knowing demand for parking we do not expect that there would ever be any spaces free for Common users. When the building was occupied there was never any space in the car park for Common users except at weekends when it was sporadically used by dog walkers. When the new building is occupied by residents there is even less chance that spaces will be available for Common users;
- Historic England is supportive of the plan and also welcomes the acquisition of the tumulus by HCPS;
- There is another car park for Common Users some 300 metres to the north which always has capacity for Common Users;

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- The plan also includes the insertion of a lay-by so that school parties and other groups have somewhere for their coaches/mini-buses to park whilst visiting the Muslim Burial Ground; and
- The proposed land exchange would also increase the extent of Registered Common Land which is Horsell Common.

In response to the original concerns of Natural England, HCPS made additional comments which in summary are as follows:

- HCPS has an agreement in principle with the applicant to exchange a small piece of common land totalling in 780sqm and in return it will receive a parcel of land totalling 2570sqm. The exchange of common land has been approved by the Secretary of State pursuant to s.16(1) of the Commons Act 2006 and will, de facto, become part of this SANG in perpetuity.
- The SANG agreement dated 01.03.07 between WBC and HCPS was one of the earliest agreements within the TBHSPA and preceded the JSPB strategy for the on-going management of SANG and thus only had a management period of 10 years. However HCPS is committed to maintaining public access to the SANG in perpetuity. This has been the subject of a meeting between Paul Rimmer of HCPS and Marc Turner of Natural England and agreement has been reached regarding on-going management.
- The enlarged area with the added features of a historic scheduled monument and a lay-by for visitors will add value to the SANG. The rationale for the land exchange can be found in the original letter submitted by HCPS in relation to the application.
- A condition requiring the removal of the existing informal car park and returning it to its natural state would be beneficial and hopefully satisfy Natural England's concerns.

An email has also been received from HCPS. In summary the comments made are as follows:

- HCPS has agreed with the applicant that the tumulus and informal car park adjacent to Britannia Wharf will be transferred to HCPS in exchange for the land to the rear of the site into which the new car park will be constructed.
- HCPS and the applicant will enter into a binding contract in this respect when the planning application is resolved.
- In due course the land upon which the proposed lay-by is constructed will be wholly owned by HCPS although the applicant will be undertaking its construction.
- To ensure compliance HCPS is happy to be party to a S106 legal agreement with the applicant to bind the parties to the extinction of the existing informal car park thereby terminating the effect of the old legal agreements and ensuring the retention of that land to natural land apart from the land required for the new lay-by.
- HCPS already has agreement from DEFRA for the extinction of the common land status for the land which is to become the replacement car park in exchange for the front land which apart from the lay-by will become registered common land.

### **REPRESENTATIONS**

1 letter of representation has been received. A summary of the main comments made is given below:

- The applicant are planning to extend their car park [*Officer note: a land-swap is proposed*]. Some years ago I visited the site with the secretary of HCPS and a man from English Heritage [*Officer note: now Historic England*] who thought it likely that a fence would be erected around the barrow. Nothing came of this. A

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fence would clearly show the site of the barrow. Over the years Britannia Wharf will change hands many times but the barrow has been there for 4,000 years – lets keep it safe.

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework  
Planning Practice Guidance

Woking Core Strategy 2012

CS1 – A spatial strategy for Woking

CS6 – Green Belt

CS7 – Biodiversity and nature conservation

CS8 – Thames Basin Heaths Special Protection Areas

CS9 – Flooding and water management

CS17 – Open space, green infrastructure, sport and recreation

CS20 – Heritage and conservation

CS21 – Design

CS24 – Woking's landscape and townscape

CS25 – Presumption in favour of sustainable development

Development Management Policies DPD 2016

DM2 – Trees and landscaping

DM5 – Environmental Pollution

DM8 – Land contamination and hazards

DM20 – Heritage Assets and their settings

SPD

Parking Standards 2018

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

### **PLANNING ISSUES**

1. The main issues to consider in the determination of this application are the impact of the proposal on the Green Belt, impact on provision of open space, heritage matters including impact on the scheduled monument and archaeology, the visual impact of the proposed development including the impact on the Basingstoke Canal Conservation Area, the impact on neighbouring occupiers, highway and parking issues, flood risk and surface water drainage, contamination, ecology and local finance considerations.

Green Belt

2. Paragraph 79 of the NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 90 defines other types of development that are not inappropriate development in the Green Belt. These other types of development include engineering operations such as the provision of a car park but do not include a material change of use of the land. A material change of use is therefore inappropriate development in the Green Belt which is by definition harmful. Case law has established that even if an application contains elements that on their own would be appropriate development, the whole of the development is required to be regarded as inappropriate development in the Green Belt. It is also necessary to establish whether any other harm (Green Belt or otherwise) would result from the proposed development, in addition to harm by reason of inappropriateness.

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3. The application proposes that the use of the existing informal car park would cease and the land would revert back to natural green space as part of the wider Horsell Common area. This area of land extends to around 1004sqm. In exchange an area of around 564sqm would be made available to the applicant to provide 19no. car parking spaces to replace the informal car park lost and an area of 278sqm would be used to provide a coach layby for the parking for 2no. coaches/buses and the extension of the footway southwards. On the basis of this land exchange between the uses it is not considered that the proposal would result in a loss of openness or would result in the encroachment of the countryside as more land would be reverted back to its natural state than would be used to provide the replacement car park and coach layby. As the land is currently in two different ownerships a Section 106 legal agreement would be required to secure the closure of the existing informal car park, its reversion to natural green space, its retention in perpetuity as publicly accessible open space, the provision of a coach layby, replacement car park and the timing of such works to ensure that only one car park results. No other harm to the Green Belt is considered to result from the proposed development.
4. Nonetheless as the proposal comprises inappropriate development in the Green Belt, in accordance with the NPPF substantial weight is required to be given to this harm. The NPPF states that very special circumstances to justify the granting of planning permission will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In terms of 'other harm' the paragraphs further below consider whether any other harm would result to specific planning issues under their respective headings.

### Very special circumstances

5. In consideration of very special circumstances, these can constitute one consideration or the combination of a number of considerations.
6. Paragraph 81 of the NPPF requires local planning authorities to plan "positively to enhance the beneficial use of the Green Belt" including to "provide opportunities for outdoor sport and recreation". This proposal would result in the enhancement of Horsell Common by a net increase in the land to be reverted back to 'natural' open green space from the existing informal car park use.
7. The existing informal car park lies directly adjacent to a scheduled ancient monument comprising a single bell barrow on the east side of Monument Road. The outer perimeter of the scheduled monument extends into the existing informal car park. A scheduled monument is an asset of national importance. Historic England has advised that "*the existing car park covers part of the scheduled area of the barrow on its western edge, which means the barrow is subject to potential damage from ground compaction of cars driving over its outer ditch. It also makes it difficult to appreciate the full extent of the barrow when cars are parked on its western edge.*" The removal of the existing informal car park from the western edge of the barrow enables it to be better presented in its landscape setting and allows for a suitable reinstatement and management regime to be implemented. The removal of the informal car park will thus significantly enhance the setting of the ancient monument which is an asset of national importance. Without this application the existing informal car park would continue to affect the setting of the monument and would also have the potential to result in further harm resulting from the continued use of the car park by vehicles.
8. The proposals would also result in the provision of a coach/bus lay-by which would provide two coach parking spaces and a footway extension. There is no other coach/bus lay-by parking along this part of Monument Road. This part of Horsell Common includes

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the Grade II listed Muslim Burial Ground as well as the tumulus on the eastern and western sides of Monument Road. The provision of a coach/bus lay-by would result in a positive benefit and would enable visitors to Horsell Common, the Muslim Burial Ground and also the tumulus to use alternative modes other than the private car. The small extension to the footway would also enable pedestrians to access Horsell Common along the eastern side of Monument Road. These additional facilities are considered to be a significant enhancement to the existing open space and its features.

9. In this particular case, it is therefore considered that the net increase of land to be reverted back to open green space, the provision of the 2no. coach/bus lay-bys and the removal of the existing informal car park which lies within the outer perimeter of the scheduled monument enabling it to be better presented and appreciated in the landscape setting are considered to comprise very special circumstances.
10. Whether these matters in isolation or in combination are considered to outweigh the harm to the Green Belt and any other harm resulting from the proposed development will be assessed as part of the conclusion-planning balance at the end of this report, once all other material planning considerations have been assessed as to whether 'any other harm' would result from the proposed development in addition to that already identified.
11. In the event that the proposal is considered acceptable and as the site is located in the Green Belt, to prevent the provision of 2 car parks resulting and to ensure the benefits of the scheme are delivered it would be necessary to secure:
  - i. the closure of the existing informal car park and its reversion back to natural open green space if the replacement car park is constructed;
  - ii. to secure the land reverted back to open space in perpetuity as publicly accessible open green space (including the expunging of any previous legal agreements relating to the informal car park),
  - iii. the provision of the coach/bus parking bays and their use for coach/bus/disabled parking in connection with the recreational use of Horsell Common; and
  - iv. to secure the agreement of both landowners to ensure that neither party prevents the compliance with the relevant planning conditions attached to any permission granted.
12. As the application site is owned by two different landowners it would be necessary to require both landowners to enter into a S106 legal agreement to secure the details as listed above. Both landowners have agreed to enter into such an agreement.

### Open Space (including SANG land)

13. Policy CS17 of the Woking Core Strategy states that the loss of open space will not be permitted unless alternative and equivalent or better provision is made available within the vicinity of the site. This approach reflects the NPPF requirements relating to open space. In relation to the application site the area proposed for the replacement car park is currently part of Horsell Common which is public open space and the informal car park area forms part of the adjacent Britannia Wharf site which is in private ownership.
14. It is also noted that the whole of Horsell Common, including the application site is designated as Suitable Alternative Natural Greenspace (SANG) which is land that is accessible for public recreation and meets the requirements of visitors who would use the SPA as an alternative to using the SPA. Policy CS7 of the Woking Core Strategy also states that development will only be permitted where the Council is satisfied that this will not give rise to a significant adverse effect upon the integrity of the SPA.

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15. In terms of open space provision, as a result of the proposed development more land would be changed to open green space than would be lost due to the provision of the replacement car park. In addition although the whole of the application site area is included in the SANG designation, not all of the land currently forms functional SANG land as part of the SANG is used as informal car park. Therefore more land would be put back to functional SANG land than would be removed to provide the replacement car park and coach layby as shown in the table below:

	Existing	Proposed
Existing informal car park	1004sqm	-
Proposed car park	-	564sqm
Coach layby	-	278sqm
<b>Total</b>	<b>1004sqm</b>	<b>842sqm</b>

16. It is therefore considered that the proposed development would result in a beneficial impact to the provision of open space and natural/functional SANG land in this area. The proposed development is therefore considered to have a beneficial effect upon the provision of open space and SANG and consequently the TBHSPA. The proposed development is therefore considered to comply with Policies CS7 and CS17 of the Core Strategy 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy and the policies in the NPPF.

### Scheduled Monument and archaeology

17. Three Bronze Age funerary mounds are located on Horsell Common, a bell and disc barrow located to the west of Monument Road and a single bell barrow on the east side of Monument Road, the boundary of which extends into the application site. The barrow adjacent to and partly within the application site is designated as a scheduled monument and Historic England advise that the *“barrow is a prehistoric burial mound and is an important monument, considered to be a rare and fragile survival that contain important archaeological and environmental information. Bell barrows are an especially rare type of barrow, and this is an outstanding example of its kind. The barrow also has increased importance due to its proximity to two further scheduled barrows on the opposite side of the road to the west.”*
18. Monuments fall within the NPPF definition of a heritage asset. Paragraph 132 of the NPPF states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset the greater the weight should be.”* A scheduled monument is an asset of national importance. Policy CS20 of the Core Strategy and Policy DM20 of the DM Policies DPD relate to development affecting heritage assets and states that new development should make a positive contribution to the historic environment. The applicant has submitted a Heritage Statement with the application.
19. With regard to the impact of the proposed development on the scheduled monument, the proposed replacement car park would be located further to the east of the scheduled monument and the proposed coach/bus lay-by would lie adjacent to Monument Road to the west of the scheduled monument. The applicant’s Heritage Statement advises that neither the new car park nor the coach/bus lay-by would encroach into the area of the scheduled monument. Historic England has advised that the new car parking area to the east will intrude a little into the wider open space area to the eastern side of the barrow but it is their view that the parking area is set far enough back from the barrow to preserve its immediate setting. They also comment that there is some tree screening

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between the two elements and that setting the parking to the east is a significant improvement on having cars parked on the western edge of the barrow within the scheduled area. In respect of the lay-by, Historic England advise that it will not encroach onto the scheduled area of the barrow or intrude significantly into the area surrounding it.

20. Much of the application site also falls under the area of high archaeological potential. With regard to ground disturbance, the creation of a new car park will result in ground disturbance within an archaeologically sensitive area. The County Archaeologist has advised that she is pleased that the application is supported by a Heritage Statement which provides a useful assessment of the extent of previous site impacts as well as the likely impact of the proposals. The applicant's Heritage Statement concludes that although the archaeological potential is high, within this area subsequent development from buildings and the existing vegetation reduce the remaining potential of the area. Nonetheless the County Archaeologist agrees with the conclusions of the applicant's Heritage Statement that the proposed car park should be subject to further archaeological investigation comprising monitoring and then an archaeological strip map and sample exercise to be secured by condition (condition 10).
21. As noted in paragraph 7 above the proposed removal of the informal car park and the reversion of this land back to natural open green space would significantly enhance the setting of the ancient monument which is an asset of national importance. Historic England has raised no objection to the application on heritage grounds subject to a condition requiring a heritage management and maintenance plan to enhance the monument (condition 19). It is also considered necessary to include a condition to ensure that the reversion of the car park within the outer perimeter of the scheduled monument to natural open space is subject to appropriate measures (conditions 18 and 19).
22. The proposed replacement car park and coach layby are not considered to have an adverse effect on archaeology and the scheduled monument. In addition the proposed change of use of the informal car park to natural green space would have a significant positive benefit on the setting of the adjacent scheduled monument, subject to conditions (conditions 18 and 19). The proposal is therefore considered to comply with Policy CS20 of the Core Strategy, Policy DM20 of the DM Policies DPD and the policies in the NPPF.

### Visual Amenity including Basingstoke Canal Conservation Area

23. The application site is located within the Basingstoke Canal Conservation Area. In this location the conservation area includes the canal, the adjacent Britannia Wharf site, the application site and also part of Horsell Common. In relation to conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" when Local Planning Authorities are exercising their planning functions. This requirement is also reflected in Policy CS20 of the Core Strategy and Policy DM20 of the DM Policies DPD.
24. As the consideration of the impact of the proposed development on the Basingstoke Canal Conservation Area is a visual assessment it should also be noted that Policy CS21 of the Core Strategy states that new development should respect and make a positive contribution to the street scene and the character of the area within which it is located. Policy CS24 requires all development proposals to provide a positive benefit in terms of landscape and townscape character. Policy DM4 of the DM Policies DPD also states that proposals which conserve and enhance the landscape, heritage, architectural

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or ecological character, setting or enjoyment of the Basingstoke Canal and would not result in the loss of important views will be permitted.

25. The proposed works to create the replacement car park would be limited to ground level works only and would be located around 29 metres from the Basingstoke Canal. The proposed replacement car park would still be closely associated with the adjacent Britannia Wharf site and would be less visually prominent when viewed from Monument Road than the existing car park. The proposal in its totality would also enable a larger part of land (the existing informal car park save for the coach/bus lay-by and footway extension) to be returned to natural green open space. Whilst part of the site would be utilised for a coach/bus lay-by and footway extension, this area would be located adjacent to Monument Road and would appear closely associated with the main carriageway. A coach/bus lay-by is not an unusual feature adjacent to a carriageway. The Council's Conservation Consultant also has no comments on this application.
26. Subject to conditions relating to surfacing materials for the car park and means of enclosure (2, 5 and 6) it is considered that the proposal would preserve and enhance the character and appearance of the Basingstoke Canal Conservation Area and the wider local area and would not adversely affect the setting of the Basingstoke Canal. The proposal would therefore comply with Policies CS17, CS20, CS21 and CS24 of the Woking Core Strategy, Policies DM4 and DM20 of the DM Policies DPD and the policies in the NPPF.

### Impact on trees/vegetation

27. Policy DM2 of the DM Policies DPD reflects Policy CS21 and requires trees and vegetation to be considered holistically as part of any proposal, requires tree removal to be justified to the satisfaction of the Council and requires appropriate replacement planting to enhance the quality of any development.
28. Two Arboricultural Reports have been submitted with the application relating to the proposed new car park and also the roadside layby/footway extension. In respect of the proposed new car park 14no. trees are required to be removed to facilitate the development. 11no. of these trees are either a category C or U trees, with 1no. tree being a category A tree and 2no. trees being category B trees. 1no. category A tree is also required to be transplanted to facilitate the development as it is currently suppressed. As the site boundary to the proposed car park is drawn tightly around the car park to minimise the development site, there is no opportunity within the proposed car park for any replacement planting. Nonetheless the site forms part of a much wider well established and mature area of Common Land comprising woodland. The removal of this small number of trees without replanting is not considered to adversely affect the integrity of this part of Horsell Common and a number of trees would remain in the vicinity of the proposed car park. As the proposed car park would be in close proximity to other trees to be retained, 'no-dig' methods of construction utilising cellular confinement system will be required in the root protection area (RPA) and details of any drainage/service runs will need to be approved by condition to avoid excavation or levels changes within the RPA of any retained trees (condition 8).
29. With regard to the proposed coach lay-by and footway extension to the south, the Arboricultural Information notes that a number of significant trees in the vicinity of the application site have been removed by others, which is understood to be part of the maintenance works implemented by the utility provider. To facilitate the proposed development 10no. trees will be removed. Of these, one is dead, 7no. trees comprise young to early-mature birch trees planted by the owner of Britannia Wharf around the northern side of the access into the site and 2no. trees are mature Scots Pine trees



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(category B trees). It is considered that the loss of the trees to facilitate the development would not adversely affect the overall visual integrity of Horsell Common or the character and appearance of the Conservation Area, given the wider context of the area within which the site is located. Nonetheless it would be possible to plant some replacement tree planting close to the layby and footway extension without encroaching into the outer perimeter of the scheduled ancient monument. This limited tree planting would further enhance the appearance of this part of the site (condition 4).

30. The Council's Arboricultural Officer has advised that the impact of the development on trees is acceptable subject to conditions (conditions 4 and 8). Subject to the imposition of the conditions it is considered that the impact of the development on trees/vegetation is acceptable. The proposal is therefore considered to comply with Policy CS21 of the Core Strategy, Policy DM2 of the DM Policies DPD and the policies in the NPPF.

### Impact on residential amenity

31. In order to comply with Policy CS21 of the Core Strategy, new developments must achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
32. There are no existing residential occupiers immediately adjoining the site or nearby to be affected by the proposal. As the proposed replacement car park would provide the same number of parking spaces as the existing informal car park and would serve the re-developed Britannia Wharf site, it is not considered that it would result in any adverse impact to the future occupiers of the Britannia Wharf site.
33. The proposed development is therefore considered to comply with Policy CS21 of the Woking Core Strategy and the policies in the NPPF.

### Highways and parking issues

34. The existing vehicular access to the Britannia Wharf site from Monument Road would be retained. The proposed replacement car park would provide 19no. car parking spaces which is the same number of vehicles that can be accommodated in the existing informal car park and as such the proposals are unlikely to result in any material change in terms of traffic generation into the site.
35. In terms of parking, there are no parking standards for public open space and any assessment is required to be on an individual basis. The existing informal car park is capable of being used by the public when utilising Horsell Common for recreation purposes and therefore the proposal would result in the loss of this car park for public use. The replacement car park would be for private use in connection with Britannia Wharf. Whilst the current car park is available for use by the public, this is only when there are spaces available in the informal car park. If the car park was full then there would be no right for the public to park within the car park or anywhere else on the Britannia Wharf site. For example, if the existing office was fully occupied and all employees chose to park in the informal car park, then there is no planning or legal restriction preventing them from doing so. Access to the informal car park is also controlled by a height restrictor to prevent unauthorised use by other vehicles. In addition HCPS has advised that there is another car park for Common users some 300 metres to the north which they state "always has capacity for Common users". The approved plan for the car park to the north showed that the car park had provision for around 25 car parking spaces (PLAN/2007/1155). It is considered that as HCPS own and manage Horsell Common that they are best placed to identify the requirements for

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Horsell Common in terms of parking provision. On the basis that there is another car park to the north which also serves Horsell Common and as the public has no overriding right to part in this car park (only when spaces are free) it is not considered that the loss of this car park would result in an under-provision of car parking serving Horsell Common. No harm is considered to result from this part of the proposal.

36. The application also proposes the provision of a coach layby for the parking of 2no. coaches in connection with the adjacent Horsell Common recreation facility. The provision of the coach parking layby would also provide a footway extending south along Monument Road to the existing vehicular access to the Britannia Wharf site. The provision of the 2no. coach parking bays would benefit users of the Horsell Common by providing alternative means of accessing the site and in-lieu of the closure of the existing informal car park the footway on the eastern side of Monument Road would be extended from the vehicular access past the coach parking bay retaining and improving pedestrian access to Horsell Common. This is a significant benefit for potential visitors to Horsell Common.
37. The County Highway Authority does not raise any objection to the application subject to conditions (conditions 11, 12 and 13). The proposed development is therefore considered to comply with Policy CS18 of the Woking Core Strategy and the policies in the NPPF.

### Flood Risk, Surface Water Drainage and Water Utilities

38. The site is located within Flood Zone 1 (low risk) and no issues relating to flood risk are raised. The Council's Drainage and Flood Risk Engineer has raised no objection to the application subject to condition (condition 14). The proposal is therefore considered to accord with Policies CS9 and CS16 of the Core Strategy, Policy DM4 of the DM Policies DPD and the policies in the NPPF.

### Contamination

39. Paragraphs 120 and 121 of the NPPF relate to contamination and advise that the effects of pollution should be taken into account and that the responsibility for securing a safe development rests with the developer and/or landowner. Policy DM5 of the DM Policies DPD relates to environmental pollution and Policy DM8 relates to land contamination and seeks to remediate or minimise the risks from contamination.
40. The Council's Contaminated Land Officer has advised that there may be potential for contamination and as such the full contamination condition should be imposed on any permission granted (condition 9). Subject to condition the proposed development is considered acceptable and would comply with Policies DM5 and DM8 of the DM Policies DPD and the guidance in paragraphs 120 and 121 of the NPPF relating to contamination.

### Ecology

41. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Circular 06/05 – Biodiversity Geological Conservation also requires the impact of a development on protected species to be established before planning permission is granted. This approach is reflected in Policy CS7 of the Core Strategy.

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42. The application site lies partly within the Woodham Common SNCI. The applicant has submitted an Extended Phase 1 Habitat Survey and a Bat Survey. The bat surveys conclude that the existing trees on the site are very unlikely to host roosting bats. No badger setts were found within or adjacent to the application site, although there are signs of badger activity to the north of the site. As badgers can open up holes for new setts overnight the ecology report recommends that a pre-commencement badger survey be conducted within one month of the commencement of works (condition 16). It is not considered likely that the proposal would have any adverse impact upon other protected species, such as reptiles, great crested newts or dormice as the habitats to be affected by the development are sub-optimal for use by these species. Any vegetation removal should be undertaken outside the bird nesting season unless the vegetation/building has been surveyed for nesting birds (condition 15) and a condition is recommended in relation to external lighting (condition 17).
43. Subject to the recommended conditions (15, 16 and 17) the proposal is considered to be acceptable in terms of ecological impact and would comply with Policy CS7 of the Core Strategy and the policies in the NPPF relating to ecology and biodiversity and the guidance in Circular 06/05.

### Local Finance Considerations

44. The Council implemented the Community Infrastructure Levy (CIL) on 1st April 2015. As the proposal relates to the provision of a car park the development is not CIL liable.

### Conclusion – Planning Balance

45. The NPPF sets out that it is the Government's clear expectation that there is a presumption in favour of development and growth except where this would compromise key sustainable development principles and be contrary to local planning policies, unless material considerations indicate otherwise. The role of the planning system is to contribute to the achievement of sustainable development. This often involves balancing the economic, social and environmental aspects of a proposal. In addition, where a proposal comprises inappropriate development within the Green Belt, a balancing exercise is required to establish whether very special circumstances exist that clearly outweigh the substantial weight to be given to the impact on the Green Belt by reason of inappropriateness and any other harm.
46. In this case the proposal would represent inappropriate development in the Green Belt by definition, although there would be no loss of openness (due to the land exchange and more land to be reverted to natural green space) or harm to the purposes of the Green Belt. In consideration of the other material planning considerations, no other harm is considered to result from the proposed development, subject to conditions and a S106 legal agreement.
47. The net increase of land to be reverted back to publicly accessible open green space, the provision of the 2no. coach/bus lay-bys and footway extension and the removal of the existing informal car park which lies within the outer perimeter of the scheduled monument enabling it to be better presented and appreciated in the landscape setting are, when taken together, considered to comprise very special circumstances which outweigh the substantial weight to be given to the harm resulting from the inappropriateness of the development and which justify a recommendation of approval for the application.
48. In light of the very special circumstances which exist in this case it is considered that a recommendation to grant planning permission subject to a S106 legal agreement and

## 5 June 2018 PLANNING COMMITTEE

the conditions is justified. Other than the conflict with Policy CS6 of the Woking Core Strategy, which is addressed by the very special circumstances, the proposed development is considered to comply with Policies CS7, CS8, CS9, CS18, CS20, CS21 and CS24 of the Woking Core Strategy, Policies DM2, DM5, DM8 and DM20 of the DM Policies DPD, the relevant SPDs and the policies in the NPPF subject to the prior completion of the S106 legal agreement and the recommended conditions.

49. The recommendation has been made in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

### **Planning Obligations**

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	To secure the cessation of the use of the informal car park and its permanent closure (including timing) and expunging of any previous legal agreements governing such use of the informal car park, concurrently or prior to the first use of the replacement car park hereby approved.  To secure the use of the closed informal car park as publicly accessible open green space in perpetuity.	To accord with Policies CS6, CS17, CS20 and CS21 of the Woking Core Strategy 2012.
2.	To secure the provision of a coach parking bay for 2no. coaches/buses in accordance with the approved plan to be retained in perpetuity for coach/bus parking/disabled parking in connection with the recreational use of Horsell Common.	To accord with Policies CS6, CS17, CS20 and CS21 of the Woking Core Strategy 2012.
3.	To prevent use of the replacement car park until such time as the coach/bus parking layby and footway extension have been provided and the existing informal car park has been closed.	To accord with Policies CS6, CS17, CS20 and CS21 of the Woking Core Strategy 2012.
4.	To secure the agreement of both landowners of the respective parts of the site to not prevent either party from being able to comply with the planning conditions of the planning permission.	To accord with Policies CS6, CS17, CS20 and CS21 of the Woking Core Strategy 2012.

### **BACKGROUND PAPERS**

Planning application file PLAN/2017/1185

### **RECOMMENDATION**

Subject to the expiry of the site and press notices on 6<sup>th</sup> June 2018 and the receipt of representations which do not raise any new issues it is recommended that planning permission be **GRANTED** subject to:

## 5 June 2018 PLANNING COMMITTEE

- i) the prior completion of a S106 Legal Agreement to secure the matters referred to above in the section titled Planning Obligations; and
- ii) the following planning conditions:

1. The development hereby permitted shall be commenced not later than three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance the following approved plans received with the application unless specified:

Site Location Plan (2017/BRW\_CH/400 Rev E) rec 13.10.17  
Proposed site plan (2017/BRW\_CH/401 Rev B) rec 13.10.17  
New Coach lay by (MBSK160818-1 Rev C) rec 13.10.17  
Swept Path analysis (MBSK160818-2 Rev B) rec 13.10.17  
Swept Path analysis (MBSK160818-3 Rev B) rec 13.10.17  
Coach/bus parking sign details (TS01) rec 13.10.17

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

3. The development hereby permitted shall not commence until samples and a written specification of all of the surfacing materials for the replacement car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect the visual amenities of the area in accordance with Policies CS20 and CS21 of the Woking Core Strategy 2012 and the policies of the NPPF.

4. The development hereby permitted shall not commence until a detailed replacement tree planting scheme for planting in the vicinity of the coach/bus layby hereby approved has been submitted to and approved in writing by the Local Planning Authority which specifies, the existing trees to be retained and the species, planting sizes, spaces and numbers of trees to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the coach layby and maintained thereafter. Any retained or newly planted trees which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality in accordance with Policies CS7, CS17, CS21 and CS24 of the Woking Core Strategy 2012 and the policies in the NPPF.

5. The development hereby approved shall not be commenced until details of any means of enclosure to the replacement car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be implemented in full in accordance with the approved details prior to the first use of

## 5 June 2018 PLANNING COMMITTEE

the car park and shall thereafter be retained and maintained as approved unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely affect the character and appearance of the site in accordance with Policies CS6, CS17, CS20 and CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

6. Except where otherwise approved under Condition 5, notwithstanding the provisions of Article 3 and Schedule 2, Part 2 and Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any orders amending or re-enacting that Order with or without modification) no fences, gates or walls or other means of enclosures shall be erected anywhere on the application site without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely affect the character and appearance of the site in accordance with Policies CS6, CS17, CS20 and CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

7. Prior to the commencement of development full details of the existing and proposed levels for the replacement car park hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Policies CS20 and CS21 of the Woking Core Strategy 2012 and policies in the NPPF.

8. No development related works shall be undertaken on site (including clearance and demolition) until tree protection details, to include the protection of trees hedges and shrubs, have been submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 2012 and shall include an Arboricultural Method Statement. The details shall make provision for the convening of a pre-commencement meeting and Arboricultural supervision by a suitably qualified and experienced Arboricultural Consultant for works within the RPAs of retained trees. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works, full details of the no-dig cellular confinement system for construction within any root protection areas and details of the drainage and service runs. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself to comply with Policy CS21 of the Woking Core Strategy 2012, Policy DM2 of the DM Policies DPD and policies in the NPPF.

9. The development hereby permitted shall not commence until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

The above scheme shall include :-

- (a) a contaminated land desk study and suggested site assessment methodology;
- (b) a site investigation report based upon (a);
- (c) a remediation action plan based upon (a) and (b);
- (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction; and

## 5 June 2018 PLANNING COMMITTEE

- (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d)
- (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details and timescales as may be agreed.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land before development commences and to make the land suitable for the development without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CS9 and CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall be implemented fully in accordance with the approved scheme.

Reason: To ensure that the required archaeological work is undertaken and in accordance with Policy CS20 of the Woking Core Strategy 2012 and the policies in the NPPF.

11. The new car park hereby approved shall not be first used unless and until the proposed modified access to Monument Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and 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 cause inconvenience to other highway users and to comply with Policy CS18 of the Woking Core Strategy 2012 and policies in the NPPF.

12. The new car park hereby approved shall not be first used unless and until the proposed coach layby has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy CS18 of the Woking Core Strategy 2012 and policies in the NPPF.

13. The new car park hereby approved shall not be first used unless and until the proposed footway between the access and the coach lay by has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy CS18 of the Woking Core Strategy 2012 and policies in the NPPF.

14. No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and

## 5 June 2018 PLANNING COMMITTEE

hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event.

The drainage scheme details to be submitted for approval shall also include:

- I. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.
- II. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.
- III. Detail drainage plans showing where surface water will be accommodated on site,
- IV. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter it shall be managed and maintained in accordance with the approved details in perpetuity.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of these in accordance with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF.”

15. Any scrub, hedgerow and tree clearance must be undertaken outside the bird breeding season (1st March to 30th August inclusive) unless the applicant has first carried out a survey of such vegetation (undertaken by an ecologist) which shows that there are no nesting species within relevant parts of the application site and any such survey results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent birds being injured or killed during site clearance works and to comply Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

16. Within a calendar month immediately prior to the commencement of development a badger survey shall be conducted on the whole site with the findings of the survey (including any recommendations for mitigation including during construction) being submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that badgers and/or badger habitat are protected and to comply with Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

17. No external lighting shall be installed anywhere on the site until full details of any proposed external lighting in accordance with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and the Built Environment Series" (and also ensuring compliance with the recommendations of



## 5 June 2018 PLANNING COMMITTEE

the Institute of Lighting Engineers 'Guidance Notes for Reduction of Light Pollution' and the provisions of BS 5489 Part 9) have been submitted to and approved in writing by the Local Planning Authority. Any lighting on the site shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and the ecology/biodiversity of the site and surrounding area and to comply with Policies CS6, CS7 and CS21 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

18. Prior to the commencement of development a scheme for the closure of the existing informal car park, including the method of closure and full details of a proposed scheme for the restoration of the land to natural open green space, including but not limited to the means of closure, removal of items from the site e.g. height restrictor, restoration of ground to natural green space, a timetable for each part of the restoration and long term management objectives for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the existing informal car park is restored to natural green space in an acceptable form having regard to the constraints of the site and to comply Policies CS6, CS7, CS20 and CS21 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

19. Prior to the commencement of development on the site, a heritage management and maintenance plan for the scheduled barrow shall be submitted to and approved in writing by the Local Planning Authority. The barrow shall thereafter be managed and maintained in accordance with the approved details unless otherwise first approved in writing by the Local Planning Authority.

Reason: To improve the presentation and management of the scheduled barrow and to comply with Policy CS20 of the Woking Core Strategy 2012 and the policies in the NPPF.

20. Prior to the first use of the replacement car park hereby approved it shall be laid out in accordance with the approved plans. The replacement car park hereby approved shall only be used for parking of vehicles in connection with and ancillary to the adjacent building/site currently known as 'Britannia Wharf' and shall be retained thereafter solely for that purpose and made available to the occupiers of the property at all times for parking purposes unless otherwise first approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy CS18 of the Woking Core Strategy 2012 and policies in the NPPF.

### **Informatives**

1. This application is subject to a Section 106 legal agreement.
2. For the avoidance of doubt, the following definitions apply to the above condition (condition 9) relating to contaminated land:  
Desk study- This will include: -

## 5 June 2018 PLANNING COMMITTEE

- (i) a detailed assessment of the history of the site and its uses based upon all available information including the historic Ordnance Survey and any ownership records associated with the deeds.
- (ii) a detailed methodology for assessing and investigating the site for the existence of any form of contamination which is considered likely to be present on or under the land based upon the desk study.

Site Investigation Report: This will include: -

- (i) a relevant site investigation including the results of all sub-surface soil, gas and groundwater sampling taken at such points and to such depth as the Local Planning Authority may stipulate.
- (ii) a risk assessment based upon any contamination discovered and any receptors.

Remediation action plan: This plan shall include details of: -

- (i) all contamination on the site which might impact upon construction workers, future occupiers and the surrounding environment;
- (ii) appropriate works to neutralise and make harmless any risk from contamination identified in (i).

Discovery strategy: Care should be taken during excavation or working of the site to investigate any soils which appear by eye or odour to be contaminated or of different character to those analysed. The strategy shall include details of: -

- (i) supervision and documentation of the remediation and construction works to ensure that they are carried out in accordance with the agreed details;
- (ii) a procedure for identifying, assessing and neutralising any unforeseen contamination discovered during the course of construction
- (iii) a procedure for reporting to the Local Planning Authority any unforeseen contamination discovered during the course of construction.

Validation strategy: This shall include : -

- (i) documentary evidence that all investigation, sampling and remediation has been carried out to a standard suitable for the purpose; and
- (ii) confirmation that the works have been executed to a standard to satisfy the planning condition (closure report).

All of the above documents, investigations and operations should be carried out by a qualified, accredited consultant/contractor in accordance with a quality assured sampling, analysis and recording methodology. In addition to this it is expected that best practice guidance from authorities such as the EA, British Standards, CIRIA and NHBC would be followed where applicable.

3. In connection with condition 9 (Archaeology) the applicant's attention is drawn to the consultation response from the County Archaeologist which advises that the details to be submitted to satisfy the condition should also include temporary fencing being erected around the existing earthwork and steps to ensure that any previously unidentified below ground heritage assets which lie within the car park area are preserved intact in the form of a protective surface across the car park to minimise impact from heavy construction traffic etc.
4. 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.

## 5 June 2018 PLANNING COMMITTEE

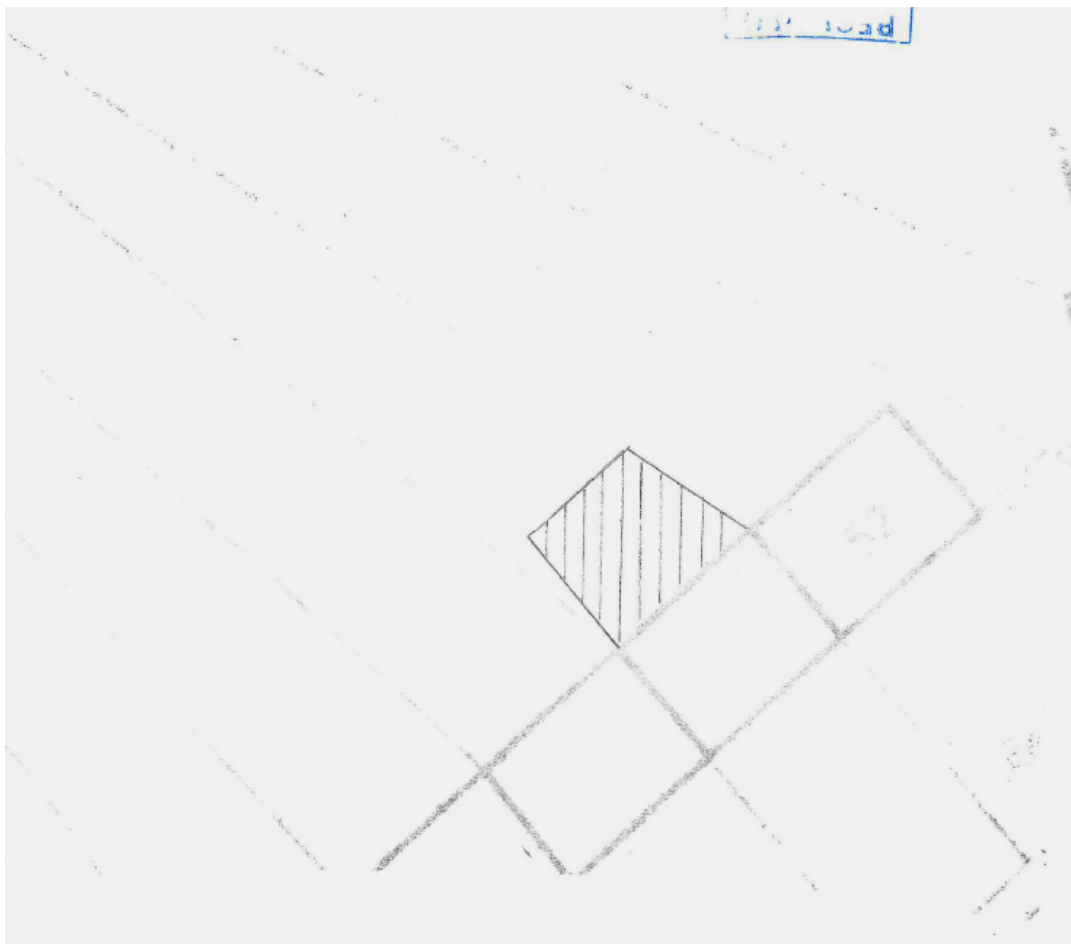
5. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or watercourse. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/ermergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/ermergency-planning-and-community-safety/flooding-advice).
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131,148 and 149).
7. The applicant is advised that in addition to any planning permission, the consent of the Secretary of State is also required for any works on common land.
8. The applicant is also advised that any works (including ground disturbance, landscaping or insertion of fence posts) within the scheduled area will require Scheduled Monument Consent and in this regard you are advised to contact Historic England.
9. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.



**54 Balmoral Drive,**  
**Maybury, Woking**

**PLAN/2018/0208**

Retrospective planning application for retention of part two storey, part single storey rear extension.

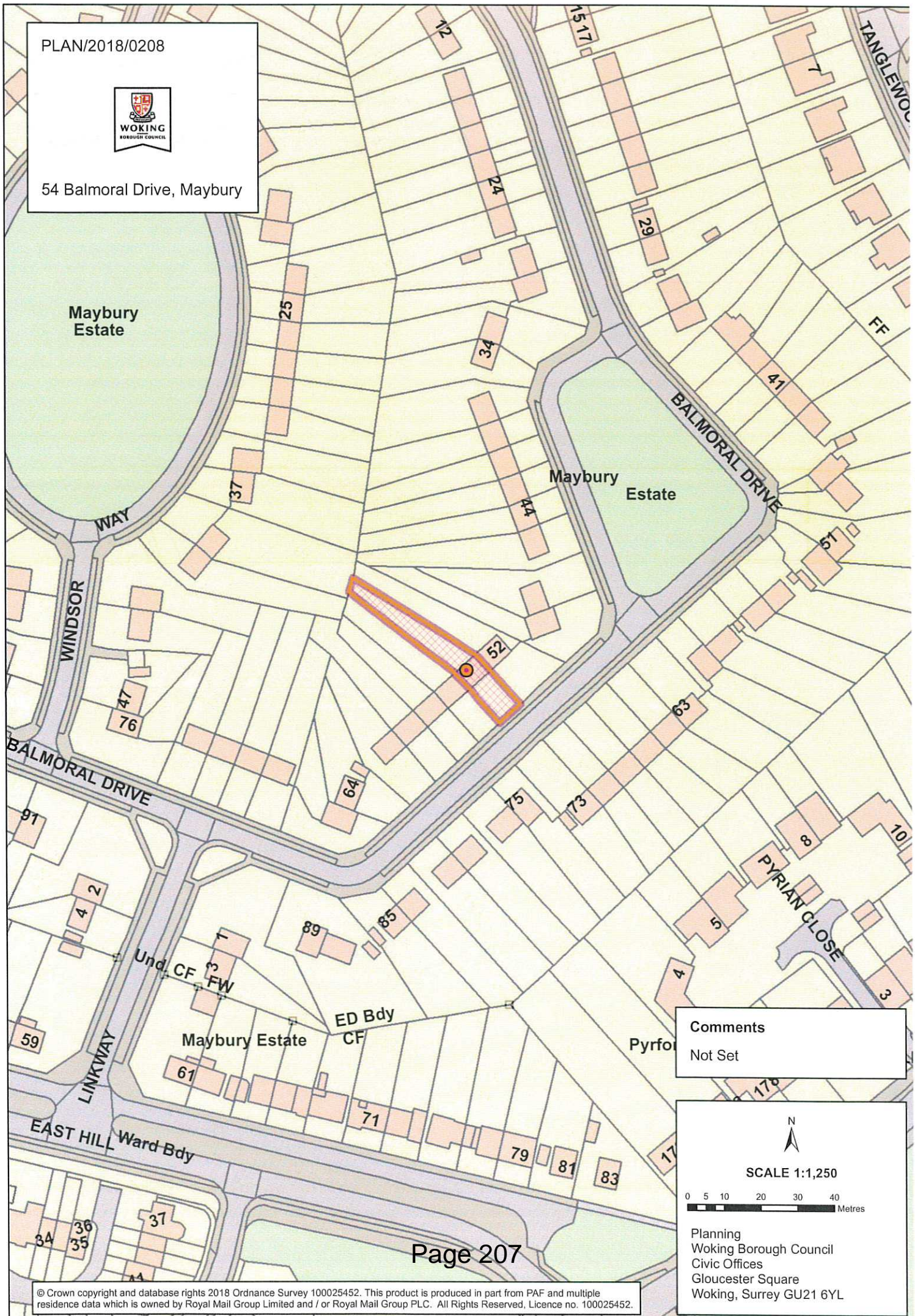




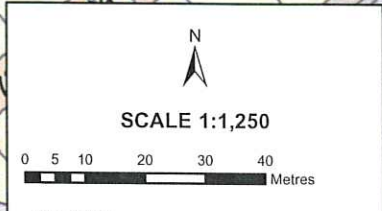
PLAN/2018/0208



54 Balmoral Drive, Maybury



Comments  
Not Set



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





## 5 JUNE 2018 PLANNING COMMITTEE

5I 18/0208 Reg'd: 13.03.18 Expires: 08.05.18 Ward: PY  
Nei. 03.04.18 BVPI 21 Number 12/8 On No  
Con. Target Householder of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** 54 Balmoral Drive, Maybury, Woking, GU22 8EY

**PROPOSAL:** Retrospective planning application for retention of part two storey, part single storey rear extension.

**TYPE:** Householder Application

**APPLICANT:** Mrs T Akhtar

**OFFICER:** Benjamin  
Bailey

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### **REASON FOR REFERRAL TO COMMITTEE**

The decision on whether to issue an Enforcement Notice falls outside the Management Arrangements and Scheme of Delegations.

### **SUMMARY OF PROPOSED DEVELOPMENT**

This is a householder planning application which seeks retrospective planning permission for the retention of a part two storey, part single storey rear extension.

### **PLANNING STATUS**

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

### **RECOMMENDATION**

**Refuse** planning permission and authorise formal enforcement proceedings.

### **SITE DESCRIPTION**

No.54 Balmoral Drive is a mid-terraced two storey dwellinghouse situated within the Maybury Estate within the Urban Area. The frontage is laid to hard surfacing for the provision of on-site car parking. The rear amenity area is predominantly laid to lawn with some patio hard surfacing immediately to the rear of the extended dwellinghouse. Within the rear garden the common boundaries with adjacent No.52 and No.56 are marked by close-boarded timber fencing. The property is externally finished in facing brick below a tiled roof.

### **RELEVANT PLANNING HISTORY (APPLICATION SITE)**

PLAN/2014/0681 - Erection of part two storey, part single storey rear extension and single storey front extension.

Permitted subject to conditions and legal agreement (26.11.2014)

## 5 JUNE 2018 PLANNING COMMITTEE

PLAN/2013/1170 - Single storey front extension and two storey rear extension.  
Refused (23.01.2014) for the following reason:

*01. The proposed two storey rear extension, by reason of its height, length and bulk, would result in a significant loss of daylight and detrimental overbearing impact on 52 Balmoral Drive contrary to Policy CS21 of the Woking Core Strategy (2012) and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight'.*

### **RELEVANT PLANNING HISTORY (ADJACENT NO.52 BALMORAL DRIVE)**

PLAN/2014/0678 - Erection of part two storey, part single storey rear extension and single storey front and side extension.  
Permitted subject to conditions and legal agreement (26.11.2014)

### **RELEVANT PLANNING HISTORY (ADJACENT NO.56 BALMORAL DRIVE)**

PLAN/2017/0039 - Proposed single storey rear extension.  
Permitted subject to conditions (28.02.2017)

### **CONSULTATIONS**

None undertaken

### **REPRESENTATIONS**

None received

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (NPPF) (2012)  
Core planning principles  
Section 7 - Requiring good design

Woking Core Strategy (2012)  
CS21 - Design

Development Management Policies Development Plan Document (DMP DPD) (2016)  
No relevant policies

Supplementary Planning Documents (SPD's)  
Outlook, Amenity, Privacy and Daylight (2008)  
Design (2015)  
Parking Standards (2018)

Other Material Considerations  
Planning Practice Guidance (PPG)  
Woking Borough Council Strategic Flood Risk Assessment (November 2015)

### **BACKGROUND**

Planning permission reference PLAN/2014/0681 was granted on 26.11.2014 subject to conditions and a legal agreement to ensure that the extension was constructed simultaneously with the proposed rear extension at No.52 Balmoral Drive (PP Ref: PLAN/2014/0678), also granted on that date in a separate but concurrent planning application.

## 5 JUNE 2018 PLANNING COMMITTEE

The development permitted under planning permission reference PLAN/2014/0681 at No.54 staggered in depth at two storey level between approximately 3.4m and 1.3m and projected at an approximate 75° angle from the rear elevation. The 1.3m deep two storey element occurred closest to the common boundary with No.56 and the 3.4m deep element adjoined the extension permitted concurrently at No.52 (PP Ref: PLAN/2014/0678). At ground floor level the extension permitted at No.54 staggered in depth between approximately 5.9m and 1.3m and also projected at an approximate 75° angle from the rear elevation.

The rear extension as constructed significantly deviates from that permitted under PLAN/2014/0681. Whilst the approximate 75° angle of projection has been retained along the common boundary with No.52 a 90° angle of projection has been constructed along the common boundary with No.56. The single storey element as constructed is not staggered and projects for approximately 6.0m in depth across the width of the rear elevation. The first floor element projects for approximately 3.6m in depth across the width of the rear elevation.

The single storey front extension has been built in accordance with PLAN/2014/0681.

### **PLANNING ISSUES**

01. The main planning considerations in the determination of this application are:

- Design and impact upon the character of the area
- Impact upon neighbouring amenity
- Impact upon car parking provision
- Impact upon amenity space provision
- Other matters

having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

#### Design and impact upon the character of the area

02. One of the core principles of planning as identified in the National Planning Policy Framework (NPPF) (2012) is securing high quality design. Paragraph 57 of the NPPF (2012) refers to the need to plan positively for the achievement of high quality and inclusive design for all development. Policy CS21 (Design) of the Woking Core Strategy (2012) states that "*proposals for new development should...respect and make a positive contribution to the street scene and 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*".

03. The host dwelling is located within the Maybury Estate, a large residential area with predominantly Inter-War and Post-War housing. The Maybury Estate has a mixed grain and layout with sinuous main roads and cul-de-sac minor roads. The majority of the houses are semi-detached or terraced properties and two storeys. The host dwelling is two storey in scale and set one dwellinghouse in from an end of the terrace.

04. The two storey element of the rear extension as constructed spans the width of the rear elevation, demonstrating a maximum height matching that of the host dwelling and utilising a hipped roof form with an eaves height termination reflecting that of the host dwelling. The two storey element projects approximately 3.6m in depth from the original rear elevation with the single storey element projecting a further approximate 2.5m in depth below a monopitched roof.

## 5 JUNE 2018 PLANNING COMMITTEE

05. Whilst the rear extension appears as a substantial addition to the host dwelling the overall scale is considered, although large, to not appear so disproportionate to the host dwelling so as to appear harmful in this context. The roof forms are relatively simple, being hipped at two storey level and monopitched at single storey level, and the overall form of the extension is therefore considered to integrate into that of the host dwelling to an acceptable degree. The external materials are similar in appearance to those within the host dwelling and window/door frames are white in colour and similar to those within the host dwelling.
06. Due to its location to the rear of the host dwelling the extension is not apparent from public vantage points although is apparent from the rear gardens of adjacent and nearby properties. Adjacent No.52 benefits from a part two storey, part single storey rear extension (PP Ref: PLAN/2014/0678) and adjacent No.56 from a single storey rear extension (PP Ref: PLAN/2017/0039), both of which reduce the visual impact of the extension when viewed from the rear gardens of these properties.
07. Overall, for the reasons discussed above, the extension is considered, on balance, to result in an acceptable impact upon the character of the host dwelling, the street scene of Balmoral Drive and the character of the surrounding area and is therefore consistent with the objectives of Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the National Planning Policy Framework (NPPF) (2012) in this regard.

### Impact upon neighbouring amenity

08. 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, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. Further guidance on assessing neighbouring amenity impacts is provided within SPD 'Outlook, Amenity, Privacy and Daylight (2008)'. The key neighbouring amenity considerations in this instance are those of adjacent No.52 Balmoral Drive and No.56 Balmoral Drive. Having regard to the scale, form and relationship of the rear extension to properties other than No.52 and No.56 it is not considered that material neighbouring amenity impacts occur to properties other than No.52 and No.56.

### No.52 Balmoral Drive

09. No.52 Balmoral Drive is situated to the north-east and forms an end of the terrace. No.52 benefits from a part two storey, part single storey rear extension (PP Ref: PLAN/2014/0678). Both the two storey and single storey depths of the extension at No.52 are similar to those demonstrated by the unauthorised extension at No.54. Due to this factor no significantly harmful impact, by reason of loss of privacy, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook is considered to occur to No.52 Balmoral Drive as a result of the unauthorised extension at No.54. The impact upon the neighbouring amenity of No.52 Balmoral Drive is therefore considered to be acceptable.

### No.56 Balmoral Drive

10. No.56 Balmoral Drive is situated to the south-west. Since the unauthorised extension at No.54 was substantially completed (at a point between August and November

## 5 JUNE 2018 PLANNING COMMITTEE

2015) No.56 has been granted planning permission for the erection of a single storey rear extension (PP Ref: PLAN/2017/0039, dated 28.02.2017) which has been implemented. This single storey rear extension projects for approximately 6.0m and therefore approximately matches the overall depth of the extension at No.54 (both the two storey element and single storey element). Due to this factor therefore no significantly harmful impact, by reason of loss of privacy, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook is considered to occur to the ground floor accommodation of No.56 Balmoral Drive as a result of the unauthorised extension at No.54.

11. In terms of the impact upon the first floor accommodation within adjacent No.56 the residential extensions section of SPD Design (2015) states that *“the location of the extension and the position of its windows should not result in any adverse overshadowing or overbearing impact on adjacent dwellings”*, that *“large two storey extensions should not be sited close to a boundary as this can restrict daylight to habitable rooms of the neighbouring dwelling”*, that *“two storey extensions, particularly if they extend beyond 3 metres from the building, need to be carefully sited as they can result in loss of daylight or have an overbearing impact on the adjoining dwellings unless they are kept well away from the separating boundary”*.
12. The unauthorised rear extension at No.54 projects at two storey level for a depth measuring 3.6m, abutting the common boundary with No.56. This 3.6m depth occurs at an eaves height measuring approximately 4.8m, with the hipped roof pitching away from the common boundary. There are three first floor level windows within the rear elevation of No.56. The central window serves the landing/staircase and the south-western window (adjacent to No.58) a bathroom; these rooms are considered to be non-habitable uses although the extension at No.54 is set away from these windows in any case.
13. However the closest (north-eastern) first floor level window within the rear elevation of No.56 serves as single aspect to a bedroom, which is considered a habitable room. The concern is specific to the effect from the development as built on the outlook, and in particular the overbearing impact, from the first floor bedroom window at No.56 closest to the common boundary. The outlook from this window, which is the only window serving a bedroom, is restricted by the depth and height of the side wall of the extension at No.54 and this results in significantly harmful impact, by reason of overbearing effect due to bulk, proximity and loss of outlook. It must be noted that planning decisions should protect the amenities of both existing and future occupiers of No.56 Balmoral Drive.
14. With regard to daylight SPD ‘Outlook, Amenity, Privacy and Daylight (2008)’ states that *“where two storey extensions are added to the front or rear of a dwelling (i.e. they project at 90° to the main elevation) they may affect the daylighting of an adjoining dwelling if they project beyond 3 metres of the building elevation, especially if positioned close to a common boundary. Significant loss of daylight will occur if the centre of the affected window (or a point 2m in height above the ground for floor to ceiling windows) lies within a zone measured at 45° in both plan and elevation”*. The extension at No.54 is positioned close to the common boundary and projects for in excess of 3 metres from the neighbouring building elevation however, due to the hipped roof form, complies with this 45° test with regard to the closest first floor window (serving as single aspect to a bedroom) within the rear elevation of No.56. Consequently no significantly harmful loss of daylight is considered to occur to this bedroom window.

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15. Since the unauthorised extension at No.54 was substantially completed (at a point between August and November 2015) No.56 has been granted planning permission for the erection of a single storey rear extension (PP Ref: PLAN/2017/0039, dated 28.02.2017) which has since been completed. That this grant of planning permission has occurred, and development completed, since the substantial completion of the extension at No.54 strongly indicates that the current owners/occupiers of No.56 have no intentions of extending at first floor level at the rear of this dwelling. The harm that occurs to the closest first floor window within No.56 is therefore very unlikely to be resolved without Local Planning Authority enforcement action.
16. Overall the two storey element of the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjacent No.56 Balmoral Drive, results in overbearing effect upon, and loss of outlook from, the closest first floor window within the rear elevation of No.56 Balmoral Drive which serves as single aspect to a bedroom, which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling. The development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)', and the provisions of the National Planning Policy Framework (NPPF) (2012).

### Impact upon car parking provision

17. SPD 'Parking Standards (2018)' sets out minimum residential parking standards. For 4 bedroom houses, as in this instance, the minimum parking standard is 3 spaces. The host dwelling benefits from an existing frontage laid to hard surfacing for the on-site provision of car parking. This existing area of frontage hard surfacing is capable of accommodating the on-site parking of 3 cars in line with the requirement of SPD 'Parking Standards (2018)'. The impact upon car parking provision is therefore considered to be acceptable.

### Impact upon amenity space provision

18. SPD 'Outlook, Amenity, Privacy and Daylight (2008)' sets out recommended minimum garden amenity areas, stating that for family dwellings (with two bedrooms or more and between 65 sq.m. and 150 sq.m. gross floorspace), as in this instance, a suitable area of private garden amenity in scale with the building but always greater than the building footprint should be provided.
19. The building footprint of the host dwelling as extended measures approximately 99 sq.m and, in measuring approximately 142 sq.m (once the existing outbuilding sited at the rear terminus of the garden is taken into account), the existing area of private garden exceeds the building footprint. Furthermore the existing area of private garden provides a suitable sunlit area of predominantly soft landscaped space, appropriate in size and shape for outdoor domestic and recreational needs, and which reflects the existing context of the area. The impact upon amenity space provision is therefore considered to be acceptable.

### Other matters

20. Whilst the Council's Strategic Flood Risk Assessment (November 2015) identifies an area within the application site as being at a 1 in 1000 year risk of surface water flooding this area is restricted solely towards the terminus of the rear garden. The rear

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extension as constructed is located some distance (approximately 15 metres) from this area and therefore surface water flood risk is not considered to represent a constraint in planning terms. Whilst the application site is located within a Priority Place the provisions of Policy CS5 of the Woking Core Strategy (2012) are not considered relevant to householder extensions, as in this instance.

### Expediency of Enforcement Action

21. The construction of a part two storey, part single storey rear extension at No.54 Balmoral Drive constitutes a breach of planning control consisting in the carrying out without planning permission of building operations. The unauthorised extension at No.54 was substantially completed at a point between August and November 2015 and therefore enforcement action is able to be taken because the end of the period of four years since substantial completion has not yet elapsed.
22. It is considered expedient to issue an Enforcement Notice, having regard to the provisions of the Development Plan, and to any other material considerations, because the two storey element of the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjacent No.56 Balmoral Drive, results in overbearing effect upon, and loss of outlook from, the closest first floor window within the rear elevation of No.56 Balmoral Drive which serves as single aspect to a bedroom, which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling.

### LOCAL FINANCE CONSIDERATIONS

23. The extension as built does not exceed 100 sq.m in floorspace and is therefore not Community Infrastructure Levy (CIL) liable.

### CONCLUSION

24. Overall the two storey element of the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjacent No.56 Balmoral Drive, results in overbearing effect upon, and loss of outlook from, the closest first floor window within the rear elevation of No.56 Balmoral Drive which serves as single aspect to a bedroom, which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling. The development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)', and the provisions of the National Planning Policy Framework (NPPF) (2012). It is considered that the development is contrary to the Development Plan of the Borough and that planning permission should therefore be refused.

### BACKGROUND PAPERS

1. Site visit photographs

### RECOMMENDATION

**Refuse** planning permission for the following reason:

01. The two storey element of the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjacent No.56 Balmoral Drive, results in overbearing

## 5 JUNE 2018 PLANNING COMMITTEE

effect upon, and loss of outlook from, the closest first floor window within the rear elevation of No.56 Balmoral Drive which serves as single aspect to a bedroom, which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling. The development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)', and the provisions of the National Planning Policy Framework (NPPF) (2012).

It is further recommended:

- a) That the Head of Democratic and Legal Services be instructed to issue an Enforcement Notice under Section 172 of The Town & Country Planning Act 1990 (as amended) in respect of the above land requiring the remedy of the breach of planning control to be achieved through the reversion of the unauthorised development undertaken to that shown on the approved plans of planning permission reference PLAN/2014/0681 dated 26.11.2014, and the associated removal of any spoil arising from such from the site, within twelve (12) months of the Enforcement Notice taking effect

### **Informatives**

01. The plans relating to the retrospective planning application hereby refused are:

Unnumbered, untitled plan showing 1:1250 scale Location Plan and 1:200 scale Block Plan, received by the Local Planning Authority on 20.02.2018.

Unnumbered plan titled 'As Built', showing Ground Floor Plan, First Floor Plan, Roof Plan, Rear Elevation, Side Elevation N.E. and Side Elevation S.W., received by the Local Planning Authority on 20.02.2018.

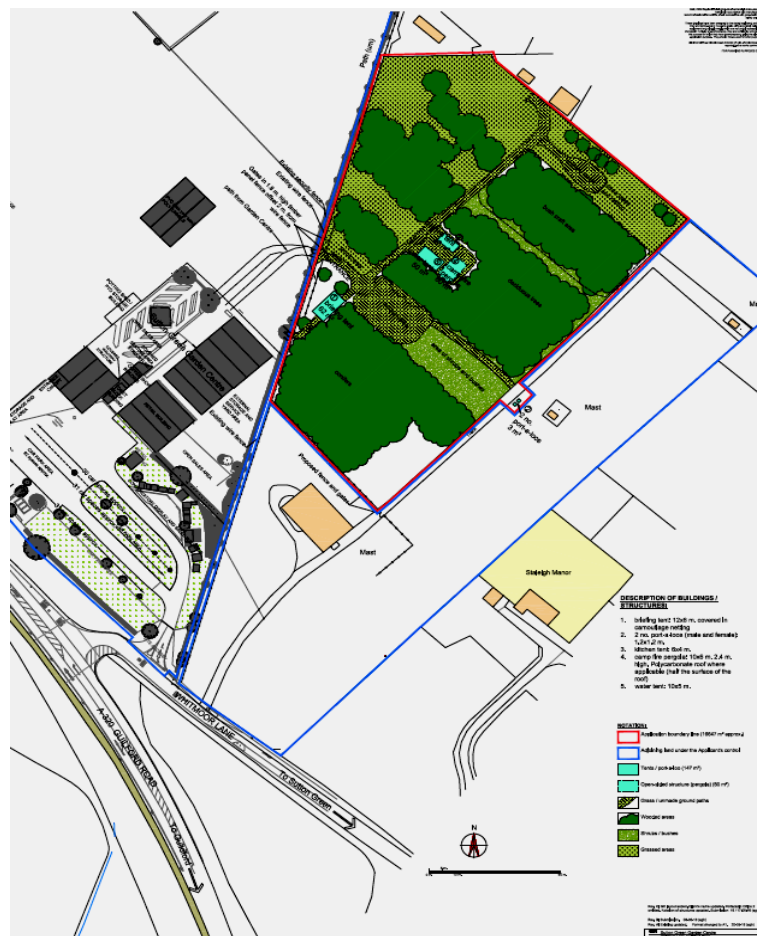
02. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework (NPPF) (2012). The application is retrospective in nature, seeking to remedy a breach of planning control which is considered to constitute unacceptable development. It is not considered that the unauthorised development, which is complete, can be amended to result in an acceptable form of development without resulting in a materially different development.



# Sutton Green Garden Nursery, Whitmoor Lane, Sutton Green, Guildford, Surrey

**PLAN/2016/0705**

Change of use of land to an outdoor activity centre (D2 Use Class)(Retrospective).





PLAN/2016/0705



Sutton Green, Garden Nursery, Whitmoor Lane

Mast (telecommunication)  
Wingstone

Lav-by

Path (um)

Tank

Sutton Green Garden Nurseries

Mast

Mast

Staleigh Manor

GUILDFORD ROAD

Drain

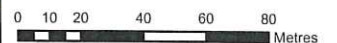
Track

Comments

Not Set



SCALE 1:2,400



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



## 5<sup>th</sup> JUNE 2018 PLANNING COMMITTEE

<b>5m</b>	<b>16/0705</b>	<b>Reg'd:</b>	<b>11.08.16</b>	<b>Expires:</b>	<b>10.11.16</b>	<b>Ward:</b>	<b>HE</b>
<b>Nei.</b>	<b>08.09.16</b>	<b>BVPI</b>	<b>Major</b>	<b>Number of</b>	<b>13/&gt;13</b>	<b>On</b>	<b>No</b>
<b>Con.</b>		<b>Target</b>		<b>Weeks on</b>		<b>Target?</b>	
<b>Exp:</b>				<b>Cttee' Day:</b>			

**LOCATION:** Sutton Green Garden Centre, Whitmoor Lane, Sutton Green, Guildford, Surrey, GU4 7QA

**PROPOSAL:** Change of use of land to an outdoor activity centre (D2 Use Class)(Retrospective).

**TYPE:** FULL

**APPLICANT:** The Vermeulen Partnership

**OFFICER:** Barry Curran

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### **REASON FOR REFERRAL TO COMMITTEE**

The proposal is for the change of use of Green Belt land on a site area of 1.6 hectares therefore constituting a major development which falls outside of the scheme of delegated powers.

### **SUMMARY OF PROPOSED DEVELOPMENT**

This application seeks retrospective planning permission for the change of use of previous horticulture land in connect with Sutton Green Garden Centre in the Green Belt to an outdoor activity centre (D2 Use Class) with ancillary structures.

### **PLANNING STATUS**

- Green Belt
- Thames Basin Heaths SPA Zone (400M – 5KM)

### **RECOMMENDATION**

REFUSE planning permission and authorise formal enforcement proceedings.

### **SITE DESCRIPTION**

The application site comprises of land to the East of Sutton Green Garden Centre, which is accessed off Whitmoor Lane at the corner of Guildford Road within the defined Green Belt. Access to the activity centre is gained through the garden centre across an existing trackway. The site is heavily treed with numerous deciduous and conifer trees enclosing the play areas and central camp area consisting of temporary tents and a timber pergola.

### **PLANNING HISTORY**

Extensive. Of relevance;

## 5<sup>th</sup> JUNE 2018 PLANNING COMMITTEE

PLAN/2005/1298 - Certificate of lawfulness for existing use comprising a mixed use garden centre (A1 use) and agriculture use (agriculture use including horticulture and a Pick – Your- Own use), as defined on the attached red line location plan and associated key. – Permitted 26.05.2006

### **PROPOSED DEVELOPMENT**

Planning consent is sought to change the use of land in the Green Belt which was previously used as horticulture land and retain the current outdoor activity centre and ancillary structures.

### **CONSULTATIONS**

Planning Policy: Raises objection to the development as the material change of use of land represents inappropriate development in the Green Belt as per the NPPF. Noted that although the development brings economic benefit, in terms of employment, the Planning Officer should be satisfied that this benefit outweighs the harm to the Green Belt by way of the developments inappropriateness and any other harm to justify very special circumstances (11.05.18)

Highways Authority: No highway requirements (30.08.16)

Arboricultural Officer: Require details on trees removal and/or protection at application stage (01.09.16)

Drainage Officer: No comments raised

### **REPRESENTATIONS**

There have been 3 third party letters of objection received in relation to the application. The issues raised in these letters draw concern over:

- Impact on the openness of the Green Belt and therefore one of the primary purposes of the Green Belt;
- Visual impact of the development associated activities adversely affects the character and appearance of the rural area;
- Activities on site generate noise and disturbance to neighbours;
- Insufficient traffic management plans and associated dangers to the highway; and
- Inaccurate Design and Access Plan

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework 2012  
Section 3 – Supporting a prosperous rural economy  
Section 7 – Requiring Good Design  
Section 8 – Promoting healthy communities  
Section 9 – Protecting Green Belt land

Core Strategy Publication Document 2012  
CS1 – A spatial strategy for Woking Borough  
CS6 – Green Belt  
CS17 – Open space, green infrastructure, sport and recreation  
CS18 – Transport and Accessibility  
CS21 – Design

Development Management Policies DPD

DM3 – Facilities for Outdoor Sport and Outdoor Recreation

DM13 - Buildings in and Adjacent to the Green Belt

Supplementary Planning Guidance

Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008

Supplementary Planning Document 'Design' 2015

Supplementary Planning Document 'Parking Provisions' 2018

**PLANNING ISSUES**

1. The planning issues to be addressed in the determination of this application are; impact on the Green Belt and its openness, impact on the character of the surrounding area, impact on neighbour amenities, impact on parking/highway safety and impact on trees.

Impact on Green Belt/Openness of Green Belt

2. The application site lies within designated Green Belt. The Woking Core Strategy 2012 Policy CS6 seeks to prevent inappropriate development in the Green Belt while Paragraph 87 of the National Planning Policy Framework (NPPF) identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, substantial weight will be attached to the harm to the Green Belt when considering planning applications concerning such development.
3. It is proposed to retain the existing use of the site for an outdoor activity centre and consolidation of activities within the site which is on defined Green Belt land. Policy DM13 of the Development Management Policies DPD 2016 states that *"unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings and forms of development other than those specifically identified on allocated sites in the Site Allocations DPD as inappropriate in the Green Belt"* [emphasis added]. This policy seeks to protect the openness and character of the Green Belt, exceptions to this are allocated sites in the Site Allocations DPD. The application site is not identified within this DPD and therefore the proposal constitutes a change of use and is therefore regarded as inappropriate development.
4. Paragraph 89 of the NPPF establishes that the construction of new buildings is inappropriate in Green Belt unless one of a number of exceptions apply. The exceptions include, under bullet point 2, the provision of *"...appropriate facilities for outdoor sport or outdoor recreation..."* as long as it *"...preserves the openness of the Green Belt and does not conflict with the purposes of including land within it"*. While the provision of appropriate buildings for outdoor sport and recreation would be regarded as exceptions to this inappropriateness, provided it preserves the openness of the Green Belt, paragraph 89 is exclusively concerned with the construction of new buildings.

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It does not apply and is not expressed to apply to any other form of development, including material change of use of land. Thus the second bullet point covers the construction of a building (for example, a pergola) as an appropriate facility for an existing outdoor recreational use, but it does not cover a material change in the use of land so as to create an outdoor recreational use. The NPPF policy, therefore, allows buildings in the Green Belt in association with outdoor recreation, but does not allow material changes in the use of land for such purposes, even if there will be no harm to openness.

5. Further to this, Paragraph 90 of the NPPF identifies other forms of development that are 'not inappropriate' providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include;
  - Mineral extraction;
  - Engineering operations;
  - Local transport infrastructure which can demonstrate a requirement for a Green Belt location
  - The re-use of buildings provided that the buildings are of permanent and substantial construction; and
  - Development brought forward under a Community Right to Build Order.

The courts have held that to be a closed list of exceptions. The material change of use of land is not included within those exceptions listed in Paragraph 90 and must, therefore, be considered as inappropriate development, in accordance with the NPPF.

6. On 5<sup>th</sup> March 2018, the Government published a consultation draft of a revised NPPF. The general approach to development within the Green Belt is largely unaltered. Under paragraph 145(e) of the consultation document, however, it outlines that the material change of use of land would not be inappropriate so long as the use of land preserve the openness of the Green Belt and not conflict with the purposes of including land within it. If such a change of use was not inappropriate there would be no need to demonstrate very special circumstances and, presumably, the planning balance of material considerations would shift accordingly.
7. It has to be noted, however, that at the time of considering this application, the consultation is still running and it is not clear when and if the suggested changes will be incorporated as amendments into the NPPF. In this context it would be pre-mature to pre-judge the process and therefore only very limited weight can be attached to the consultation draft of the revised NPPF.
8. Paragraph 88 of the NPPF explains that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has put forward no 'very special circumstances' as part of this application but it has to be noted that there are considerations that the NPPF and development Plan consider to weigh in favor of development in rural areas. Paragraph 28 of the NPPF supports sustainable growth and expansion of business and enterprise in rural areas in order to create jobs and prosperity – including visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service



## 5<sup>th</sup> JUNE 2018 PLANNING COMMITTEE

centres. Further to this, Paragraph 73 of the NPPF supports access to high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities (taking into account the need for such a recreation facility). This is further supported by Policy CS17 of the Core Strategy which seeks to provide opportunities for people to participate in and enjoy recreation and to facilitate effective access to the countryside and amenity that it offers. Policy CS1 of the Core Strategy 2012 encourages the provision of community facilities and development that provides jobs, but seeks to direct this type of development to sustainable locations such as the neighbourhood and local centres – where facilities and services are easily accessible to all relevant modes of travel. Development such as an outdoor activity centre, by its very nature can only realistically be located in open green spaces found outside urban centres most likely in Green Belt locations.

9. It appears as though the development would be in accordance with these aims outlined above and that the creation of recreational uses, the creation of jobs, associated with the activity centre and economic growth in rural areas is supported. Paragraph 81 of the NPPF states that LPAs should plan positively to enhance the beneficial use of the Green Belt, such as looking at opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes and visual amenity.
10. It is noted that while the development delivers a number of these benefits, it is not clear to what extent this is, with no supporting information submitted as part of the application to demonstrate this. In view of the limited detail submitted in support of this economic benefit, very little weight can be attached to the benefit of the outdoor activity centre. Furthermore, the weight that can be afforded to any economic benefit associated with a small scale business such as this would need to be assessed on its own merits and would need to demonstrate significant benefits to outweigh the fact that the development is, by definition, inappropriate development within the Green Belt.
11. One of the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. There are a number of factors which contribute to a development's effect on the openness of the Green Belt. A number of these factors include the development's physical size and its visual impact. The outdoor activity centre includes a number of structures associated with its use. It is proposed to relocate some of these structures, many of which adopt a camouflaged exterior, to a more central location within the site. It has to be noted that the presence of the woodland results in a site that is not conspicuous within the wider area. The heavily treed margins and dense vegetation is such that the nerf play area, camp site, picnic area and archery range have little visual impact and limited effect on openness. The pergola and other physical structures would be centrally located (with the exception to the 2 portaloos along the eastern side) with no visual presence from outside the site and nevertheless would be viewed against the backdrop of the woodlands such that they do not encroach substantially into more open spaces beyond.
12. The material change of use of the land represents inappropriate development within the Green Belt and therefore harmful where very special circumstances to outweigh the benefits of the development, and therefore to justify the grant

of planning permission, have not been demonstrated. Substantial weight must be attached to this harm to the Green Belt, notwithstanding the current consultation on revisions to the NPPF. The development is therefore contrary to provisions outlined in Section 9 of the National Planning Policy Framework, Policy CS6 of the Core Strategy 2012 and Policy DM13 of the Development Management Policies DPD 2016.

Impact on Character of Surrounding Area

13. Policy CS21 states that new developments 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*”. This advice is echoed in Paragraph 59 of the National Planning Policy Framework where it points out that development should be guided by the local area. The application site is within the defined Green Belt and within an area of dense woodland.
14. The change of use of the land has occurred in a discrete area within the woodlands with the overall scale of the physical development considered small in the context of the woodland and the nature of the surrounding Green Belt. The use of the activity centre is year round but would be contained within opening hours ranging between 9.30am and 7.30pm which would be broadly in line with the adjacent garden centre. A number of ancillary structures, in line with the activity centre, are sought to be retained/relocated to a central position including tents, a pergola and portaloos. A total of 3 tents, 2 portaloos and an open sided timber pergola are located within the site and of a scale which is considered relatively small with the largest tent standing at a maximum height of 3.3 metres which is adequately screened by the surrounding woodlands. External materials on these structures include camouflage netting and canvas with the pergola constructed of timber posts both of which allow the structures to blend in inconspicuously with their surroundings.
15. As noted the development is well contained within the woodland area and, although the change of character is noticeable at close quarters, the effect from the wider public vantage points is limited. Parking associated with the activity centre is provided within the existing car park at Sutton Green Garden Centre which would, as such, be contained within an established car park with no further encroachment on the Green Belt to alter the character of the site.
16. With regards to the above, it is considered that the development does not cause harm to the character and appearance of the wider area given the secluded positioning of the existing structures as well as their external materials and modest scale. The development, therefore accords with provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document ‘Design’ 2015.
17. While the development may be considered acceptable, in terms of its impact on the character of the area, this does not outweigh the fact that the change of use of Green Belt land by reason of its inappropriateness would fail to comply with both National and Local Policies.

Impact on Neighbour Amenities

18. The application site is in a rural location with dispersed dwellinghouses to the North, East and north-east with the closest of these dwellings located approximately 45 metres to the south-east of the site. Concern has been raised with regards to noise and disturbance associated with the change of use and highway safety. While the change of use from previous horticulture land in the Green Belt to an outdoor activity centre carries an increased level of noise, it has to be noted that the opening hours of the centre are not considered unreasonable, opening at 9.30am and closing at 7.30pm at the latest. These times are considered typical for a use of this kind and would broadly be in line with the opening hours of the adjacent garden centre which opens at 9.00am and closes at 5.30pm. Further to this, the site is located at least 45 metres from the nearest neighbour to the East with parking provided within the existing parking area at the garden centre. It is acknowledged that the scheme results in a material change of use which is contrary to Green Belt Policy and a use which is significantly different to the pre-existing use but it is not considered that the development causes significant detrimental harm to the amenities enjoyed by neighbours in the wider vicinity, in terms of noise and disturbance or highway safety impacts.
19. Consequently the development is considered to have an acceptable impact upon neighbouring amenity and to accord with guidance outlined in the National planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
20. While the development may be considered acceptable in terms of its impact on the amenities of neighbouring properties, this does not outweigh the fact that the change of use of Green Belt land by reason of its inappropriateness would fail to comply with both National and Local Policies.

Impact on Parking/Highway Safety

21. Parking for the outdoor activity centre is provided within the existing Sutton Green Garden Centre which falls within Sui Generis Use Class as per The Town and Country Planning (Use Classes) Order 1987 (as amended). The Council's Supplementary Planning Document 'Parking Standards' 2018 states that Sui Generis Use Classes outside of a few mentioned (which does not include Garden Centres) require individual assessment/justification. In total the garden centre provides 92 car parking spaces to serve the garden centre and the activity centre. It has been noted by the applicant that the maximum number of participants attending the centre at any one time cannot exceed 30 given the limited space and facilities with many of these being transported to and from the site by bus. Surrey Highway Authority has been consulted on this scheme and raise no objection or requirements to the scheme.
22. Submitted plans show the application site outlined in red with neighbouring land (Garden Centre) in the applicant's ownership outlined in blue. The parking provided for the outdoor activity centre, and indeed the access route, is contained within the blue lined garden centre. A section of this route to the outdoor activity centre, however, occurs over land which dissects the garden centre and activity centre and is therefore outside both the blue line and red line. Policy CS18 of the Woking Core Strategy states that development should *"provide appropriate infrastructure measures to mitigate the adverse*

*effects of development traffic and other environmental and safety impacts.*” Clarification has been sought from the applicant on whether the existing/proposed route, which includes crossing a section of this trackway from the garden centre, is lawful and whether permission has been granted to use this crossover. There has been no response from the applicant to the request for additional information. On the basis that access is not lawful across this trackway outside of the application site or land in ownership of the applicant, the only alternative route would be directly off Whitmoor Lane. This would require visitors to the activity centre to exit the car park located within the garden centre and walk along Whitmoor Lane gaining access to the activity centre off this highway and may result in safety issues considering the high usage of this highway and proximity to a busy junction. As such, in the absence of explicatory evidence, it is not certain and therefore it cannot be demonstrated that access to the site can be gained in a safe manner and without potential activity centre users having to walk along Whitmoor Lane in order to gain access to the application site.

23. Considering the above, whilst no objection is raised with regards to the parking provisions, the change of use of land from Green Belt land to an outdoor activity centre cannot demonstrate that access to the site can be gained in a safe manner without posing a danger to activity centre users or highway users contrary to Policy CS18 of the Woking Core Strategy 2012.

#### Impact on Trees

24. The application site relates to woodland area which was a former growing area for tree production which has been left to remain and grow unchecked. This growth has resulted in substantial trees with significant coverage. The structures to be retained and reconsolidated within the centre of the site are of a temporary build and consist of tents and a timber pergola.
25. Policy CS24 of the Woking Core Strategy 2012 states that development proposals should *“protect and encourage the planting of new trees where it is relevant to do so”* and states within the reasoned justification text that *“trees form an important part of the landscape fabric of the Borough (and that)...the Council will seek the retention of existing quality trees and encourage the planting of new ones where it is relevant to do so”*. The application has been submitted with no supporting arboricultural information to demonstrate what trees are to remain and how they will be protected during the relocation of structures (including the installation of drainage and services).
26. The Council’s Arboricultural Officer has been consulted on this application and raises concern over the absence of details indicating which trees are to be retained and the absence of tree protection details.
27. Notwithstanding the above, it is considered that, had the application otherwise been considered to be acceptable, a planning condition would have been recommended to secure tree protection details in line with BS5837.

#### Conclusion

28. Overall, the material change of use of the land and associated paraphernalia represents inappropriate development which is, by definition, harmful to the Green Belt where very special circumstances have not been advanced to justify the grant of planning permission. Substantial weight must be attached

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to this harm to the Green Belt, notwithstanding the current consultation on revisions to the NPPF which have yet to be adopted and therefore can only be afforded very limited weight. Consideration has been paid to the development's impact on the character of the area and amenities enjoyed by neighbours, which are found to be acceptable in this instance given its secluded location. Notwithstanding this, it has not been adequately demonstrated that access to the site can be gained in a manner which does not endanger potential visitors to the outdoor activity centre or highway users.

29. The proposal, therefore, is considered to fail to adhere to provisions outlined in Section 9 of the National Planning Policy Framework, Policies CS6 and CS18 of the Woking Core Strategy 2012 and Policy DM13 of the Development Management Policies DPD 2016 and is accordingly recommended for refusal. It is further recommended that enforcement action to secure the cessation of the unauthorised use and the removal of all associated paraphernalia be taken.

### **BACKGROUND PAPERS**

1. Site visit photographs
2. Site Notice (Major Development)(24.08.16)
3. Response from Highway Authority (30.08.16)
4. Response from Arboricultural Officer (01.09.16)
5. Response from Planning Policy (11.05.18)

### **RECOMMENDATION**

It is recommended that planning permission be **refused** for the following reasons:

01. The material change of use of the land and associated paraphernalia represents inappropriate development within the Green Belt and is therefore harmful to the Green Belt where very special circumstances have not been advanced to justify the grant of planning permission. The development is, therefore, contrary to provisions outlined in Section 9 of the National Planning Policy Framework, Policy CS6 of the Core Strategy 2012 and Policy DM13 of the Development Management Policies DPD 2016.
02. It has not been demonstrated that access to the outdoor activity centre can be gained without posing a danger to visitors to the centre or highway users. In the absence of such evidence, it has not been demonstrated that access to the site can be gained in a safe manner and the development is therefore contrary to the core provisions of the NPPF and Policy CS18 of the Woking Core Strategy 2012.

For the above reasons it is further recommended that:

- a) Enforcement action be authorised to remedy the breach of planning control by ceasing use of the site as an outdoor activity centre and removal of all associated paraphernalia relating to the use of the land as an outdoor activity centre. This is to be completed within three months of the issue of the Enforcement Notice

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### **Informatives:**

1. The plans relating to the development hereby refused are numbered / titled:

- Drawing No. G1607-01C (Received 17.06.2016)
- Drawing No. G1604-04A (Received 17.06.2016)
- Drawing No. G1607-03B (Received 08.06.2016)
- Drawing No. G1607-05A (Received 17.06.2016)
- 17.06.2016)