



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, 16 October 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). 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 meeting of the Planning Committee held on 25 September 2018 as published.

2. Apologies for Absence

3. 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.

4. 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

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

6. Planning Applications (Pages 5 - 8)

Section A - Applications for Public Speaking

6a. 2018/0378 - Woodlands, Sheerwater Road, West Byfleet (Pages 11 - 30)

6b. 2018/0722 - Barnsbury Primary School, Almond Avenue, Woking (Pages 31 - 46)

Section B - Application reports to be introduced by Officers

6c. 2018/0845 - Morrisons, 82 Goldsworth Road, Woking (Pages 49 - 60)

6d. 2018/0252 - Pinewood, Mount Road, Hook Heath (Pages 61 - 84)

6e. 2018/0620 - The Bower, Princess Road, Maybury (Pages 85 - 102)

6f. 2018/0569 - Peterport, Lavender Road, Woking (Pages 103 - 120)

6g. 2018/0804 - The Stable Yard, Guildford Road, Mayford (Pages 121 - 144)

AGENDA ENDS

Date Published - 8 October 2018

For further information regarding this agenda and arrangements for the meeting, please contact:

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PLANNING COMMITTEE – 16 OCTOBER 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:

8 October 2018

APPEAL LOGGED

1. **2017/1309**

Application for the construction of four new three storey, three bedroom family dwellings on a vacant site with associated parking at Binkot Englefield, Road, Knaphill, Woking.

Refused by Delegated Powers
12 March 2018
Appeal Lodged
21 August 2018

2. **2018/0332**

Application for the erection of a two storey, four bed detached dwelling with accommodation in the roof space on land adjacent to No.1 Magdalen Crescent following demolition of existing single storey side extension at 1 Magdalen Crescent, Byfleet, West Byfleet.

Refused by Delegated Powers
1 June 2018
Appeal Lodged
21 August 2018

3. **2018/0208**

Application for a retrospective planning application for retention of part two storey, part single storey rear extension at 54 Balmoral Drive, Maybury, Woking.

Refused by Planning Committee
5 June 2018
Appeal Lodged
17 September 2018

4. **2017/0930**

Application for the retention of external insulation and timber cladding and replacement of existing metal windows with UPVC windows (retrospective) at 1 Lees Farm Cottages, Pyrford Road, Woking.

Refused By Planning Committee
24 July 2018
Appeal Lodged
17 September 2018

APPEAL DECISIONS

5. 2018/0321

Application for a proposed first floor side extension, part two storey, part single storey side/rear extension and rear loft dormer at Ridge View Horsell Birch Horsell Woking.

Refused by Delegated Powers

17 May 2018

Appeal Lodged

31 Jul 2018

Appeal Dismissed

21 September 2018

PLANNING COMMITTEE AGENDA **PLANNING APPLICATIONS AS AT 16 OCTOBER 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

16 October 2018

<u>ITEM</u>	<u>LOCATION</u>	<u>APP. NO.</u>	<u>REC</u>	<u>WARD</u>
0006A	Woodlands, Sheerwater Road, West Byfleet, Surrey, KT14 6AH	PLAN/2018/0378	REF	BWB
0006B	Barnsbury Primary School, Almond Avenue, Woking, Surrey, GU22 0BB	PLAN/2018/0722	PER	HE
0006C	Morrisons, 82 Goldsworth Road, Woking, Surrey, GU21 6LJ	PLAN/2018/0845	PER	C
0006D	Pinewood, Mount Road, Woking, Surrey, GU22 0PY	PLAN/2018/0252	PER	HE
0006E	The Bower, Princess Road, Woking, Surrey, GU22 8EN	PLAN/2018/0620	LEGAL	PY
0006F	Peterport, Lavender Road, Woking, Surrey, GU21 8AY	PLAN/2018/0569	LEGAL	MH
0006G	The Stable Yard, Guildford Road, Mayford, Woking, Surrey, GU22 0SD	PLAN/2018/0804	PER	HE

SECTION A - A-B

SECTION B - C-G

SECTION C - None

PER - Grant Planning Permission

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

REF - Refuse

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)

Woodlands, Sheerwater **Road, West Byfleet,** **Surrey**

PLAN/2018/0378

Erection of a three storey building and detached two storey building to the rear comprising a total of 10x self-contained flats (9x two bedroom & 1x one bedroom) following demolition of existing dwelling and ancillary buildings and provision of associated bin and cycle storage, parking, retaining walls and landscaping



PLAN/2018/0378



Woodlands, Sheerwater Road

Sub Sta

ED & Ward Bdy

Sheerwater Bridge

537

CR GP

SHEERWATER ROAD

Woodlands

132 130 128

118

119

117

109

87

56

Norfolk Farm Cottage

Surgery

Naini-Tal

Und

Traquair

Ryecroft

St Norman's

El Sub Sta

Rahmat House

29.0m

Copper Beeches

Hollyvale

Beech Hurst

Woodstock

Tioman

OLD AVENUE

OLD AVENUE

Comments

Not Set



SCALE 1:1,250

0 5 10 20 30 40 Metres

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

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6a	18/0378	Reg'd:	09.05.18	Expires:	08.08.18	Ward:	BWB
Nei.	31.05.18	BVPI	Minor	Number	23/13	On	No
Con.		Target	dwelling -13	of Weeks		Target?	
Exp:				on Cttee'			
				Day:			

LOCATION: Woodlands, Sheerwater Road, West Byfleet, KT14 6AH

PROPOSAL: Erection of a three storey building and detached two storey building to the rear comprising a total of 10x self-contained flats (9x two bedroom & 1x one bedroom) following demolition of existing dwelling and ancillary buildings and provision of associated bin and cycle storage, parking, retaining walls and landscaping

TYPE: Full Planning Application

APPLICANT: Mr Guarino

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

Councillor Boote referred this application to Planning Committee, noting that the site is a large corner plot but raises concerns about the impact on the street scene.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing dwelling and the erection of a three storey block of flats, along with a two storey structure to the rear with a flat above car ports below. 10x self-contained flats are proposed in total. The proposed building would adopt a traditional architectural style and the rear portion of the building would be set-down from the main body of the building due to the change in levels from the front to the rear of the site. The existing vehicular access onto Woodlands Avenue would be utilised and a total of 15x parking spaces would be provided within the site along with bin and cycle storage.

Site Area:	0.312ha (3120sq.m)
Existing units:	1
Proposed units:	10
Existing density:	3.2 dph (dwellings per hectare)
Proposed density:	32 dph

PLANNING STATUS

- Urban Area
- Urban Open Space
- Basingstoke Canal Conservation Area
- Surface Water Flood Risk Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The proposal relates to a detached single storey dwelling with accommodation in the roof space dating from the 1950s. The proposal site forms a large, prominent corner plot and is accessed via Woodlands Avenue and is bounded by Sheerwater Road to the west. The existing dwelling is orientated at an angle in its plot. The proposal site features a large rear garden and includes an area of mature tree cover to the rear. The rear portion of the site forms part of the Basingstoke Canal Conservation Area which lies to the north and the rear portion of the site is also formally designated as Urban Open Space. Woodlands Avenue is a tree-lined residential road characterised predominately by two storey and chalet-style detached dwellings of similar ages. Sheerwater Road is characterised by larger detached dwellings in a lower density layout and dwellings to the south form part of the Old Avenue Conservation Area. There is a change in levels across the site with the site sloping down towards the canal to the rear; Sheerwater Road is positioned at a higher level than the majority of the site and an embankment borders the site to the west.

PLANNING HISTORY

None of relevance.

CONSULTATIONS

- **Drainage and Flood Risk Engineer:** *"Following a review of the application and the supporting Drainage and Flood Risk information (dated June 2018), the application is not compliant with NPPF or Woking Core Strategy CS9 'Flooding and Water Management'. Therefore In accordance with National Planning Policy Framework (NPPF) paragraph 163 and paragraph 165 in the absence of an acceptable Flood Risk Assessment (FRA) and Surface Water Drainage Scheme we object to the application and recommend refusal of planning permission"*
- **Housing Strategy and Enabling Officer:** Provision of 2x on-site affordable units would be required or equivalent financial contribution of £186,533.
- **County Highway Authority:** No objection subject to conditions.
- **Arboricultural Officer:** No objection subject to conditions.
- **Surrey Wildlife Trust:** No objection subject to conditions/recommendations.
- **Scientific Officer:** No objection subject to conditions.
- **County Archaeological Officer:** No objection.
- **Natural England:** No objection.

REPRESENTATIONS

A total of 45x objections have been received, including one from The Byfleet, West Byfleet and Pyrford Residents' Association, raising the following summarised concerns:

Highways and Parking:

- Proposal would provide insufficient parking
- Woodlands Avenue is already heavily parked and the proposal would exacerbate this

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- The proposed access is close to the junction with Sheerwater Road which is already dangerous and congested
- Parking on verges is a problem on Woodlands Avenue
- Proposal would impact on highway safety
- Proposal would increase congestion in the area

Impact on Character:

- Proposal is out of character and out of scale with the area
- The proposed building is too tall
- The local area is characterised by two storey development whereas the proposal would be three storeys
- Proposal would result in an overdevelopment of the site
- Proposal should not be compared to blocks of flats to the north; these are a considerable distance away, are not close to the Conservation Area and are set-back from the road
- Proposed building would be uninspiring with poor quality finishes
- Proposal does not comply with The West Byfleet Neighbourhood Development Plan which seeks to maintain a strong green character and to maintain the character of Housing Character Zones
- Proposal would encroach into the Conservation Area and area of Urban Open Space
- Flats are out of character with the area; the proposal site would be better developed with houses
- Proposed building would be sited too close to boundaries and would breach the building line
- The proposal site is garden land and not brownfield land
- Other applications have been refused along Woodlands Avenue in the past (PLAN/2008/1092, PLAN/2010/0477 & PLAN/2010/1205)

Impact on Ecology and Trees:

- The current garden acts as a buffer to the Basingstoke Canal Site of Special Scientific Interest (SSSI) which would be lost
- Proposal site is currently undeveloped land and the proposed development would impact on wildlife, including bats
- The applicant has removed a significant number of trees

Other concerns:

- There is more of a need for family houses, there is no shortage of flats
- Most of the letters of support are from people outside the Borough
- There is not sufficient infrastructure in the area to cope with 10x additional flats
- The Rive Ditch is prone to flooding and the proposal could increase risk of flooding

In addition to the above, a total of 40x representations have been received expressing support for the proposal, however it should be noted that 17x of these representations are from addresses outside the borough. These representations make the following summarised comments:

- More homes are needed in the area
- Proposal addressed the corner
- Proposal would provide an economic boost
- Proposal would be in-keeping with other developments on Sheerwater Road

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2018):

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Development Management Policies DPD (2016):

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

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough
CS7 - Biodiversity and nature conservation
CS8 - Thames Basin Heaths Special Protection Areas
CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing Mix
CS12 - Affordable housing
CS17 - Open space, green infrastructure, sport and recreation
CS18 - Transport and accessibility
CS20 - Heritage and Conservation
CS21 - Design
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

The West Byfleet Neighbourhood Development Plan (WBNDP) (2017)

Core Objectives

BE1 - Development character
BE2 - New housing quality
BE6 - Residential parking provision

Supplementary Planning Documents (SPDs):

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

Other Material Considerations:

Heritage of Woking (2000)
South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area
Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Waste and recycling provisions for new residential developments
House of Commons: Written Statement (HCWS161) - Sustainable drainage systems

In addition to the above, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty on decision makers to have 'special regard' to preserving or enhancing the character of conservation areas and states that: *'with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in sub section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*.

PLANNING ISSUES

Impact on Character:

1. Core Strategy (2012) policy CS21 'Design' requires development proposals to *"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"*; furthermore Section 12 of the NPPF (2018) states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* and requires proposals to *"respond to local character and history, and reflect the identity of local surroundings and materials..."*.
2. One of the Core Objectives of The West Byfleet Neighbourhood Development Plan (WBNDP) (2017) is *"To ensure that changes to the built environment in West Byfleet complement the strong green character and 'village feel' of The Area, sustain the distinctiveness of the different housing character zones (see Section 2.3.1) and conserve local heritage assets"* and *"To maintain, enhance and protect the distinctive and special character of West Byfleet by ensuring high quality design and construction in both residential and commercial development"*. Policy BE2 'New Housing Quality' of the WBNDP (2017) states that *"Proposals for new residential development should demonstrate good design and should contribute positively to creating a sense of place"* whilst policy BE1 'Development Character' states that *"Residential development should complement the character of the Housing Character Zone in which it is located"*. The proposal site falls within Housing Character Zone B 'Hollies and Woodlands Avenue' which is defined as comprising 1930s development of bungalows and two storey houses.
3. Woodlands Avenue is consistently characterised by detached two storey and chalet style dwellings. To the south on Sheerwater Road are large detached dwellings in a low density layout which form part of the Old Avenue Conservation Area. To the west are detached and semi-detached dwellings on Albert Drive which are separated from Sheerwater Road by large areas of grassed amenity land. A predominance of tree cover, grass verges and relatively low densities results in a verdant and spacious character to the area. The surrounding area is therefore consistently characterised predominately by two storey dwellings which are predominately detached and the area has a spacious appeal; the existing proposal site contributes towards this with the large garden area, tree cover and existing detached dwelling. The existing site is relatively large and predominately undeveloped in nature with a large and mature garden area with the rear portion of the plot being heavily treed. The rear portion of the site forms part of the Basingstoke Canal Conservation Area.
4. It is acknowledged that the proposal site is relatively large in comparison to neighbouring plots and has the potential to be appropriately sub-divided to provide two detached dwellings for example, which would have the potential to respect the prevailing pattern and grain of development in the area. The proposal however is for the demolition of the existing bungalow and the erection of a three storey block of flats

as well as a detached two storey building to the rear providing a total of 10x flats. The proposal includes a surface car park and car ports and a detached cycle store building.

5. The proposed three storey block of flats is considered entirely out of scale and out of character with the surrounding area which is consistently characterised by dwellings of no more than two storeys. The proposed building would have a width of 15.7m at the site frontage and a total depth of 23.8m on the Sheerwater Road frontage which results in a particularly large and imposing building. The building would be three storeys and adjacent to No.132 Woodlands Avenue which is two storeys; there would be a pronounced uplift in height, bulk and massing in the street scene which highlights the scale of the proposed building. Blocks of flats are not common in the surrounding area and the scale and nature of the proposed development is therefore considered at-odds with the prevailing character, grain and pattern of development in the area. There is a small collection of maisonettes opposite the proposal site however these are contained within a two storey building with the outward appearance of two storey dwellings and in any case, flats are anomalous in the area. There are examples of blocks of flats to the north at the junction of Woodham Lane and Sheerwater Road however these are some 250m to the north of the proposal site and are separated from the proposal site by the Basingstoke Canal and Conservation Area which is a significant intervening feature. The proposal is therefore considered to relate to an entirely different street scene which has its own distinct character and where blocks of flats are not a characteristic. It is also borne in mind that the existing blocks of flats to the north are set-back considerably from the highway (21-26m) whereas the proposed building would be positioned within 2.5m of the front boundary of the site.
6. Woodlands Avenue is predominately characterised by detached chalet bungalows and two storey dwellings with plot widths which are consistently sized and consistently long rear gardens which are devoid of development and are characterised by mature trees and vegetation. The rear gardens of properties on the northern side of Woodlands Avenue blend with the more informal, undeveloped green space to the north which borders the Basingstoke Canal and includes parts of the Basingstoke Canal Conservation Area. This prevalence of tree cover and vegetation and the general absence of development creates a strong and consistent green character to the area. One of the Core Objectives of The West Byfleet Neighbourhood Development Plan (WBNDP) (2017) is for built development to compliment the 'strong green character' of the area.
7. The proposed development would result in a significant uplift in bulk and built development on the site and the development would encroach significantly into the existing undeveloped garden area. The proposal would also introduce a detached two storey structure to the rear which is entirely out of character with the prevailing pattern and grain of development in the area where 'backland' development is not common. The proposal would involve the car park and structures to the rear extending right up to the boundary of the Basingstoke Canal Conservation Area and part of the cycle store structure would encroach into the Conservation Area. This is considered at-odds with the green, spacious character of the area discussed above where areas to the rear of dwellings on Woodlands Avenue are devoid of development and the absence of development contributes to the strong character of the area. Overall the proposal would introduce development across approximately half of the plot, which equates to the full depth of the neighbouring plot at No.132 Woodlands Avenue.
8. The building itself adopts a generally traditional design approach and would be finished in a mixture of brick, tile hanging and render. There would however be relatively large areas of crown roof. The eastern elevation of the proposed building

includes an unusual section of roof which results in a 9m high section of flank wall and a contrived roof form, to the detriment of the visual amenities of the street scene. Furthermore, the east-facing flank elevation facing No.132 Woodlands Avenue would be clearly visible and prominent in the street scene when viewed from Woodlands Avenue on the east. This flank elevation would be three storeys with an eaves height of 7.2m and a width of 10.5m and would result in a large and relatively blank façade which would be prominent in the street scene and at-odds with the prevailing character and scale of built development in the area.

9. As discussed above the surrounding area is spacious in character. The existing plot is relatively large and open with a modestly proportioned dwelling with a set-back of at least 9m from the Sheerwater Road Frontage. The existing site therefore contributes to the aforementioned spacious and open character to the immediate area. The proposal by contrast would introduce a three storey building in place of the existing dwelling, which would be significantly greater in height and scale and closer to boundaries. The proposal would result a three storey building and the highest part of the proposed development positioned only 2.5m from the most prominent south-west corner of the site. Coupled with the significant spread and quantum of development across the site, the proposal is considered to result in an undue overdevelopment of the plot and is considered to erode the spacious and open character of the area and would be significantly urbanising in effect.
10. There is a change in ground levels on the site which means the existing rear garden slopes downwards to the rear; the ground level to the rear is approximately 3m below the level of Woodlands Avenue to the front of the site and 2.2-2.4m below the level of Sheerwater Road which bounds the site to the west. The rear portion of the proposed building would therefore be set-down from the main body of the building due to the change in levels. There would therefore be requirements for retaining walls within the site of approximately 2.8m in height. No details have been submitted of any retaining walls but the height and extent of the retaining walls required as part of the proposal, and the inevitable balustrades required atop them, is considered to result in an overly engineered, contrived and urbanising appearance which is at odds with the spacious, open suburban character of the surrounding area. This is considered indicative of a contrived overdevelopment of the site, to the detriment of the character of the area.
11. The proposed development, by reason of the height, bulk, siting and design of the development and the extent of development across the site, would result in an unduly prominent, dominating and incongruous development which fails to respect the prevailing character, height, scale, pattern and grain of development in the area and would result in a cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', the Core Objectives and policies BE1 'Development Character' and BE2 'New Housing Quality' of The West Byfleet Neighbourhood Development Plan (2017), Supplementary Planning Document 'Woking Design' (2015) and Section 12 of the NPPF (2018).

Impact on the special character, appearance and setting of Conservation Areas:

12. Part of the proposal site forms part of the Basingstoke Canal Conservation Area and opposite the site to the south is the Old Avenue Conservation Area. Woking Core Strategy (2012) policy CS20 'Heritage and Conservation' and Woking DMP DPD (2016) policy DM20 'Heritage Assets and their Settings' establish a presumption in favour of preserving or enhancing the character of Heritage Assets. Furthermore, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as

amended) places a statutory duty on decision makers to have 'special regard' to preserving or enhancing the character of conservation areas. The NPPF (2018) attaches great weight to the desirability of preserving and enhancing Heritage Assets, including Conservation Areas and 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...Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification... Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."

13. The special character of the Basingstoke Canal Conservation Area is considered to be derived from the green and open character along the length of the canal, the absence of development and the predominance of tree cover and vegetation which creates a green 'oasis' running through the Borough. Similarly, the Old Avenue Conservation is characterised by low density development and a spacious, green and sylvan character. The characteristics of the Conservation Areas can be found in the immediate area outside the boundaries of the Conservation Areas. The rear portion of the site forms part of the Basingstoke Canal Conservation Area however the developed area would extend right up to the boundary of the Conservation Area. The detached two storey structure to the rear, as discussed above, is considered an entirely incongruous form of development and the proposal would result in the two storey rear elevation of this building being positioned directly on the boundary with the Conservation Area. The proposed detached cycle store would encroach into the Conservation Area and the proposed surface car park would extend considerably into the plot to within 5m of the Conservation Area.
14. In addition, the proposal site is directly opposite the Old Avenue Conservation Area which is located on the opposite side of Sheerwater Road. Although the separation distance is approximately 25m, the proposed development would still be clearly visible and readily apparent in views from and to the Conservation Area
15. As discussed above, the proposal would introduce development across approximately half of the plot, which equates to the full depth of the neighbouring plot at No.132 Woodlands Avenue. The scale and nature of the proposed development and the extent of development across the site is considered to result in an urbanising, cramped and contrived form of development and an undue overdevelopment of the plot. This is considered entirely at-odds with the character of the area and the special character of the nearby Conservation Areas. The proposed development would be very prominent in views from the Conservation Areas and parts of the development would be directly adjacent to the Basingstoke Canal Conservation Area; overall the proposal is not considered to preserve or enhance the special character or setting of the Basingstoke Canal and Old Avenue Conservation Areas. The proposal is therefore considered contrary to Core Strategy (2012) policy CS20 'Heritage and Conservation', Woking DMP DPD (2016) policy DM20 'Heritage Assets and their Settings' and the NPPF (2018).

Impact on Neighbours:

16. The nearest neighbours to the proposal site potentially most affected by the proposed development are neighbours on Woodlands Avenue to the east and south-east and neighbours on Sheerwater Road to the west.

17. No.132 Woodlands Avenue is a detached two storey dwelling which adjoins the site to the east. The proposed building would be sited 5.2m from the side boundary with this neighbour at its nearest point. The shape of the building means the building steps-in from the boundary with the rear projecting element set-in 12.4m from the boundary with this neighbour. The main body of the proposed building nearest this neighbour would be approximately aligned with the front and rear elevations and the proposed building passes the '45° test' in plan and elevation form with this neighbour. No.132 features a side-facing window in a single storey rear extension however this is a high-level window serving as a secondary window to a habitable room; given the secondary nature of this window, the proposal is not considered to result in an undue impact on this window. Overall the proposal is therefore considered to result in an acceptable loss of light impact on this neighbour. The separation distance to the boundary is considered sufficient to avoid an undue overbearing impact on this neighbour and its rear garden area.
18. In terms of potential overlooking, all the side-facing windows in the east flank elevation looking towards No.132 and neighbours beyond serve as secondary windows or serve bathrooms. These windows could all therefore be required to be obscurely glazed with restricted opening if the proposal were considered otherwise acceptable.
19. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) recommends minimum separation distances for different forms of development including a recommended minimum of 15m for front-to-front relationships at three storey level and above. The nearest neighbour opposite the site on Woodlands Avenue is at No.131; the proposed building would be located a minimum of 31m from the front elevation of this neighbour. The proposed building would be sited a minimum of 27.5m from Norfolk Farm Cottage on the opposite side of Sheerwater Road. Other neighbours in the surrounding area have a greater separation distance. These separation distances are considered sufficient to avoid an undue loss of light, overbearing and overlooking impact and are considered acceptable for front-to-front relationships. To the rear of the site is undeveloped land bordering the Basingstoke Canal.
20. Overall the proposed development is therefore considered to have an acceptable impact on the amenities of neighbours in term of loss of light, overbearing and overlooking impacts.

Drainage and Flood Risk:

21. The proposal site is not within a designated Flood Zone however parts of the proposal site and the carriageway on Woodlands Avenue and Sheerwater Road are at risk of surface water flooding. The NPPF (2018) and Core Strategy (2012) policy CS9 state that Local Planning Authorities should seek opportunities to reduce flood risk through the appropriate application of sustainable drainage systems (SUDS).
22. As per the guidance issued by the Department of Communities and Local Government (DCLG) all 'major' planning applications being determined from 6 April 2015 must consider sustainable drainage systems (House of Commons: Written Statement HCWS161 - Sustainable drainage systems. Woking Core Strategy (2012) policy CS9 states that *"the Council will require all significant forms of development to incorporate appropriate sustainable drainage systems (SUDS) as part of any development proposals. If this is not feasible the Council will require evidence illustrating this"*. Furthermore, paragraph 165 of the NPPF (2018) states that:

“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits”*

23. The current proposal is ‘major’ development as the proposal is for 10x dwellings; an appropriate sustainable drainage scheme would therefore be required to accompany the application and cannot be secured by conditions. The applicant has provided drainage information to accompany the application. The Council’s Drainage and Flood Risk Engineer has reviewed the submission and does not find it acceptable for a number of reasons. The submitted information does take account of all the impermeable areas on the development, including hardstanding and buildings and is proposing an underground tank without any justification. The Council’s Drainage and Flood Risk Engineer therefore raises an objection to the proposal.
24. In the absence of appropriate surface water drainage information, it has not been demonstrated that the proposed development would incorporate an adequate sustainable surface water drainage system. The proposal is therefore contrary to Core Strategy (2012), policy CS9 ‘Flooding and water management’, House of Commons: Written Statement (HCWS161) ‘Sustainable drainage systems’ and the NPPF (2018).

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

25. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Core Strategy (2012) policy CS8 requires new residential development beyond a 400m threshold, but within 5km of the SPA boundary, to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
26. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The required SAMM contribution in this case would be £5,959 in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the net gain of 8x two bedroom and 1x one bedroom dwellings which would arise from the proposal.
27. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the proposed additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8, the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the “Habitats Regulations”).

Affordable Housing:

28. The NPPF (2018) establishes that affordable housing should not be sought for developments which are not ‘major’ developments. The NPPF definition of ‘major’ development is the same as that in the Development Management Procedure Order

(2015) which is defined as 10x units or more. The proposed development is for a total of 10x units and is therefore a major development and so is liable to make affordable housing contributions. The Council's Affordable Housing Delivery SPD (2014) makes clear that affordable housing contributions should be sought on the net increase in units on a site; in this case the net increase of units is 9x however this does not change the definition of the development as a major development. Core Strategy (2012) policy CS12 'Affordable Housing' requires developments providing between 5x and 9x units to provide 20% of the dwellings to be affordable. This equates to 2x units or an equivalent financial contribution of £186,533.

29. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards affordable housing, it cannot be determined that the proposed dwelling would make sufficient contribution towards affordable housing. The proposal is therefore contrary to Core Strategy (2012) policy CS12, Supplementary Planning Document 'Affordable Housing Delivery' (2014) and the NPPF (2018).

Transportation Impact:

30. The proposed plans show a total of 15x parking spaces, including 3x carport spaces in the detached building to the rear. The proposed plans also show an integral bin store and a separate building with secure cycle storage to the rear. The Council's Parking Standards (2018) set minimum parking standards of 1x space per two bedroom flat and 0.5x spaces for one bedroom flats; this equates to a minimum overall requirement of 9.5x spaces. Policy BE6 of the WBN DP (2017) also sets minimum parking standards however these set higher minimum standards and require a minimum of 2x spaces to be provided for two and three bedroom dwellings which equates to a minimum requirement of 19x spaces. Policy BE6 states that the minimum parking standard should be provided "*unless it can be clearly demonstrated that alternative requirements are necessary due to the nature and accessibility of residential development or the availability of public transport*".
31. Whilst the proposed 15x spaces would exceed the requirements of the Council's Parking Standards (2018), this would fall short of the requirements of the WBN DP (2017) by 4x spaces. No Transport Statement has been submitted to provide justification for the under-provision of off-street parking and there are limited opportunities for on-street parking on local roads. On-street parking is not possible on Sheerwater Road and there are a limited number of parking bays on Woodlands Avenue and it should be borne in mind that there is concern locally that Woodlands Avenue is heavily parked as evidenced by the representations. This is again considered indicative of an overdevelopment of the site. The County Highway Authority raises no objection subject to conditions however the remit of the County Highway Authority is limited to highway safety and operation rather than local parking pressure and amenity.
32. Overall the proposal would therefore fail to meet the minimum parking standards set out by policy BE6 of the WBN DP (2017) and it has not been demonstrated that the under-provision would not lead to undue pressure on local on-street parking. Consequently the Local Planning Authority cannot be satisfied that there would be no adverse effect upon the free flow of traffic or car parking provision within the locality; the proposal is therefore contrary to policy BE6 of the WBN DP (2017).

Impact on Trees:

33. The proposal site features various mature trees on the site which are concentrated towards the rear of the proposal site within the boundary of the Conservation Area and

along the Sheerwater Road frontage. Arboricultural information has been provided detailing how trees would be retained and protected during construction. The majority of the trees would be retained apart from three trees which would be removed for arboricultural reasons. Two of the trees are 'U' category trees (a Sweet Chestnut and an Alder), which is the lowest quality category for trees, and these would be removed due to their poor health/condition. The third tree is a 'C' category Oak tree which is identified as being in declining health. The Council's Arboricultural Officer has reviewed the proposal and raises no objection subject to conditions. Overall the proposal is therefore considered to have an acceptable impact on trees and the removal of the three trees identified above is considered acceptable.

Standard of Accommodation:

34. The proposal includes 9x two bedroom flats and 1x one bedroom flat. The one bedroom unit would be 54.5m² and the two bedroom units range from 63m² to 71.5m² which meet the National Technical Housing Standards (2015) and are considered acceptable in terms of size. Habitable room windows would have generally open outlooks. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) states that family accommodation (which is defined as including flats of two bedrooms or more exceeding 65m²), should provide a suitable area of predominately soft landscaped private amenity space. In the most dense urban locations, alternative forms of on-site amenity provision may be permitted. Eight of the nine 2x bedroom flats exceed 65m² however no areas of private amenity space are proposed.
35. Whilst the development would not deliver areas of private amenity space, there would be landscaped areas within the development which would have amenity value for future residents and the treed area to the rear of the plot would also be accessible. It is borne in mind that it would be difficult to achieve an area of private amenity space for every flat and this could result in a proliferation of enclosures on the site which would further harm the character of the development and surrounding area. The absence of dedicated private amenity space can therefore be considered acceptable in this instance.
36. Overall the proposed development is considered to achieve an acceptable standard of amenity for future residents.

Housing Mix:

37. Core Strategy (2012) policy CS11 requires proposals to address local needs as evidenced in the Strategic Housing Market Assessment (SHMA) which identifies a need for family accommodation of two bedrooms or more. The most recent published SHMA (September 2015) is broadly similar to the mix identified in policy CS11. The proposal would provide 9x two bedroom dwellings and 1x one bedroom dwelling which is considered an appropriate and acceptable housing mix for a development of this nature.

Urban Open Space:

38. The rear portion of the site is designated as Urban Open Space by the Core Strategy (2012). There is a policy presumption against the loss of open space as set out by the NPPF (2018) and Core Strategy (2012) policy CS17 'Open space, green infrastructure, sport and recreation'. The portion of the site designated as Urban Open Space would largely remain open and undeveloped; the two storey structure to the rear would be positioned directly on the boundary with this area and approximately 3m² of the proposed detached cycle store building would encroach into this space.

However, there are various existing outbuildings in the rear garden, some of which are positioned within the designated Urban Open Space which would be demolished and removed as part of the proposed development. Considering this, the proposal would therefore not result in a material loss of designated open space.

Impact on Ecology:

39. The site is largely undeveloped and characterised by garden land and more informal scrubland with mature trees towards the rear; there is therefore potential for the proposal to impact on ecology. The applicant has provided an Ecological Appraisal which concludes that the existing house and outbuildings and the trees to be removed have a negligible or low bat roosting potential and the rest of the site has a low potential for other protected species to be present. The report makes a series of recommendations in the event that development goes ahead in order to protect existing ecology and enhance the biodiversity of the site. Surrey Wildlife Trust has reviewed the submission and raises no objection subject to these recommendations. The proposal is therefore considered to have an acceptable impact on ecology.

Contamination:

40. There is the potential for ground contamination due to historic nearby farm uses; the Council's Scientific Officer has reviewed the proposal and raises no objection subject to conditions securing the investigation and remediation of potential contamination. Such conditions could be applied if the proposal were considered otherwise acceptable.

Community Infrastructure Levy:

41. The proposal would be liable to make a CIL contribution of £101,624.28 based on a net increase in floor area of 658.5m².

CONCLUSION

42. Considering the points discussed above, the proposed development, by reason of the height, bulk, siting and design of the development and the extent of development across the site, would result in an unduly prominent, dominating and incongruous development which fails to respect the prevailing character, height, scale, pattern and grain of development in the area and would result in a cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area and would consequently fail to preserve or enhance the special character or setting of the Basingstoke Canal and Old Avenue Conservation Areas. The proposed development would also fail to meet the minimum parking standards set out by The West Byfleet Neighbourhood Development Plan (2017) and it has not been demonstrated that the under-provision would not lead to undue pressure on local on-street parking.
43. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the proposed additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area. Furthermore, in the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards affordable housing, it cannot be determined that the proposed dwelling would make sufficient contribution towards affordable housing.

44. The proposal is therefore contrary to Core Strategy (2012) policies CS8 'Thames Basin Heaths Special Protection Areas', CS9 'Flooding and water management', CS12 'Affordable Housing', CS20 'Heritage and Conservation', CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM20 'Heritage Assets and their Settings', the Core Objectives and policies BE1 'Development Character' and BE2 'New Housing Quality' of The West Byfleet Neighbourhood Development Plan (2017), Supplementary Planning Documents 'Woking Design' (2015) and 'Affordable Housing Delivery' (2014), the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations") and the NPPF (2018).
45. The proposal is therefore recommended for refusal for the reasons set out in the 'Recommendation' section below.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations
4. Conservation Area Site Notice
5. 'Major development' Site Notice

RECOMMENDATION

REFUSE planning permission for the following reasons:

01. The proposed development, by reason of the height, bulk, siting and design of the development and the extent of development across the site, would result in an unduly prominent, dominating and incongruous development which fails to respect the prevailing character, height, scale, pattern and grain of development in the area and would result in a cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, and would consequently fail to preserve or enhance the special character or setting of the Basingstoke Canal and Old Avenue Conservation Areas, contrary to Core Strategy (2012) policies CS20 'Heritage and Conservation', CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM20 'Heritage Assets and their Settings', the Core Objectives and policies BE1 'Development Character' and BE2 'New Housing Quality' of The West Byfleet Neighbourhood Development Plan (2017), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2018).
02. In the absence of appropriate surface water drainage information, it has not been demonstrated that the proposed development would incorporate an adequate sustainable surface water drainage system. The proposal is therefore contrary to Core Strategy (2012) policy CS9 'Flooding and water management', House of Commons: Written Statement (HCWS161) 'Sustainable drainage systems' and the NPPF (2018).
03. The proposed development would fail to meet the minimum parking standards set out by The West Byfleet Neighbourhood Development Plan (2017) and it has not been demonstrated that the under-provision would not lead to undue pressure on local on-street parking. Consequently the Local Planning Authority cannot be satisfied that there would be no adverse effect upon the free flow of traffic or car parking provision within the locality; the proposal is therefore contrary to policy BE6

16 OCTOBER 2018 PLANNING COMMITTEE

'Residential parking provision' of The West Byfleet Neighbourhood Development Plan (2017).

04. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the proposed additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").
05. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards affordable housing, it cannot be determined that the proposed dwelling would make sufficient contribution towards affordable housing. The proposal is therefore contrary to Core Strategy (2012) policy CS12 'Affordable Housing', Supplementary Planning Document 'Affordable Housing Delivery' (2014) and the NPPF (2018).

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 National Planning Policy Framework 2018.
2. The plans relating to the development hereby refused are listed below:

P1475.SUR.01 (Survey of Existing Dwelling, Floor and Roof Plans) received by the LPA on 04/04/2018

P1475.SUR.02 (Survey of Existing Dwelling, Elevations) received by the LPA on 04/04/2018

P1475.PL.01 (Planning Layout & Location Plan) received by the LPA on 04/04/2018

P1475.PL.02 (Proposed Flats, Lower Ground Floor Plan) received by the LPA on 04/04/2018

P1475.PL.03 (Proposed Flats, Ground Floor Plan) received by the LPA on 04/04/2018

P1475.PL.04 (Proposed Flats, First Floor Plan) received by the LPA on 04/04/2018

P1475.PL.05 (Proposed Flats, Second Floor Plan) received by the LPA on 04/04/2018

P1475.PL.06 (Proposed Flats, Roof Plan) received by the LPA on 04/04/2018

P1475.PL.07 (Proposed Flats, Front Elevation) received by the LPA on 04/04/2018

P1475.PL.08 (Proposed Flats, Side Elevations) received by the LPA on 04/04/2018

P1475.PL.09 (Proposed Flats, Rear Elevation) received by the LPA on 04/04/2018

P1475.PL.10 (Proposed FOG, Floor Plans) received by the LPA on 04/04/2018

P1475.PL.11 (Proposed FOG, Elevations) received by the LPA on 04/04/2018

P1475.PL.12 (Cycle Store, Plans & Elevations) received by the LPA on 04/04/2018

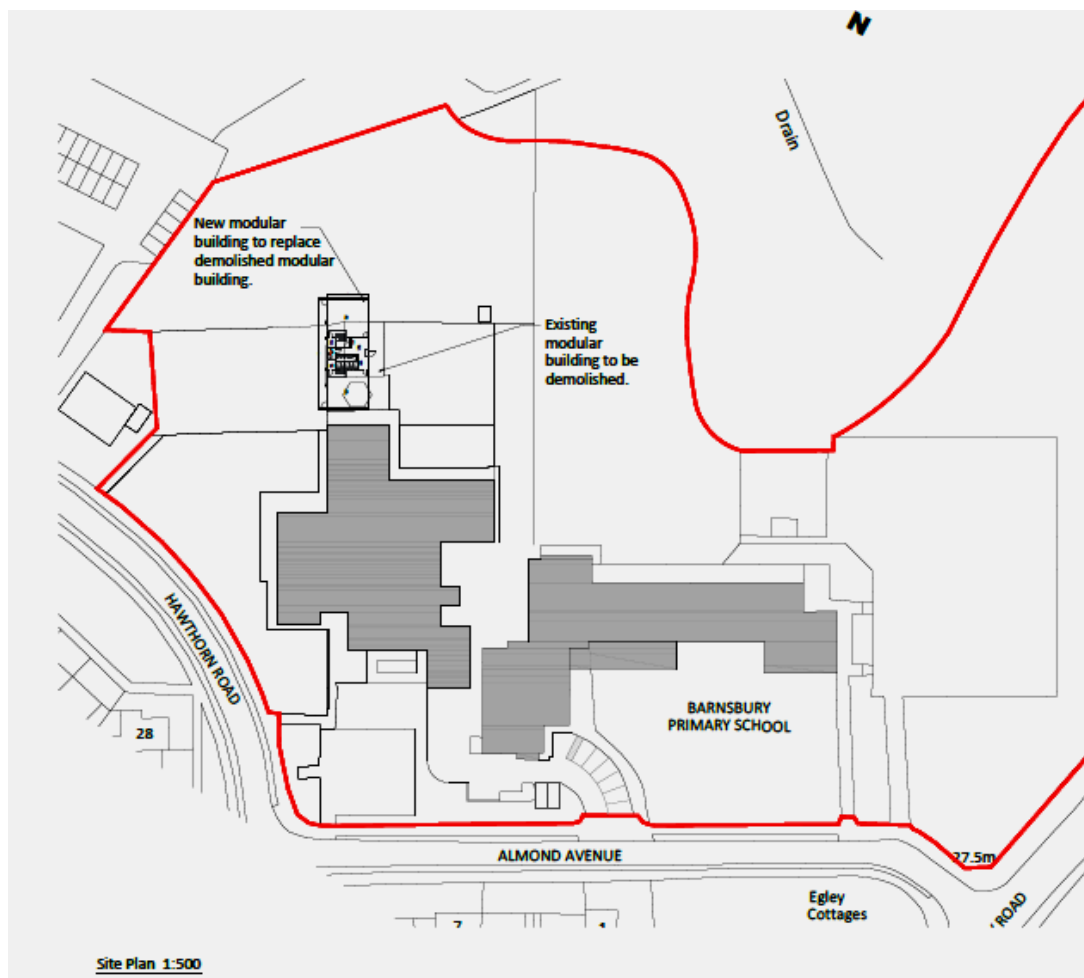
P1475.PL.13 (Block Plan) received by the LPA on 19/04/2018

P1475.PL.14 (Block Plan) received by the LPA on 19/04/2018

Barnsbury Primary **School, Almond Avenue** **Woking**

PLAN/2018/0722

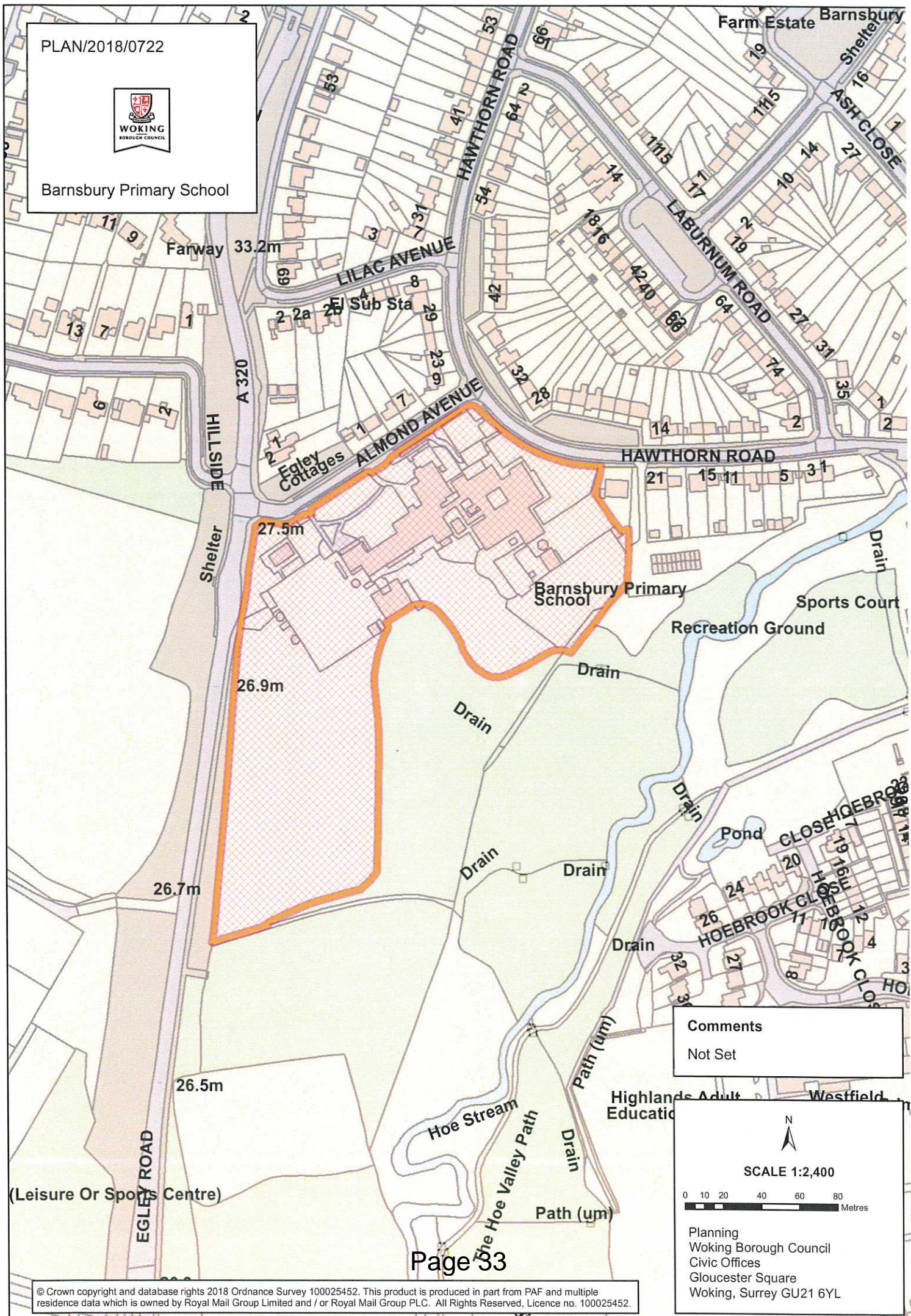
Proposed demolition of existing nursery building and replacing with a modular unit.



PLAN/2018/0722



Barnsbury Primary School



Comments

Not Set

SCALE 1:2,400

0 10 20 40 60 80 Metres

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

16th OCTOBER 2018 PLANNING COMMITTEE

6b	18/0722	Reg'd:	19.07.18	Expires:	18.10.18	Ward:	HE
Nei.	22.08.18	BVPI	Major (small-	Number	13/13	On	Yes
Con.		Target	scale)	of Weeks		Target?	
Exp:				on Cttee'			
				Day:			

LOCATION: Barnsbury Primary School, Almond Avenue, Woking, Surrey, GU22 0BB

PROPOSAL: Erection of a new modular building for D1 educational use in place of the existing modular building.

TYPE: Full

APPLICANT: Mrs Sarah Newman

OFFICER: Barry Curran

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 in place of an existing modular building for D1 educational use ancillary to Barnsbury Primary School.

PLANNING STATUS

- Green Belt
- Flood Zone 2/3 (Partly)
- SPA Zone B

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

The application site relates to Barnsbury Primary School, an Academy School covering an extensive plot on the southern side of Almond Avenue and to the East of Egley Road within the defined Green Belt. The site contains an infant and junior school which are located on the northern side of the site with on-site parking off Almond Avenue and play areas to the south. The area of the site subject to this application is to the rear of the infant school on the hardstanding between the building and soft landscaped area which backs onto the South and south-eastern boundary.

PLANNING HISTORY

Extensive. Of relevance;

PLAN/2016/0472 - Proposed single storey infill extension to the front elevation to provide additional general teaching space – Permitted 22.06.2016

PLAN/2009/0292 - Consultation from Surrey County Council for the installation of a single demountable classroom with toilets and the erection of a 1.8m high boundary fence for a temporary period of seven years – No Objection 05.05.2009

PROPOSED DEVELOPMENT

The application seeks permission for the erection of a stand alone single storey modular building measuring 21 metres in length, 8 metres in width and standing at 3.4 metres in height adopting a flat roof.

Set to replace the existing single storey modular building (measuring 10 metres in length and 7.5 metres in width) as well as an open sided octagon gazebo, the modular building would provide additional educational floorspace in connection with the D1 use on site.

CONSULTATIONS

Arboricultural Officer: No arboricultural implications are associated with the development (31.07.18)

Surrey Highways: Recommend a condition for a Construction Transport Management Plan (06.08.18)

Drainage Officer: No objection subject to conditions (06.08.18)

REPRESENTATIONS

None received

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2018

Section 6 - Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 13 – Protecting Green Belt land

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Core Strategy Publication Document 2012

CS1 - A Spatial Strategy for Woking

CS6 – Green Belt

CS9 – Flooding and water management

CS16 - Infrastructure delivery

CS19 - Social and community infrastructure

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management Policies DPD 2016

DM2 – Trees and Landscaping

DM13 – Buildings in and adjacent to the Green Belt

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, impact on the Green Belt, design considerations and the impact of the proposal on the character of the area, impact on residential amenities, highway safety impact, impact on flooding, impact on trees and local finance considerations.

Principle of Development

2. The site is within the Green Belt and serves as a D1 educational use with an infant and junior school on site. Paragraph 94 of the National Planning Policy Framework states that the *"It is important 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 this requirement, and to development that will widen choice in education. They should:*
 - (a) Give great weight to the need to create, expand or alter schools; and*
 - (b) 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 replacement outbuilding would provide increased infant classroom space and replace the existing modular building and timber gazebo to the South of the main infant school. 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;

- (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 replacement detached modular building to provide additional space for D1 educational use which is considered to enhance the current accommodation for students. Considering the modular building is to replace an existing building in D1 space with additional floorspace in a bid to provide more comfortable accommodation with no increase in student numbers (as outlined in the Planning Statement), the expansion 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 infant school. Policy DM21 of the Development management Policies DPD 2016 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 2018, Policies CS16 and CS19 of the Woking Core Strategy 2012 and Policy DM21 of the Development Management Policies DPD 2016.

Impact on the Green Belt

6. The application site is located within the Green Belt. The National Planning Policy Framework 2018 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Further to this, Paragraph 144 of the National Planning Policy Framework refers back to inappropriate development stating that ‘very special circumstances’ will not exist unless the potential harm to the Green belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other circumstances.
7. It is proposed to demolish the existing detached single storey modular building and timber gazebo and replace them with a similar modular building for D1 educational use. Paragraph 145 of the NPPF states that *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:... the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*. The existing modular building covers a footprint of 72 sq.m and the replacement modular building comprises a footprint of 168 sq.m, thereby making it materially larger. It does not, therefore, meet the criteria for what can be classed as appropriate development within the Green Belt. It is therefore necessary to consider the Very Special Circumstances that have been submitted to justify the overriding of Green Belt Policy CS6 and Section 13 of the National Planning Policy Framework.

8. The NPPF at Paragraph 144 states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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 applicants have submitted a statement setting out exceptional circumstances which they consider exist in this case.
9. Ministerial statements constitute material planning considerations and in August 2011 the Government’s policy statement – ‘Planning for Schools Development’ was issued. The Ministerial Statement goes on to state that the planning system should operate in a positive manner and the following principles should apply with immediate effect: There should be a presumption in favour of the development of state-funded schools (including free schools and Academies); Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. This has not been retracted by the current Government and its content was included within Paragraph 94 of the NPPF.
10. Paragraph 94 of the NPPF 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. It states that *“It is important 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 this requirement, and to development that will widen choice in education. They should:*
 - (a) Give great weight to the need to create, expand or alter schools; and*
 - (b) Work with school promoters to identify and resolve key planning issues before applications are submitted”*.
11. It is considered that the enlargement of the modular building is to ensure that an acceptable level of accommodation is provided and would help ensure that the council meets its duty of providing teaching facilities that are of a good standard for every resident pupil who requires one. The applicant has set out an argument in favour of this application stating that the proposed replacement unit would provide sufficient teaching facilities and pupil learning space in place of a modular unit which has reached the end of its serviceable life. The proposed unit in providing upgraded accommodation in place of the existing outdated unit and within the same use would adhere to Paragraphs 94 and 145 of the NPPF expanding teaching facilities on an existing D1 Use Class demonstrating Very Special Circumstances.

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

12. 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 principles of the National Planning Policy Framework is to seek to secure high quality design. Paragraph 124 echoes the provisions of the Core Strategy Policy CS21 in that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”*.

13. In this instance, the proposed modular building would be ancillary to the infant school on site. The proposed detached replacement building is single storey in height (measuring approximately 3.4 metres at maximum height) and of a flat roofed form. At single storey in height the proposed building would appear as subordinate and ancillary to the main school similar to the existing modular structure and would include walls of plastisol steel with white uPVC windows. Condition 2 is 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.
14. The proposed building would be positioned on the footprint of the existing modular building as well as the existing timber gazebo on hard-standing to the south-east of the infant school. Extending 21 metres in length, the proposed replacement building would stretch approximately 5 metres onto the soft-landscaped area to the South. The scale and character of the proposal is considered to be visually acceptable and appear as an appropriate structure within the grounds of the school. Its design and its subordinate form results in a building which would not detract from the established character of the school or its setting and is therefore in accordance with provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and the Supplementary Planning Document 'Design' 2015.

Impact on Residential Amenity

15. 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. The application site covers an extensive plot and is bound by residential properties to the East. Considering the location of the proposed replacement modular building, neighbours to the East along Hawthorn Road are the only existing neighbours to be assessed for this application.
16. To the East of the application site, is a linear row of two storey detached and semi-detached dwellings along Hawthorn Road. These properties are separated from the application site by a band of hedging measuring 3-4 metres in height. The proposed replacement modular building would be sited on the footprint of the existing modular building and timber gazebo set approximately 30 metres from the boundary with the nearest property along Hawthorn Road. As such, no material change of use of the land will occur nor is it indicated that there would be an increased level of students and therefore activity relating to the building. Consequently, given the separation distances, the modest height of the building at 3.4 metre as well as the use of the building emulating that of the existing, it is not considered that an unacceptable level of overbearing or noise and disturbance would occur as a result of the development on the properties along Hawthorn Road.
17. Under PLAN/2015/0379 planning permission was granted for the demolition of the existing garages and erection of 5no 4 bedroom new houses in two blocks of 2 and 3 houses on the vacant site directly to the East of the proposed modular building. It is proposed to screen this site with a band of vegetation which is secured by condition but has yet to be agreed in detail or discharged. The proposed modular building would be sited approximately 30 metres from the boundary of this application site and therefore, similar to the properties along Hawthorn Road, the development is not considered to have

a significant detrimental impact on the amenities enjoyed by the potential future occupiers of these properties given the separation distance and proposed boundary treatments.

18. As such, the proposed replacement 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

19. 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. While it is noted that the proposal will result in a larger modular unit, it is also noted that the number of school places will remain similar and that the number of teachers will not increase as a result of the increased size of the unit.
20. The County Highway Authority have been consulted on this application and recommend a pre-commencement condition with regards to a Construction Transport Management Plan which can be secured by Condition 5.

Impact on Flooding

21. The application site is with Flood Zones 1, 2 and 3 of the Hoe Stream with the two principal buildings located with Zone 1. The southern section of the site which stretched along Egley Road is within Flood Zones 2 and 3. Positioned to the south-east of the infant school, the existing modular building falls outside Flood Zone 2 and is therefore considered to be in an area with a low probability of flooding. The proposed replacement modular building will increase in length on existing hardstanding with a small encroachment onto the soft landscaped area to the South. A Flood Risk Assessment prepared by DHP (UK) LLP dated June 2018 has been submitted with the application which the Council's Drainage Officer has assessed and recommends a condition ensuring all development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (Condition 6). A further condition is recommended requiring details of a scheme for disposing of surface water by means of a sustainable drainage system (Condition 7). This is to ensure the development achieves a high standard of sustainability and complies with Policies CS9 and CS16 of the Woking Core Strategy 2012.

Impact on Trees

22. Although there is a tree which is required to be removed as part of the development, this tree is not considered to be of significance and its removal would not detrimentally harm the character of the area given its isolation. The Council's Arboricultural Officer has been consulted on this application and raises no objection to the scheme.

Local Finance Consideration

23. 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 increase in 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

24. To conclude, it has been demonstrated that the proposal is an exception to inappropriate development in the Green Belt given its very special circumstances and would not result in any adverse impacts to visual amenity of the area, 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 6, 8, 13 and 14 of the National Planning Policy Framework, Policies CS1, CS6, CS9, CS16, CS19, CS21, CS24 and CS25 of the Woking Core Strategy 2012, Policies DM2, DM13 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. Site Notice (Major Development)(15.08.18)
3. Response from Arboricultural Officer (31.07.18)
4. Response from Highway Authority (06.08.18)
5. Response from Drainage Officer (06.08.18)

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:

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;
 - Drawing No. 2000 Rev P/O
 - Drawing No. 2001 Rev P/O
 - Drawing No. 3000 Rev P/O
 - Drawing No. 2002 Rev P/O

Reason:

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

4. 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 need 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.

5. ++ 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
 - (c) measures to prevent the deposit of materials on the highway
 - (d) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 2.45 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Hawthorn Road, Lilac Avenue, Hillside or Egley Road during these times
 - (e) on-site turning for construction vehicles 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:

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

6. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated June 2018).

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Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and policy CS9 of the Woking Core Strategy 2012.

7. ++ 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 that the development achieves a high standard of sustainability and to comply with NPPF and Policies CS9 and CS16 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.
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 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

16th OCTOBER 2018 PLANNING COMMITTEE

and not at all on Sundays and Bank/Public Holidays.

SECTION B

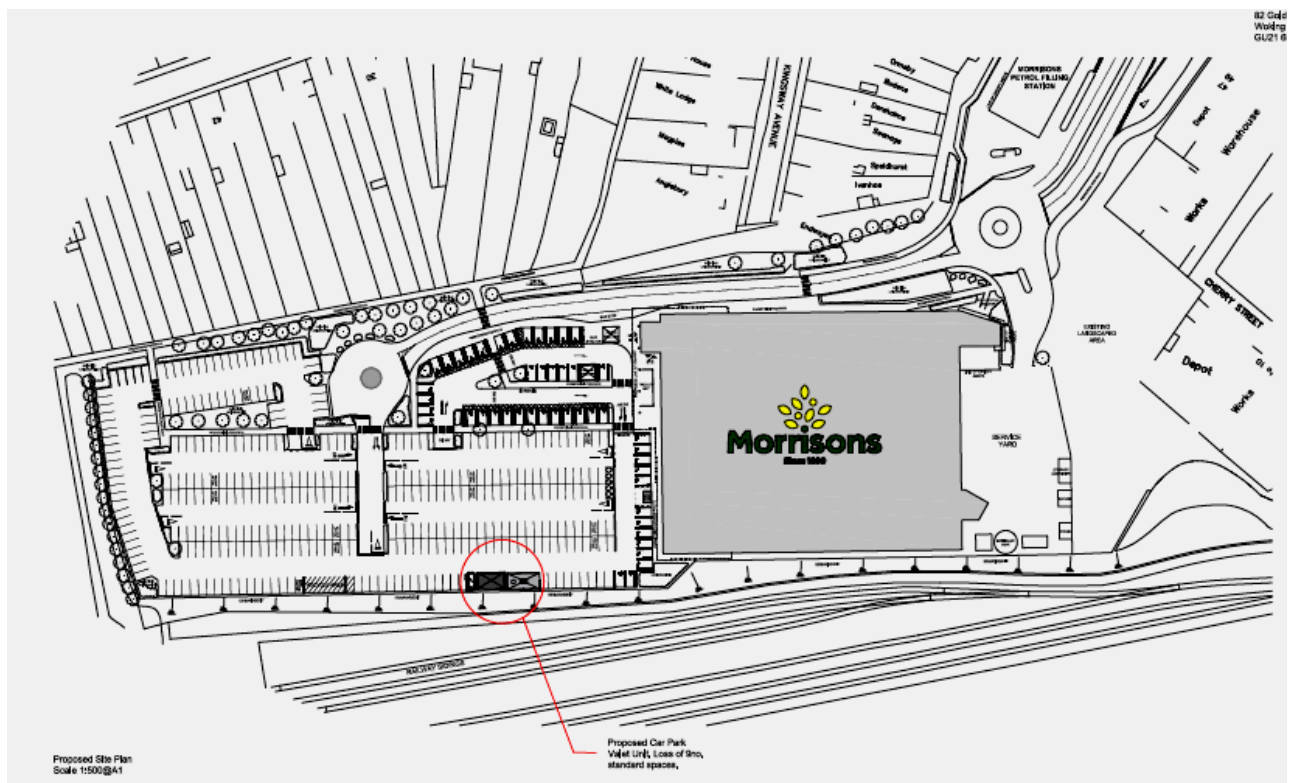
**APPLICATIONS WHICH WILL BE
THE SUBJECT OF A PRESENTATION
BY OFFICERS**

(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)

Morrisons, 82 Goldsworth Road, Woking

PLAN/2018/0845

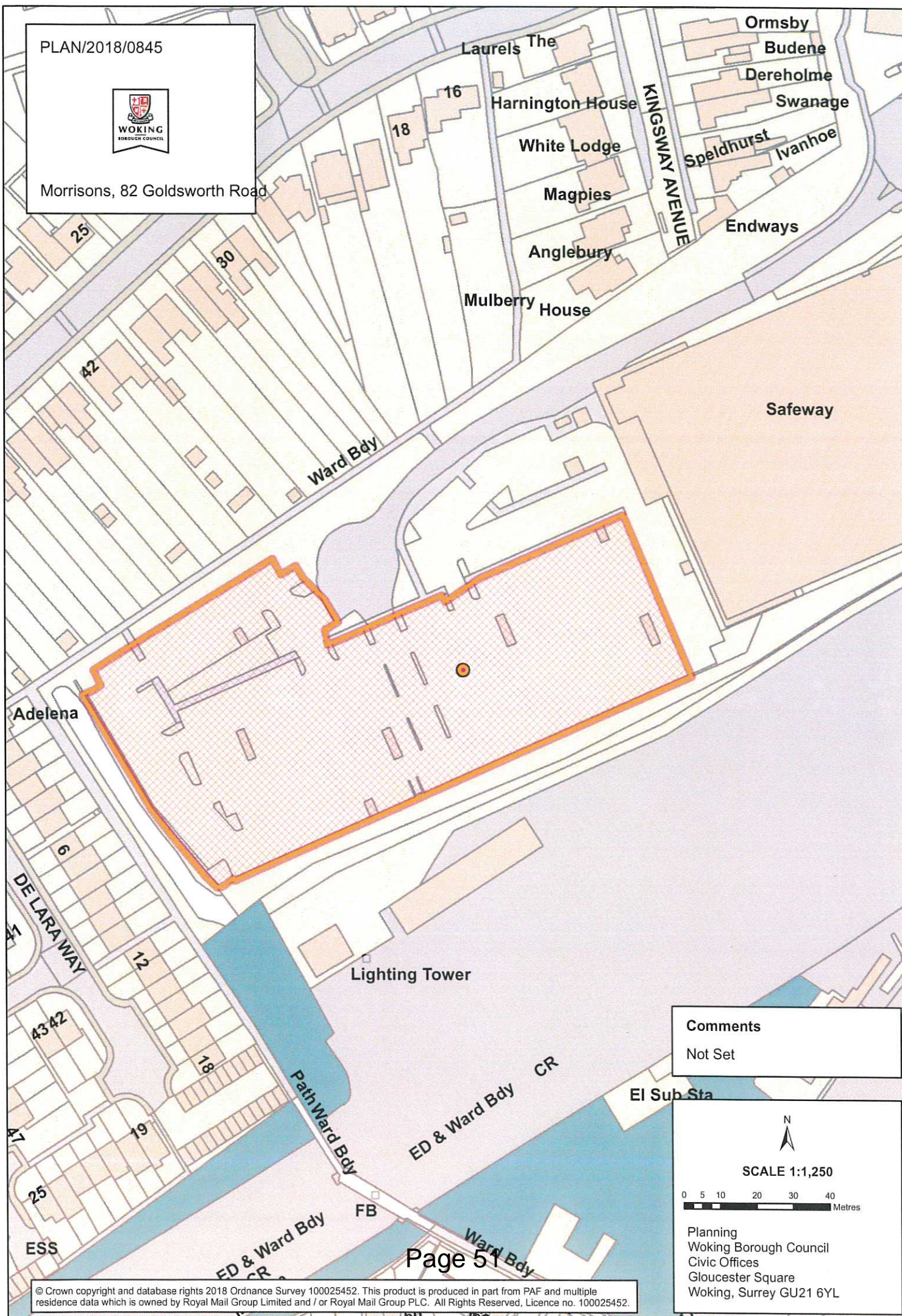
Proposed installation of canopy and Portakabin within area of existing car park to create car park valeting franchise.



PLAN/2018/0845



Morrisons, 82 Goldsworth Road



Comments

Not Set



SCALE 1:1,250

0 5 10 20 30 40 Metres

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

16th OCTOBER 2018 PLANNING COMMITTEE

6c	18/0845	Reg'd:	28.08.18	Expires:	23.10.18	Ward:	C
Nei.	21.09.18	BVPI	18 - Minor	Number	7/8	On	Yes
Con.		Target		of Weeks		Target?	
Exp:				on Cttee'			
				Day:			

LOCATION: Morrisons, 82 Goldsworth Road, Woking, Surrey, GU21 6LJ

PROPOSAL: Erection of a modular cabin, canopy, hoarding and drainage within an existing carpark to facilitate a proposed car valeting service.

TYPE: Full

APPLICANT: Mr Jonathan Kingshott

OFFICER: Tanveer
Rahman

REASON FOR REFERRAL TO COMMITTEE

The proposal involves the erection of a non-residential outbuilding which falls outside of the scheme of delegated powers.

RECOMMENDATION

GRANT planning permission subject to conditions

PLANNING STATUS

- Urban Area
- Rail Depot Buffer
- Surface Water Flood Risk (High, Medium and Low)
- Contamination suspected
- Thames Basin Heaths SPA Zone B (400m-5km)

SITE DESCRIPTION

The application site relates to the majority of the carpark of Morrisons supermarket on Goldsworth Road. It is directly to the west of the store and its southern boundary is bounded by a retaining wall which backs onto a railway embankment.

PLANNING HISTORY

- PLAN/2018/0846: Proposed signage on car park valeting concession unit stating the company name and associated supermarket, price list, product branding and health & safety manifestation. Signage to be applied to the external cabin elevations, perimeter fence and in between canopy columns as a banner - pending consideration.
- PLAN/2018/0422: Erection of a number of structures within an existing supermarket service yard to provide facilities to carry out home deliveries from

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the existing store. The proposed structures include a building containing storage areas for goods, a canopy for three delivery vans and a canopy to cover an existing ramp into the store - permitted 24.08.2018.

- PLAN/2017/0464: Extension to the main entrance lobby for Morrison's Supermarket - permitted 21.06.2017.
- PLAN/2016/1113: Variation of condition 3 of PLAN/2011/0350 (for Variation of condition 3 of PLAN/2001/0295) to allow the store to open from 06:00- 00:00 on the four days prior to Christmas Eve only (excluding Sundays) each year - permitted 14.12.2016.
- COND/2011/0062: Discharge of conditions 2, 3 and 5 from PLAN/2010/1181 for the proposed extension to the main entrance elevation of the existing supermarket building. Alterations to the existing car park - permitted 21.02.2012.
- AMEND/2011/0040: Non-material amendment to PLAN/2010/1181 - permitted 04.07.2011.
- PLAN/2011/0350: Variation of condition 3 of PLAN/2001/0295 to allow the store to open from 07:00am - permitted 15.06.2011.
- PLAN/2010/1181: Proposed extension to the main entrance elevation of the existing supermarket building. Alterations to the existing car park - permitted 02.03.2011.
- PLAN/2002/0421/A: Development Appeal - appeal allowed 05.08.2002.
- PLAN/2002/0421: Removal of condition 17 of planning permission 98/0329 to facilitate 24 hour deliveries 7 days a week - refused 27.05.2002.
- PLAN/1998/0329: Demolition of existing buildings ,alteration of level, erection of Class A1 retail store of 5402m (Gross Internal) including Creche, Coffee Shop, Dry Cleaners and associated facilities and 453 space spaces - permitted 07.09.1998.
- PLAN/1995/0980: Demolition of existing buildings, alteration of level, erection of Class A1 Retail Store of 5510m sq (Gross) including Creche, Coffee shop, Dry Cleaners and associated facilities and 5

PROPOSED DEVELOPMENT

The application proposes to take over 9 existing bays at the southern end of the carpark in order to create a car valeting service. This area would be 21.75m wide and 4.75m deep. A rectangular modular cabin to provide rest facilities for the car valeting staff is proposed at the western section of this area. It is proposed to be 2.55m wide, 5.00m deep and 2.603m high. Directly to the east of the cabin would be a 9.55m wide dry area with a 3.889m high domed canopy structure covering it. Directly to the east of the dry area would be a 9.55m wide wet area with a 'Wash down and silt interceptor tank' and a 'Foul water sewer connection point' proposed in it. 1.8m high hoarding is proposed along the rear of the dry and wet areas as well as part of the side (east) of the wet area.

(Case Officer's: An advertisement consent application (PLAN/2018/0846) for signage

on the proposed development is currently under consideration.)

CONSULTATIONS

Network Rail: No response received.

County Highway Authority (SCC): No objection.

LPA Flood Risk & Drainage Officer: No objection.

LPA Senior Environmental Health Officer: No objection.

LPA Contaminated Land Officer: No objection subject to condition.

NEIGHBOUR REPRESENTATIONS

One letter of representation was received which made the following main statements:

- The water used for washing cars should be re-used and the amount going into drains minimised.
- Acoustic measures and limited operating hours should be imposed to mitigate against noise pollution.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2018):

Section 7 - Ensuring the vitality of town centres

Section 9 - Promoting sustainable transport

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Woking Core Strategy (2012):

CS9 - Flooding and water management

CS15 - Sustainable economic development

CS18 - Transport and accessibility

CS21 - Design

Development Management Policies DPD (2016):

DM5 - Environmental Pollution

DM7 - Noise and Light Pollution

DM8 - Land Contamination and Hazards

Supplementary Planning Documents

Woking Design SPD (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

PLANNING ISSUES

The main issues to consider in determining this application are impact on retail, character, neighbouring amenity, contamination and car parking provision & highway safety having regard to the relevant policies of the Development Plan.

Impact on retail

1. PLAN/2010/1181 proposed a 747sqm extension to the store. Due the nature and scale of that application it included a sequential test and impact assessment. The development proposed as part of this current application would have an area of 103.31sqm; of which 12.75sqm would be the footprint of the cabin. Given the ancillary nature and limited scale of the proposed development it is not considered that either a sequential test or a retail impact assessment is required and that the proposed development would not have an unacceptable retail impact on Woking Town Centre.

Impact on character

2. Policy CS21 of the *Woking Core Strategy* (2012) states that new development should create buildings *"with their own distinct identity, they should respect and make a positive contribution to the street scene and character of the area in which they are situated, paying regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land"*.
3. It is considered that the scale and form of the proposed development would be subservient to the existing supermarket. While it is noted that it would have a simple and utilitarian character it is considered that this would also relate to the character of the existing store. For these reasons it is considered that the proposed development would have an acceptable impact on the character of the existing store as well as the wider street scene.

Impact on neighbouring amenity

4. The closest neighbour to the proposed development would be 22 Kingsway to the north which would be over 85m away. Given this distance it is considered that the proposed development would not create unacceptable overlooking issues, would not unacceptably impact daylight/sunlight levels and would not appear unacceptably overbearing towards neighbouring properties.
5. Furthermore, the LPA's Senior Environmental Health Officer has raised no objection on noise impact grounds subject to conditions.
6. For these reasons it is considered that the proposed development would have an acceptable impact on neighbouring amenity.

Impact on flood risk

7. Part of the carpark is in a Surface Water Flood Risk Area however the proposed development would not be in this area.
8. The LPA's Drainage & Flood Risk Officer has raised no objection and it is therefore considered that the proposed development would have an acceptable impact on flood risk.

Impact on contamination

9. According to the LPA's records the application site may be at risk from contamination. The LPA's Contaminated Land Officer has been consulted on this application however a response had not been received at the time of writing this

report. Therefore the Committee will be updated verbally with any response that is received.

Impact on car parking provision & highway safety

10. The proposed development would lead to the loss of nine parking bays however the County Highway Authority (SCC) has assessed the application in terms of parking provision and highway safety and raised no objection.
11. For this reason it is considered that the proposed development would have an acceptable impact on car parking provision and highway safety.

Local finance consideration

12. Car washes fall under the 'sui generis' use class. The proposed development is not therefore liable for a financial contribution to CIL.

CONCLUSION

Overall, the proposal would have an acceptable impact on retail, character, neighbouring amenity, contamination and car parking provision & highway safety having regard to the relevant policies of the Development Plan. The proposal therefore accords with Sections 7, 9 and 14 of the *National Planning Policy Framework* (2018), Policies CS9, CS15, CS18 and CS21 of the *Woking Core Strategy* (2012), Policies DM5, DM7 and DM8 of the *Development Management Policies DPD* (2016), *Woking Design SPD* (2015), *Outlook, Amenity, Privacy and Daylight* (2008) and *Parking Standards* (2008) and is recommended for approval.

BACKGROUND PAPERS

Site visit photographs (24.09.2018)

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the above legal agreement and 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 drawings listed below:
 - 1:1250 location plan Drwg no.CHQ.18.15288-PL01 (received by the LPA on 08.08.2018)
 - 1:500 proposed site plan Drwg no.CHQ.18.15288-PL03 (received by the LPA on 08.08.2018)
 - 1:200 proposed block plan Drwg no.CHQ.18.15288-PL04 (received by the LPA on 08.08.2018)

16th OCTOBER 2018 PLANNING COMMITTEE

- 1:50 proposed plan and elevations Drwg no.CHQ.18.15288-PL05A (received by the LPA on 08.08.2018)
- Design & Access statement Ref:CHQ.18.15288 DAS (received by the LPA on 08.08.2018)
- Jet wash noise report Ref: HSL/2004/15 (received by the LPA on 08.08.2018)

Reason:

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

3. The external finishes of the development hereby permitted shall be those stated on the approved drawings unless otherwise agreed in writing by the Local planning Authority.

Reason:

To protect the visual amenities of the area in accordance with the principles set out in the NPPF and Policy CS21 of the Core Strategy.

4. The premises hereby approved shall only be open to customers between the hours of 8.30am and 7.00pm Monday to Friday inclusive; 8.30am and 7.00pm on Saturdays, 10.00am and 4.00pm on Sundays and Bank Holidays.

Reason:

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

5. If, prior to or during development, ground contamination is suspected or manifests itself then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted an appropriate remediation strategy to the Local Planning Authority and the written approval of the Local Planning Authority has been received. The strategy should detail how the contamination shall be managed.

The remediation strategy shall be implemented in accordance with such details as may be approved and a remediation validation report shall be required to be submitted to Local Planning Authority to demonstrate the agreed strategy has been complied with.

Reason:

To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CS9 and CS21 of the *Woking Core Strategy* (2012), Policies DM5 and DM8 of the *Development Management Policies DPD* (2016) and the policies in the NPPF.

6. The development hereby permitted shall not be occupied until details of any external lighting including floodlighting (demonstrating compliance with the

recommendations of 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. The approved lighting scheme shall be installed prior to the first use/ occupation of the development hereby approved and maintained in accordance with these standards thereafter..

Reason:

To protect the appearance of the surrounding area and the residential amenities of the neighbouring properties in accordance with Policies CS18 and CS21 of the *Woking Core Strategy* (2012).

Informatives

01. Site Inspections:

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.

02. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

03. 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:-

0800 - 1800 Monday to Friday

0800 - 1300 Saturday

and not at all on Sundays and Bank/Public Holidays.

04. The applicant is reminded that this permission does not convey the right to display any advertisements on the proposed development.

Pinewood, Mount Road, Woking

PLAN/2018/0252

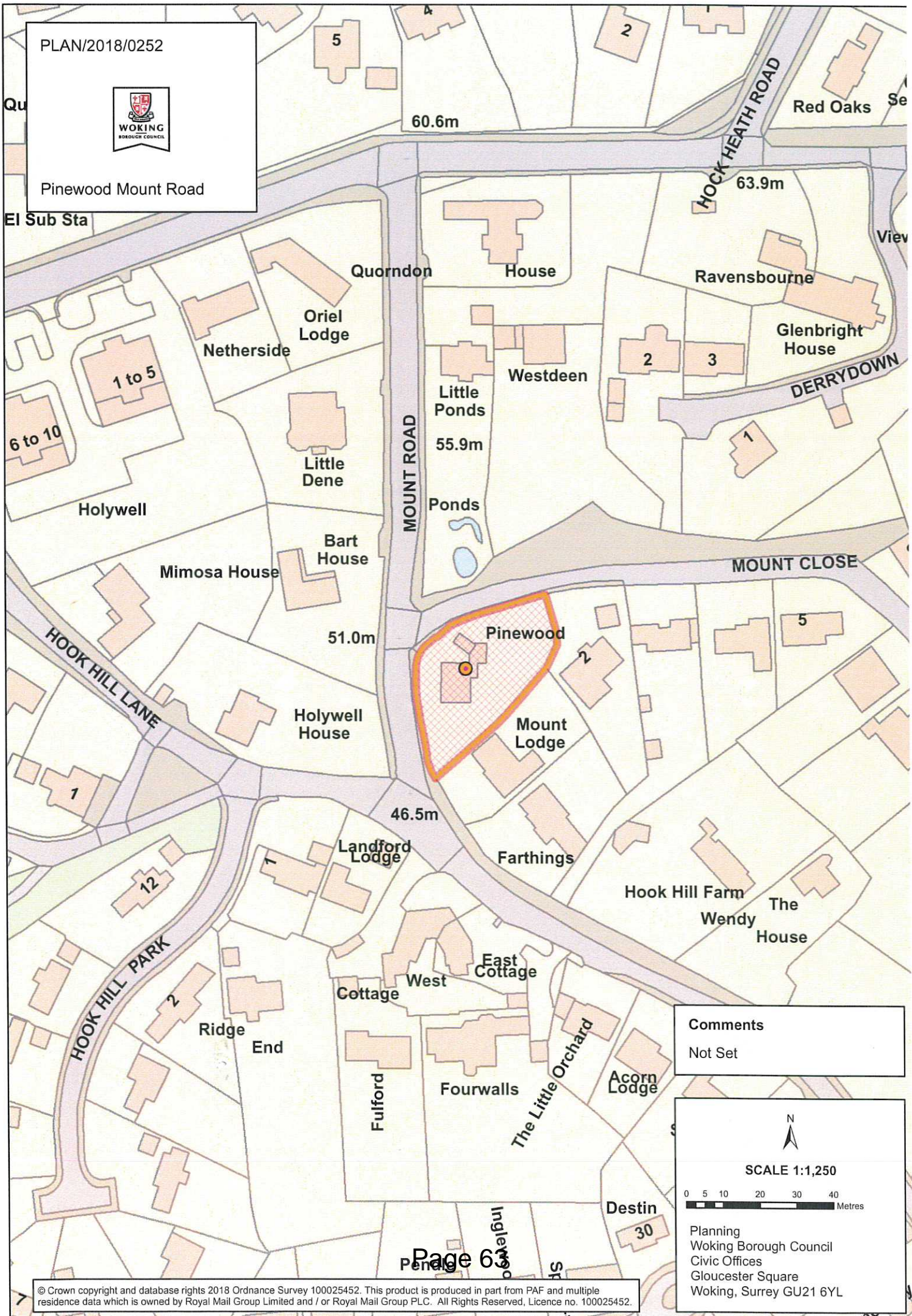
Demolition of existing 3 bedroom dwelling and the erection of a replacement 6 bedroom dwelling (amended plans).



PLAN/2018/0252



Pinewood Mount Road



Comments

Not Set



SCALE 1:1,250

0 5 10 20 30 40 Metres

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

16 OCTOBER 2018 PLANNING COMMITTEE

6d	18/0252	Reg'd:	19.04.18	Expires:	21.05.18	Ward:	HE
Nei.	14.02.18	BVPI	Minor	Number	21	On	Yes
Con.		Target	dwellings -13	of Weeks		Target?	
Exp:				on Cttee'			
				Day:			

LOCATION: Pinewood, Mount Road, Woking, Surrey, GU22 0PY

PROPOSAL: Demolition of existing 3 bedroom dwelling and the erection of a replacement 6 bedroom dwelling (amended plans).

TYPE: Full Planning Application

APPLICANT: Mr & Mrs Burke

OFFICER: William Flaherty

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 demolition of existing two-storey 3 bedroom dwelling and the erection of a replacement three-storey 6 bedroom dwelling.

Site area:	0.1 ha
Number of units:	1 (1x 6 bedroom)
Number of proposed parking spaces:	4
Existing density on site:	10 dph (dwellings per hectare)
Proposed density on site:	10 dph

PLANNING STATUS

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

RECOMMENDATION

GRANT planning permission subject to planning conditions.

SITE DESCRIPTION

The application site is situated on a corner plot location where Mount Road and Mount Close meet. The west boundary of the site fronts onto Mount Road while the north boundary and proposed access front onto Mount Close to the north. Significant changes in existing ground levels occur across the site with neighbouring Mount Lodge set at a significantly lower level than the existing dwelling on site. Existing boundary treatment comprises of mature hedging.

The site is not situated in Fluvial Flood Zones 2 or 3, however, parts of the site are identified as being at medium – high surface water flood risk. The site does not concern a Listed Building and is not situated within a Conservation Area.

PLANNING HISTORY

- 82/0376 – Single storey extension – Permit

CONSULTATIONS

County Highway Authority: No objection

Arboricultural Officer: No objection: the submitted Arboricultural information is acceptable and should be complied with in full. A landscaping plan detailing additional planting will be required by way of a planning condition to mitigate the loss of fruit and coniferous trees.

Drainage & Flood Risk Engineer: No objection subject to planning conditions.

REPRESENTATIONS

A total of 8 letters of objection (from 7 individuals including the Hook Heath Residents' Association) have been received in response to 3 separate neighbour notifications by the Local Planning Authority. The following comments have been raised in letters of objection:

- The increased height and roof terrace would impact on the privacy of neighbouring properties;
- The design of the proposal is 100% not in keeping with the architectural and aesthetical look of properties in the area;
- The proposal is contrary to the Hook Heath Neighbourhood Plan 2015 criteria for new housing;
- The scale of the proposed dwelling is inappropriate for its plot size;
- The proposed balconies will reduce privacy of neighbouring properties;
- Insufficient car parking is proposed;
- The construction of the basement could destabilise the hillside;
- Surface water drainage issues could be exacerbated by the proposal;
- The proposed materials are inappropriate;
- The roof terraces could result in unacceptable levels of noise;
- The current build footprint should be maintained;
- The proposed garage would increase noise levels;
- The swimming pool would generate significant noise;
- The roof could be used as a terrace;
- The site context has not been taken into account.

The following neutral comment was included in one letter of objection:

- The proposal is unlikely to result in an adverse impact on the amenities of Bart House;

Hook Heath Neighbourhood Forum & Hook Heath Residents Association Joint Comments:
The proposed development is higher than adjacent properties; the design is unlike any of the comparison properties; the proposal fails to preserve the existing front boundary hedge; the proposal would have an unacceptable impact on the street scene; the proposed materials are unlike adjacent properties; the proposal could affect underground water courses and flooding; and the proposal would result in an overbearing impact and loss of privacy to neighbouring dwellings.

Officer Note: A number of the points raised above are no longer relevant due to amendments received during the course of the application. For example, the roof terrace is no longer proposed.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) 2018:

Section 2 - Achieving sustainable development

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Woking Core Strategy 2012:

CS1 - A Spatial strategy for Woking Borough

CS8 - Thames Basin Heaths Special Protection Areas

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

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

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

DM2 - Trees and landscaping

Supplementary Planning Documents (SPDs):

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

Climate Change (2013)

Hook Heath Neighbourhood Plan 2015-2027

BE1 - Design of New Developments

BE2 - Off-road Parking

OS1 - Amenity Value

Other Material Considerations:

Planning Practice Guidance (PPG)

Woking Borough Council Strategic Flood Risk Assessment (November 2015)

Community Infrastructure Levy (CIL) Charging Schedule (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 and any other matters having regard to the relevant policies of the Development Plan.

Background

2. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and is a material consideration in the determination of this application. However, the starting point for decision making remains the Development Plan, and the revised NPPF (2018) is clear at Paragraph 213 that existing Development Plan policies should not be considered out-of-date simply because they were adopted or made prior to 24 July 2018. The degree to which relevant Development Plan policies are consistent with the revised NPPF (2018) has been considered in this instance, and it is concluded that they should be afforded significant weight, with the exception of Policy CS12, the reasons for which are set out within the affordable housing section

Principle of Development

3. The NPPF (2018) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010 and 2027. The reasoned justification text to Policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling.
4. The proposed development would result in the demolition of the existing 3x bedroom dwelling and the erection of a replacement 6x bedroom dwelling. The site is situated within the Urban Area on previously developed land and is not located within Fluvial Flood Zones 2 or 3 or within the Zone A Thames Basin Heaths Special Protection Area (TBH SPA) exclusion zone.
5. The existing density of 10 dwellings per hectare (dph) would remain unchanged. Policy CS10 of the Woking Core Strategy (2012) sets an indicative density of 30-40 dph unless there are significant constraints on the site or where higher densities cannot be integrated into the existing form. However, Policy BE1 (Design of New Developments) of the Hook Heath Neighbourhood Plan 2015-2027 sets out that in order to maintain the character of the Area, plot sizes should be similar to those adjacent and in other cases within the mid-range for Arcadian Developments (5-10 dph). The proposal is for a replacement dwelling and would have a density similar to neighbouring properties of 10dph which would maintain a density characteristic of the area. It is therefore considered that the principle of the proposed development is acceptable subject to the further material considerations set out in this report.

Design and Impact on the Character of the Area

6. The NPPF (2018) sets out that one of the fundamental functions of the planning and development process is to achieve the creation of high quality buildings and places and that good design is a key aspect of sustainable development. Policy CS21 of the Woking Core Strategy (2012) states that development 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. 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'*.

7. Policy BE1 (Design of New Developments) of the Hook Heath Neighbourhood Plan (2015) states that new development should maintain or enhance the character of the area. All development should:
 - be designed to a high quality and closely reflect the existing rhythm, proportion, materials, height, scale, bulk, massing and storey heights of nearby buildings;
 - ensure that the specific context of the site and the wider character of the street scene are fully taken into account in relation to scale, appearance and materials;
 - maintain residential privacy and the character of the area.
8. The application site is situated within the Hook Heath area of the Borough. Hook Heath is a large Arcadian residential area of a low density with a grain and layout of housing set largely along long distributor roads with smaller cul-de-sacs and crescents feeding off. Modern in-fill housing is apparent. The majority of dwellings are large detached properties. The surrounding area is sylvan in character with large grass verges leading up to tall mature hedgerows and groups of trees which clearly define the separation between public and private space, creating a semi-rural character. Within the prevailing generalisation of two storey detached dwellings there is a significant variation of architectural styles. Consequently, there is no dominant or prevailing design narrative within Mount Close or along Mount Road.
9. Site levels across the site fall towards the south with the existing change in levels between the north and south most boundaries approximately 4m. The south-west/west boundary of the site fronts onto Mount Road and benefits from mature hedging while the north boundary of the site is bounded by mature trees and fronts onto Mount Close.
10. Due to the mix of style and dwelling designs within Mount Close and the surrounding area it is difficult to identify a truly local distinctiveness beyond the broad characteristic of detached two storey dwellings. The existing dwelling is not of an uncommon or unusual design and its value in architectural and townscape terms is relatively limited, such that its proposed demolition cannot be resisted subject to the design quality of the proposed replacement dwelling
11. The proposed replacement dwelling would be three-storeys with a maximum height of 9.2m when measured from the lowest part of the site in the south. From the street scene, the proposal would have a similar maximum height to the existing dwelling, albeit the proposed flat roof would increase the mass and bulk of the proposal. The dwelling would comprise of lower-basement, ground floor and first floor levels. The proposal would be contemporary in design with a sedum “green” flat roof, light coloured brick walls and contemporary fenestration and glazed balconies. The footprint of the proposal would be similar to that of the existing dwelling with the greatest increases in built form occurring to the north-east of the site with the replacement garage and towards the north-west corner of the site.
12. The design of the proposed dwelling is of a modern, contemporary form although takes cues from local characteristics, with the proposed light coloured brick similar to that used at neighbouring properties such as Little Dene to the north-west on Mount Road, Little Ponds and Westdeen to the north. Neighbouring properties exhibit a more contemporary design approach with neighbouring Bart House to the west exhibiting balconies and a rendered finish. Mount Lodge and Landford Lodge to the south of the site have a rendered finish also. The design has utilised the existing topography of the site and although it would provide three storeys of habitable accommodation, the proposal would assimilate into the existing topography (with some additional

excavation occurring) and would therefore not read as a typical three storey structure when viewed from the public highway.

13. The proposed access would be relocated further to the north-east along Mount Close with the existing access to the site being extinguished with additional vegetative screening being planted along the north-west most boundary of the site to reduce the prominence of the proposal within the street scene. Existing vegetative screening would be retained on site and further screening and landscaping and planting would be required by way of planning conditions.
14. The proposed development would have a greater mass and bulk when viewed from Hook Hill Lane to the south and Mount Road to the west and north-west. The prominence of the existing dwelling within the street scene is reduced by the high degree of roof tiles/pitched roof form at the first floor level, whereas the proposed replacement dwelling would have a flat roof. However, it is considered that the proposal would not be discordant within the street scene within the immediate site context with the high quality of design appropriately addressing the street scene. The plot ratio would be similar to neighbouring dwellings and would have the appearance of a two-storey dwelling which is characteristic of the area. The materials would relate well to neighbouring properties. Further details, including samples, of the proposed materials would be secured by way of a pre-commencement planning condition.
15. Existing boundary hedges would be retained with additional tree and hedge planting to be required by way of a planning condition and a wider landscaping scheme. The additional hedge planting in proximity to the north-west corner of the site would reinforce the hedging which is characteristic of the area.
16. The proposed dwelling is considered to be designed to a high quality and to closely reflect the existing rhythm, proportion, materials, height, scale, bulk, massing and storey heights of nearby buildings. The resulting plot size would remain similar to those adjacent. The proposal is considered to take the specific context of the site, and the wider character of the street scene, into account in relation to scale, appearance and materials. The proposal is also considered to maintain residential privacy and the character of the area by preserving existing boundary hedges and tree screens, retaining mature trees on site where feasible, not removing boundary treatment which is important to the character and appearance of the area and featuring a ratio of building footprint to plot area similar to that of buildings within the surrounding area.
17. Paragraph 126 of the NPPF (2018) sets out that plans or supplementary planning documents should provide a framework for creating distinctive places with a consistent and high quality standard of design. However, the level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified. Although there are no built examples of this contemporary architectural approach in the immediate vicinity of the site, it is considered that the architecture of the area is eclectic and that the proposal relates well to recurring features such as materials, scale, proportion and density.
18. For the reasons set out above, it is considered that the proposed development would respect and make a positive contribution to the street scenes of Mount Close, Mount Road and Hook Hill Lane 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 DPD (2016), SPD Design (2015) and the provisions of the NPPF (2018).

Standard of Accommodation

19. The proposed dwelling is shown to have 6x bedrooms. The proposed dwelling would have a Gross Internal Area (GIA) of approximately 405sqm (excluding the proposed double garage), with a footprint for the main dwelling of approximately 160sqm. The proposal would have approximately 521sqm of usable private amenity space (including the ground floor terrace) with a further 19sqm to be provided on the first floor balcony. The proposal would exceed the minimum 138sqm floorspace for a dwelling of this type (as set out in the Technical Housing Standards – National Described Space Standard 2015 [as amended]) and the proposed private garden amenity space would accord with the 'Outlook, Amenity, Privacy and Daylight' 2008 which sets out that an amenity area greater than the gross floor area of the building should be provided.
20. Habitable rooms would have acceptable levels of outlook with the primary habitable rooms benefitting from a southerly aspect. The separation distances, screening/planting and change in site levels between the proposal and neighbouring properties would ensure acceptable levels of privacy for the owner/occupiers of the proposed dwelling. It is therefore considered that the proposed dwelling would provide a good standard of amenity for future owner/occupiers.

Impact on Residential Amenity

21. Policy CS21 of the Woking Core Strategy 2012 advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook. The main dwellings to consider in assessing the impact of the proposal on neighbouring residential amenity are: Mount Lodge to the south, those dwellings on the south side of Hook Hill Lane (including Landford Lodge, No. 1 Hook Hill Lane, West Cottage and East Cottage) Holywell House and Bart House to the west, Littleponds and Westdeen to the north and No. 2 Mount Close to the east.
22. It is noted that concerns have been raised in written representations relating to the roof terrace and overlooking to neighbouring properties. The proposal has been amended to remove this aspect of the proposal with a balcony limited to the south facing first floor elevation and a ground floor level terrace now proposed. In terms of overlooking to neighbouring properties, the proposed ground floor terrace would be at a similar level to the existing ground floor habitable room window. Considering that the terrace is at the ground floor level which is similar to that of the existing dwelling and existing boundary treatment would be retained, it is considered that the proposed terrace would not result in any significant adverse impact in terms of overlooking to neighbouring properties.
23. With reference to the first floor balcony, the proposed balcony would be south facing with the primary outlook being to Hook Hill Lane to the south. Part of this outlook would include the front driveway and roof of neighbouring Mount Lodge, however, due to the change in site levels and level of boundary treatment between the properties it is considered that this would not result in any significant adverse impact. Views to the east and west would be possible from the proposed balcony which could result in an unacceptable loss of privacy to neighbouring properties, however, it is considered that this adverse impact could be mitigated by way of a planning condition requiring privacy screens to be fitted to preclude views to the west and east. Subject to a planning condition requiring privacy screens (Condition 19), it is considered that there would be no significant adverse impact in terms of loss of privacy or overlooking to neighbouring properties as a result of the proposed ground floor terrace or first floor balcony.

24. In terms of Mount Lodge to the south, the application site is set at a higher level than Mount Lodge, approximately 4m at its highest point sloping down towards Hook Heath Lane with laurel hedging of up to 3m on site along the shared site boundary. The replacement dwelling would have 3 above ground habitable room windows facing south-east towards Mount Lodge with these serving 2 bedrooms and a kitchen/dining room. There would also be 2x habitable room windows serving the ground floor living room and first floor bedroom on the south elevation of the proposed dwelling. There are 2 existing habitable room windows on the south elevation, albeit much smaller than those which are being proposed. On the east side of the existing dwelling are 3x habitable room windows and a study room on the ground floor and a first floor bedroom window.
25. The proposal would result in a reduction of 2 habitable room windows on the east/south-east ground floor elevation and an increase in 1 habitable room window at the first floor level east/south-east elevation. The proposed windows would not look directly into any habitable room windows at Mount Lodge and limited views would be afforded to the rear amenity space of this property also by virtue of the site level changes and the boundary treatment to be retained and enhanced. The windows on the south/south-east elevation would be set back approximately 13m from the site boundary while the ground floor terrace would be set away from Mount Lodge by approximately 12m. Reviewing planning permission ref: WOK/90/1292, there are no habitable room windows on the primary north-west side elevation of Mount Lodge with an integral garage located closest to the application site boundary.
26. While the size of fenestration is being increased on the south elevation, the privacy screens to be secured by way of planning condition would mitigate any impact from the first floor habitable room windows and the ground floor window would have minimal impact due to the site topography and existing boundary. The lower-ground floor windows would be at a similar ground level to Mount Lodge and are considered to have no adverse impact due to the existing site boundary treatment and retaining wall structures. It is therefore considered that the proposal would not have any significant adverse impact on the amenities of the Mount Lodge.
27. Regarding those properties to the south along Hook Hill Lane, Landford Lodge, the closest property to the proposal, would be set away approximately 50m from the closest part of the replacement dwelling. The highly glazed south elevation and first floor balcony would increase overlooking and loss of privacy to these properties, however, the affected habitable rooms are on the front elevation of these dwellings, the separation distances far exceed the minimum separation distances set out in the guidance (which set out 30m separation between back to back three storey and above elevations and a separation of 20m for two storey elevations) and the closest property Landford Lodge benefits from significant tree and vegetation planting along the front boundary which increases privacy. It is therefore considered that the proposal would not have any significant adverse impact on the amenities of properties along the south side of Hook Hill Lane.
28. In terms of Holywell House and Bart House to the west and north-west, the replacement dwelling would have 2x habitable room windows on the ground floor facing these properties and a single habitable room window at the first floor level. In terms of the ground floor windows, loss of privacy to neighbouring properties would be reduced by existing boundary treatments and planting between the sites. In relation to Holywell House, the closest habitable room window would be approximately 45m from the closest elevation of Holywell House. Regarding Bart House, the closest habitable room window would be approximately 26m from the closest rear/side elevation of this

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dwelling. Bart House is set at a higher level than the application site and benefits from established boundary planting. The separation distances exceed the minimum 20m separation distances between habitable room windows at the two-storey level, as set out in the Outlook, Amenity, Privacy & Daylight SPD (2008).

29. Regarding Little Ponds and Westdeen to the north, there are limited habitable room windows facing to the north and the separation distance between habitable room windows (which is a minimum of 60m), the existing boundary treatments and change in site levels (Little Ponds and Westdeen are set approximately 4-5m higher than Pinewood) ensure no significant adverse impact on the amenities of these properties.
30. In relation to No. 2 Mount Close to the east, the proposal would have 2x bedroom windows at the first floor level and 1x habitable kitchen/dining room window at the ground floor level which would face to the south-east. Existing hedging would be retained and the proposed garage would be built in the north-east corner of the application site. The replacement dwelling would be approximately 20m from the front elevation of No. 2 at its closest point. Planning permission ref: PLAN/2006/0320 for the demolition of the existing dwelling and the erection of a replacement dwelling at No. 2 Mount Close has an approved layout for the dwelling. On the basis of these plans and what was seen on site, there are windows in the vicinity of the application site serving: a kitchen, landing, WC/ utility room dining room and a bedrooms at the first floor level front elevation. The proposed windows would not look directly into any habitable room windows at No. 2 and it is considered that the existing hedging to be retained and additional planting to be secured by way of a planning condition would ensure no significant loss of privacy to No. 2.
31. 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 (2018).

Arboricultural Impact

32. The application site is host to a number of mature trees and established hedging. The applicant has submitted a Tree Survey and Arboricultural Statement which sets out those trees to be removed, retained and the necessary protection measures to be implemented to ensure no significant harm would occur to trees or hedging on site.
33. The Council's Arboricultural Officer has reviewed the 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 10), it is considered that the proposal would have an acceptable impact on trees and landscape.

Impact on the Thames Basin Heaths Special Protection Area

34. 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.

35. Although within Zone B (400m-5km) of the Thames Basin Heaths Special Protection Area (TBH SPA), the adopted Thames Basin Heaths Special Protection Area Avoidance Strategy sets out that replacement dwellings will not generally lead to increased recreational pressure, and therefore, will have no likely significant effect upon the TBH SPA and will not be required to make a contribution to the provision of avoidance measures.

Flooding and Water Management

36. The proposal site is not situated within Fluvial Flood Zones 2 or 3, however, parts of the site are identified as being at medium-high risk of surface water flooding. Concerns have also been raised in written representations that the proposal could exacerbate surface water flooding on site and to the surrounding area.
37. The Council's Drainage and Flood Risk Engineer has reviewed the proposal commenting that the site is in an area of high surface water flood risk and the area is known to have issues with high ground water levels. Therefore pre-commencement planning conditions are required to secure details of a scheme for disposing of surface water by means of a sustainable drainage system. As excavation and a lower ground floor level are being proposed, a further condition is required to ensure that details of measures to address flood risk and ground water flows are submitted and agreed prior to the commencement of development.
38. Subject to the above planning conditions, it is considered that the proposed development would be acceptable in flood risk and surface water drainage terms. The proposal is therefore considered to comply with Policy CS9 of the Woking Core Strategy (2012) and the provisions of the NPPF (2018) in terms of flooding and water management.

Highways and Parking Implications

39. The proposal would extinguish the existing vehicular access onto Mount Close moving the access approximately 5.5m to the east of the site along Mount Close. The County Highway Authority has reviewed the proposal and confirms that Mount Close is a private road and does not form part of the public highway. 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.
40. 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. The existing garage would be demolished with a replacement garage measuring 7.3m in width by 6.6m in depth being built. The garage would meet the minimum size requirements for a double garage and would therefore qualify as 1x car parking space (garages only contribute 50% towards parking provision). The proposed area of hardstanding to the front of the dwelling would be of sufficient size to accommodate a minimum of 2x car parking spaces. The proposal would therefore provide the minimum 3x on-site car parking spaces required by the Parking Standards SPD (2018) and Policy BE2 (Off-road Parking) of the Hook Heath Neighbourhood Plan 2015-2027.
41. 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

42. Following a Ministerial Written Statement to Parliament on 25th 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.
43. 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

44. 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.
45. Paragraph 63 of the National Planning Policy Framework (NPPF) (2018) sets out that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The site is not within a designated rural area and does not constitute major development (development where 10 or more homes will be provided or the site has an area of 0.5 hectares or more).
46. 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 NPPF 2018. As the proposal represents a development of less than 10 units, and has a maximum combined gross floor space of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

Local Finance Considerations

47. 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 provision in the Borough. In this case, the proposed residential development would incur a cost of £125 per sqm which equates to a contribution of approximately £45,526 (295sqm net additional GIA and indexed for inflation).
48. However the applicant intends to submit CIL Form 7: Self Build Exemption Claim and would therefore be exempt from CIL providing a 'disqualifying event' does not occur.

Conclusion

49. 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 and will have an acceptable impact on neighbouring amenity, highway safety, trees, surface water flood risk 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.
50. The proposal is considered to be an acceptable form of development that complies with Sections 2, 12, 13, 14 and 15 of the National Planning Policy Framework 2018. 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 and the Hook Heath Neighbourhood Plan 2015-2027.. It is therefore recommended that planning permission is granted subject to the recommended conditions.

BACKGROUND PAPERS

1. Site Visit Photographs – 19.04.2018
2. Response from County Highway Authority – 31.01.2018
3. Final Response from Arboricultural Officer – 25.09.2018
4. Final Response from Flood Risk and Drainage Engineer– 26.09.2018
5. Planning permission ref: PLAN/2015/0623
6. Planning application ref: PLAN/2018/0657
7. Planning permission ref: WOK/90/1292

RECOMMENDATION

It is recommended that planning permission be GRANTED 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:

PL001, rev A, Location Plan, dated 20.03.18, received 21.03.2018
PL002, rev B, Existing Site Plan, dated 20.03.2018, received 21.03.2018
PL003, Existing Ground Floor Plan, dated Feb 2018, received 07.03.2018
PL004, rev A, Existing First Floor Plan, dated Feb 2018, received 07.03.2018
PL005, Existing Elevations Sheet 1, dated Feb 2018, received 07.03.2018
PL006, Existing Elevations Sheet 2, dated Feb 2018, received 07.03.2018

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PL100, rev D, Proposed Site Plan, dated 20.07.2018, received 30.07.2018
PL101, rev B, Proposed Ground Floor Plan, dated 06.06.2018, received 07.06.2018
PL102, rev C, Proposed First Floor Plan, dated 20.07.2018, received 30.07.2018
PL103, rev C, Proposed Roof Plan, dated 20.07.2018, received 30.07.2018
PL104, rev B, Proposed Lower Ground Floor Plan, dated 06.06.2018, received 07.06.2018
PL105, rev B, Proposed Elevations Sheet 1, dated 20.07.2018, received 30.07.2018
PL106, rev B, Proposed Elevations Sheet 2, dated 20.07.2018, received 30.07.2018
PL107, ref B, Proposed Sections, dated 20.07.2018, received 30.07.2018
PL108, rev A, Proposed Garage, dated Feb 2018
PL114, rev B, Comparative Street Elevation Mount Road, dated 20.07.2018, received 30.07.2018
PL115, rev B, Comparative Street Elevation Mount Close, dated 20.07.2018, received 30.07.2018
PL116, rev B, Comparative Elevations Sheet 1, dated 20.07.2018, received 30.07.2018
PL117, rev B, Comparative Elevations Sheet 2, dated 20.07.2018, received 30.07.2018
PL118, rev E, Comparative Site Plan, dated 20.07.2018, received 30.07.2018

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 and any hard landscaping 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 and Policy BE1 of the of the Hook Heath Neighbourhood Plan 2015 - 2027 (June 2015).

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 replacement hedge planting, details of materials for areas of hardstanding (including any drainage arrangements) and boundary treatments and additional tree planting, 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 and Policy BE1 of the of the Hook Heath Neighbourhood Plan 2015 - 2027 (June 2015).

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

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

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) and SPD Climate Change (2013).

7. ++ 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, proving 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.

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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) and SPD Climate Change (2013).

8. ++ The development hereby permitted shall not commence (including demolition and site preparation works) 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

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

Reason: In order that the development should not prejudice highway safety nor cause undue 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) (2018) and Policy BE2 of the of the Hook Heath Neighbourhood Plan 2015 - 2027 (June 2015).. This is a pre-commencement condition to ensure that demolition and site preparation works do not prejudice highway safety nor cause undue inconvenience to other highway users.

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) and Policy BE2 of the of the Hook Heath Neighbourhood Plan 2015 - 2027 (June 2015).

10. Tree protection measures shall be carried out in strict accordance with the Arboricultural Statement provided by Qaife Woodlands ref: AR-3319bo TSAS-01 dated 31.07.2018, received 07.08.2018, 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 and Policy BE1 of the of the Hook Heath Neighbourhood Plan 2015 - 2027 (June 2015).

11. 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 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.

12. 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.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A and C 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)), the flat roof areas of the replacement dwelling and garage hereby permitted shall not be used as balconies, roof terraces, sitting or standing out areas or similar amenity areas nor shall any railings or other means of enclosure be erected on top of or attached to the side of these areas (other than as may be shown on the approved plans listed within condition 02 of this notice) without the grant of further specific planning permission by the Local Planning Authority.

Reason: To preserve the residential amenities of neighbouring dwellings from potential loss of privacy and overlooking in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD's Outlook, Amenity, Privacy and Daylight (2008) and Design (2015) and the provisions of the NPPF (2018).

14. The ground and first floor side elevation windows serving rooms labelled "Ens." and "Dresser" (as shown on 102, rev C, Proposed First Floor Plan, dated 20.07.2018, received 31.07.2018 & 101, rev B, Proposed Ground Floor Plan, dated 06.06.2018, received 07.06.2018) 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.

15. ++ 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.

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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 and the policies in the NPPF.

16. ++ Prior to the commencement of the development hereby permitted, details of the measures to address flood risk and ground water flows shall be submitted to and agreed in writing by the Local Planning Authority. Such details as may be agreed shall be fully implemented prior to first occupation of the development and retained thereafter.

Reason: In the interests of flood prevention and in accordance with NPPF and Policy CS9 of the Woking Core Strategy 2012.

17. ++ 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).

18. The garage hereby permitted shall only be used for purposes ancillary and incidental to the main residential use of the dwelling house 'Pinewood, Mount Road, Woking, Surrey, GU22 0PY' hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the property remains in single occupation and to protect the amenities of neighbours in accordance with Policy CS21 of the Woking Core Strategy (2012).

19. ++ Prior to the first occupation of the dwelling hereby approved, details of privacy screens to be installed on the east and west sides of the first floor balcony hereby approved as shown on 'PL102, rev C, Proposed First Floor Plan, dated 20.07.2018, received 30.07.2018' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason: To preserve the residential amenities of neighbouring dwellings from potential loss of privacy and overlooking in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD's Outlook, Amenity, Privacy and Daylight (2008) and Design (2015) and the provisions of the NPPF (2018).

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 the NPPF (2018). Following the submission of further contextual information after initial submission the application was considered to be acceptable.

02. The applicants attention is specifically drawn to the planning 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 planning permission and the Local Planning Authority may serve Breach of Condition Notices (BCNs) to secure compliance. The applicant is advised that sufficient time needs to be allowed when submitting details in response to planning conditions, to allow the Local Planning Authority to consider the details and discharge the condition(s). A period of between five and eight weeks should be allowed for.
03. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential extension exemptions), it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from:

http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available on the Council's website at:

<https://www.woking.gov.uk/planning/service/contributions>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

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 is advised that adequate control precautions should be taken in order to control noise emissions from any fixed plant, including generators, on site during demolition / construction activities. This may require the use of quiet plant or ensuring that the plant is sited appropriately and / or adequately attenuated. Exhaust emissions

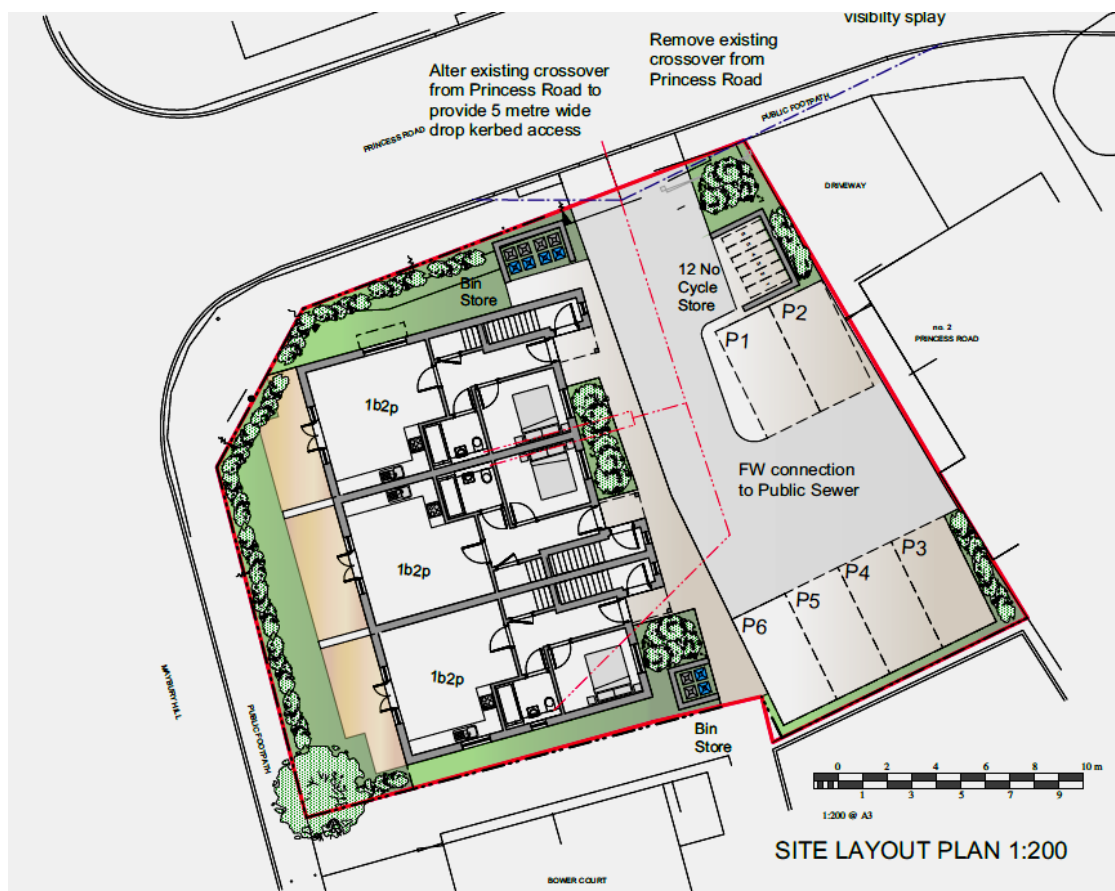
from such plant should be vented to atmosphere such that fumes do not ingress into any property. Due to the proximity of residential accommodation there should be no burning of waste material on site. During demolition or construction phases, adequate control precautions should be taken in order to control the spread of dust on the site, so as to prevent a nuisance to residents within the locality. This may involve the use of dust screens and/ or utilising water supply to wet areas of the site to inhibit dust.

06. 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, prepared by the Ministry of Housing, Communities and Local Government, and setting out your obligations, is available at the following address:
<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#explanatory-booklet>
07. 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.

The Bower, Princess Road, Woking

PLAN/2018/0620

Erection of a two storey building comprising 6x self contained flats (C3) (6x one bed) with ancillary facilities and alterations to existing vehicular access.



PLAN/2018/0620



The Bower Princess Road

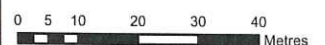


Comments

Not Set



SCALE 1:1,250



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

16 October 2018 PLANNING COMMITTEE

6e	18/0620	Reg'd:	13.06.18	Expires:	17.08.18	Ward:	PY
Nei.	19.07.18	BVPI	Minor	Number	>13	On	No
Con.		Target	dwelling - 13	of Weeks		Target?	
Exp:				on Cttee'			
				Day:			

LOCATION: The Bower, Princess Road, Maybury, Woking, Surrey, GU22 8EN

PROPOSAL: Erection of a two storey building comprising 6x self contained flats (C3) (6x one bed) with ancillary facilities and alterations to existing vehicular access.

TYPE: Full Application

APPLICANT: Quadrelom Limited

OFFICER: Brooke Bournage

REASON FOR REFERRAL TO COMMITTEE

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

PROPOSED DEVELOPMENT

The planning application proposes the construction of a two storey building comprising 6x self contained flats (C3) (6x one bed) with ancillary facilities and alterations to the existing vehicular access. The proposed flats would have vehicular and pedestrian access from Princess Road.

Site Area:	0.0535ha (535sq.m)
Existing units:	0
Proposed units:	6
Existing density:	0 dph (dwellings per hectare)
Proposed density:	112 dph

PLANNING STATUS

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

RECOMMENDATION

Grant planning permission subject to conditions and Section 106 Agreement.

SITE DESCRIPTION

The application site is currently largely laid to grass and enclosed with a close boarded fence to the east boundary and wooden paling fencing and natural boundary treatment to the north, south and west boundaries. There are a number of small trees surrounding the site. The application site slopes down from south to north and is located on a corner plot bounded by Princess Road and Maybury Hill. Vehicular access is provided off Princess Road.

Footpaths run along the east, south and west of the site. Two storey buildings are sited to the north, east and south of the site. The Lion Retail Park is sited to the west of the site.

PLANNING HISTORY

PLAN/2018/0136: Erection of a three storey building comprising 6x self contained flats (C3) (6x two bed) with ancillary facilities and alterations to existing vehicular access. Withdrawn

CONSULTATIONS

Arboricultural Officer: No objection subject to condition 9

County Highway Authority: No objection subject to conditions 5, 6, 7 and 8

Flood Risk and Drainage Team: No objection subject to condition 14

Waste Services: No objection

REPRESENTATIONS

1 letter of objection was received in response to the proposal raising the following points:

- Lack of parking
- Lead to further congestion
- Lead to illicit parking
- There does not appear to be provision for electric vehicle charging

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2018)

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS5 - Priority Places

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Areas

CS9 - Flooding and water management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS12 - Affordable housing

CS18 - Transport and accessibility

CS21 - Design

CS22 - Sustainable construction

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

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

DM2 - Trees and landscaping

DM16 - Servicing development

Supplementary Planning Documents (SPD's)

Design (2015)

Parking Standards (2018)

Outlook, Amenity, Privacy and Daylight (2008)

Climate Change (2013)

Affordable Housing Delivery (2014)

Other Material Considerations

Planning Practice Guidance (PPG)

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

Thames Basin Heaths Special Protection Area Avoidance Strategy

Woking Borough Council Strategic Flood Risk Assessment (November 2015)

Community Infrastructure Levy (CIL) Charging Schedule (2015)

Waste and recycling provisions for new residential developments

Technical Housing Standards - Nationally Described Space Standard (March 2015)

PLANNING ISSUES

Principle of Development:

1. The NPPF (2018) and Policy CS25 of the Woking Core Strategy (2012) 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. 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.
2. The application site was previously occupied by a detached bungalow which was demolished in 2008, the site has remained vacant. The site lies within the designated Urban Area. It is considered developing the land with 6 x one bedroom flats would result in efficient use of the land and add to the housing mix. The principle of infill 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:

3. The surrounding area is characterised by two storey terrace, semi detached and detached buildings finished in brick, painted brick and render. The proposal is for a two storey building with a staggered gable roof that has been designed to reflect the form of a terrace of three dwellings and change in ground level. The building would have a traditional design and be finished in brick under a tile roof. Details of external materials can be secured by condition (Condition 3). The building would have a maximum height of approximately 7.9m, which would reflect the height of 11-20 Bower Court sited to the south of the application site. It is considered that the proposed building would have an acceptable impact on the character of the area.
4. The proposed building would be set back a maximum of approximately 4.4m from the west boundary with Maybury Hill, decreasing to 1.2m due to the tapering of the boundary at the corner with Princess Road. An approximate 1m separation distance would be retained to the south boundary adjacent to a footpath linking Maybury Hill to Bower Court. A minimum of approximately 1.2m would be maintained to north boundary with Princess Road increasing to 3m due to the tapering of the boundary. A minimum of 9m would be retained to the east boundary. Overall these separation distances are considered acceptable and would retain sufficient spacing between dwellings.

5. Overall the proposed building is considered to have an acceptable impact on the character of the surrounding area and accord with Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2018).

Impact on Neighbours:

6. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
7. The north elevation of the proposed building would be sited a minimum of approximately 1.2m from the north boundary with Princess Road increasing to 3m due to the tapering of the boundary. A minimum separation distance of approximately 12m would be retained between the proposed building and the side elevation of No.32 and No.32A Maybury Hill and the front elevation of No.1a and No.1b Princess Road sited to the north of the application site. This separation distance complies 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 and 10m for front to front elevation relationships). Due to the separation distance and relationship it is considered the proposed building would not have an overbearing, overlooking or loss of daylight or privacy impact on No.32 and No.32A Maybury Hill or No.1a and No.1b Princess Road.
8. The proposed building would be sited approximately 1m from the south boundary and approximately 3.4m from No.11-20 Bower Court. This separation distance complies 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). There is one ground and one first floor window in the side elevation of 11-20 Bower Court serving No.19 and No.20 Bower Court. These windows serve open plan living/dining/kitchen areas which have an additional window in the front elevation. It is therefore considered the proposed development would not result in a significant loss of daylight to the open plan living/dining/kitchen areas at No.19 and No.20 Bower Court. The siting of the proposed development would not result in an overbearing impact to No.19 and No.20 Bower Court. Two ground floor and two first floor windows serving kitchens and bathrooms are proposed in the side elevation orientation towards No.19 and No.20 Bower Court. Condition 13 is recommended to obscure glaze the two ground and first floor windows in the south elevation of the proposed building to retain the privacy of No.19 and No.20 Bower Court.
9. No.2 Princess Road is sited to the east of the application site. A minimum 9m would be retained to the boundary with No.2 Princess Road. This 9m separation distance is to the boundary adjacent to driveway and forward of the front elevation of No.2 Princess Road. A minimum 11.4m separation distance would be maintained between the proposed building and flank elevation of No.2 Princess Road. Due to the siting of the properties and relationship with No.2 Princess Road it is considered there would not be a significant loss of privacy, overlooking or overbearing impact to No.2 Princess Road.
10. The Lion Retail Park car park is sited to the west of the application site. It is considered there would not be a detrimental impact on the amenities of the Lion Retail Park.
11. Overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning

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Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2018).

Standard of Accommodation:

12. The proposal would deliver 6 x one bedroom units ranging from 47m² to 50m² which is consistent with the recommended minimum standards set out in the National Technical Housing Standards (2015). The proposed flats are considered of an acceptable size with acceptable quality outlooks to habitable rooms.
13. Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' states *'dwellings specifically designed not to be used for family accommodation do not require any specific area to be set aside for each as private amenity space. This would apply to one and two bedroom flats and any other forms of dwelling less than 65sq.m floorspace'*. The proposed units would be one bedroom and less than 65sq.m floorspace. The three proposed ground floor flats would each have direct access to a small area of amenity space to the rear of the proposed building. As the proposed dwellings are not family accommodation no objection is raised to the lack of private amenity space to serve the proposed first floor flats. Overall the proposal is considered to achieve an acceptable size and standard of accommodation for future residents.
14. Two external bin stores are proposed to accommodate the required number of bins. Waste Services have been consulted and raised no objection. Condition 4 is to ensure the proposed bin stores are provided prior to first occupation of the proposed building.

Transportation Impacts:

15. The proposed flats would have pedestrian and vehicular access from Princess Road. The existing vehicular crossover onto Princess Road will be extended and altered to facilitate the proposed parking and refuse collection vehicle.
16. Supplementary Planning Document 'Parking Standards' (2018) requires a flat with 1 bedroom to provide a minimum of 0.5 on site parking spaces. To comply with minimum parking standards a minimum of 3 on site parking spaces would be required. Each dwelling would be served by 1 on street parking space, resulting in the provision of 6 on site parking spaces. The proposal would comply with on site parking standards within Supplementary Planning Document 'Parking Standards' (2018).
17. Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per residential dwelling. A total of 12 cycle spaces would be required to serve the 6 proposed flats. An external secure cycle store providing 12 cycle spaces is proposed. The proposal would comply with on cycle parking standards within Supplementary Planning Document 'Parking Standards' (2018). Condition 8 is recommended to ensure the proposed cycle store is provided prior to first occupation of the proposed building.
18. A construction transport management plan condition is recommended (condition 7) to minimise disruption to local residents during the build period should planning permission be granted. There is also potential storage space for materials on site during any build period.
19. The County Highway Authority have been consulted and raised no objection subject to conditions 5, 6, 7 and 8.
20. 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' (2018) and the National Planning Policy Framework (2018).

Impact on Trees:

21. There are a number of unprotected small trees and hedging surrounding the application site. The applicant has advised that the small trees and hedging will be removed to facilitate the proposed development. The Councils Arboricultural Officer has been consulted and raised no objection to the removal of the trees and hedging subject to the submission of a landscaping scheme. Condition 9 is recommended to secure details of a landscaping scheme.

Flood Risk:

22. Part of the application site is within an area at a medium risk surface water flooding and is adjacent to areas at high and medium risk of surface water flooding. The Flood Risk and Drainage Team have been consulted a recommended condition 14 to secure the submission of a scheme for disposing of surface water by means of a sustainable drainage system.

Sustainability:

23. 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. The Government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4.
24. Until the amendment is commenced, Local Planning Authorities are expected to take this statement of the Government's intention into account in applying existing policies and setting planning conditions. 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 (Conditions 11 and 12).

Thames Basin Heaths Special Protection Area (TBH SPA)

25. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Core Strategy (2012) policy CS8 requires new residential development beyond a 400m threshold, but within 5km of the SPA boundary, to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
26. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of £3,018.00 in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the uplift of 6 x one bedroom dwellings that would arise from the proposal.
27. Subject to the applicant entering a legal agreement to secure the above sum, the Local Planning Authority is able to determine that the development would have no significant effect upon the SPA and therefore accords with Core Strategy (2012) policy CS8 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015'.

Affordable housing

28. 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 between five and nine new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 20% of dwellings to be affordable or a financial contribution equivalent to the cost to the developer of providing 20% of the number of dwellings to be affordable on site. All new residential development on Greenfield land and land in public ownership will be required to provide 50% of the dwellings as affordable housing, irrespective of the site size or number of dwellings proposed.
29. However, Paragraph 63 of the NPPF (2018) sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
30. Whilst it is considered that weight should still be afforded to Policy CS12 of the Woking Core Strategy (2012) it is considered that more significant weight should be afforded to the policies within the NPPF (2018). The proposal is not major development and therefore no affordable housing contribution is sought.

Community Infrastructure Levy (CIL):

31. The proposal would be liable for Community Infrastructure Levy (CIL) to the sum of £29,630.77.

CONCLUSION

32. 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 area and in transportation terms. The proposal therefore accords with Policies CS1, CS5, CS7, CS8, CS9, CS10, CS11, CS12, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy (2012), Policies DM2 and DM16 of the DM Policies DPD (2016), Supplementary Planning Documents 'Parking Standards' (2018), 'Outlook, Amenity, Privacy and Daylight' (2008), 'Woking Design' (2015) and the NPPF (2018) and is recommended for approval subject to conditions and subject to Section 106 Agreement.

BACKGROUND PAPERS

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

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	SAMM (SPA) contribution of £3,018.00	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2010-2015.

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions and S106 Agreement:

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:

1422/17/EW/01B dated June 2018 and received by the Local Planning Authority on 03.08.2018

1422/17/P/10B dated April 2018 and received by the Local Planning Authority on 03.08.2018

1422/17/P/11C dated April 2018 and received by the Local Planning Authority on 06.09.2018

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

3. ++Prior to the commencement of any above ground works associated with the development hereby permitted a written specification of all external materials to be used in the construction of the development hereby approved 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. Prior to the first occupation of the development hereby permitted, the refuse and recycling facilities shown on the approved plans shall be made available and shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the amenities of the area in accordance with Policy CS21 of the Woking Core Strategy 2012.

5. The development hereby approved shall not be first occupied unless and until the proposed modified vehicular access to Princess Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

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

6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward

gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

7. No development shall commence until 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
 - (c) storage of plant and materials
 - (d) provision of boundary hoarding behind any visibility zones
 - (e) on-site turning for construction vehicles

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 should it inconvenience other highway users.

8. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans for:
- (a) The secure parking of bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that satisfactory facilities for the storage of cycles are provided and to encourage travel by means other than the private car in accordance with the principles set out within Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the provisions of the NPPF (2018).

9. ++ Notwithstanding any details shown on the approved plans listed within condition 02, prior to any above ground works associated with the development hereby approved, a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted and details of materials for areas of hardstanding, 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.

10. ++ Above ground works associated with the development shall not commence until details of all screen and boundary walls, fences, hedges and any other means of enclosure (including private garden) have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure will be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved unless

otherwise agreed in writing by the Local Planning Authority. Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development does not adversely affect the amenities at present enjoyed by the occupiers of the adjoining and nearby properties and to preserve and enhance the character and appearance of the locality in accordance with Policy CS21 of the Woking Core Strategy 2012.

11. ++Prior to the commencement of the development hereby approved (with the exception of demolition and site preparation works), 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.

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.

12. 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.

13. Notwithstanding any indication otherwise given on the approved plans, the side facing windows in the south facing side elevation of the development hereby approved

identified as serving unit 3 and unit 4 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 finished floor level 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.

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 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. ++Prior to the commencement of the development hereby approved (with the exception of demolition and site preparation works), details of the existing and proposed levels and detailed setting out dimensions have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved plans.

Reason: To ensure a satisfactory form of development 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 the National Planning Policy Framework 2018.

2. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The 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.
4. 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.
5. 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
6. 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.
7. 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).
8. This decision notice should be read in conjunction with the related S106 Legal Agreement.
9. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), **it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development.** The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the

avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from:
http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available on the Council's website at:
<https://www.woking.gov.uk/planning/service/contributions>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

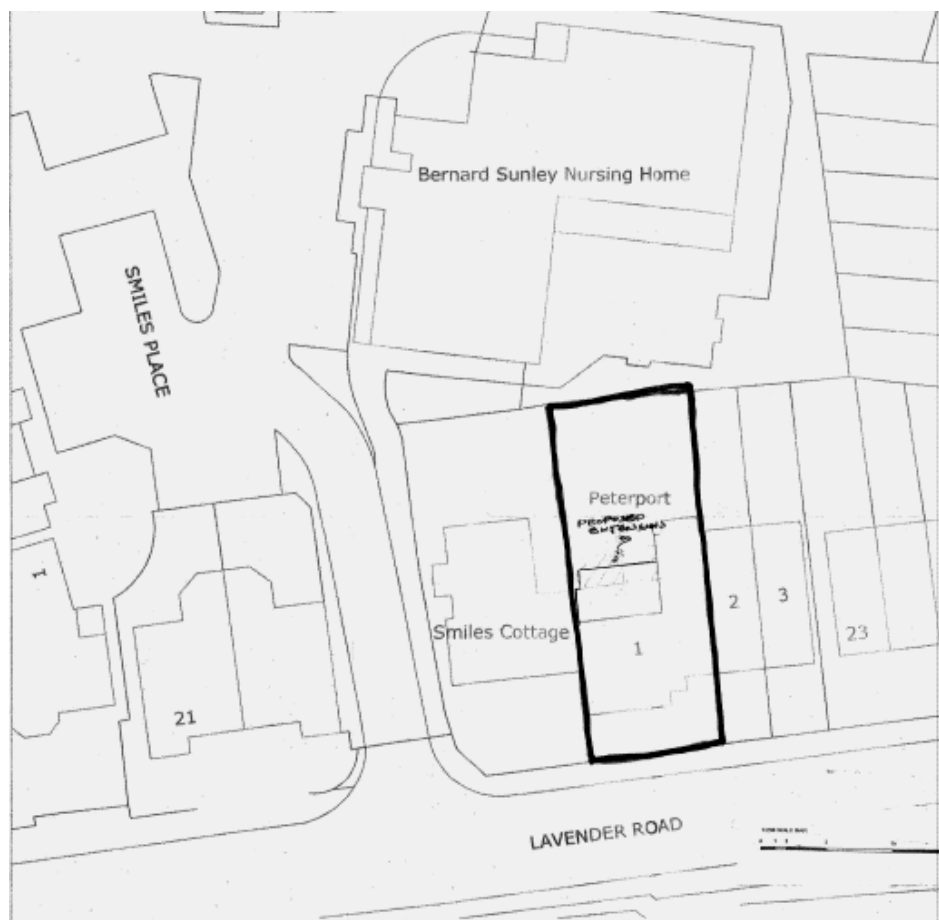
For full information on this please see the guidance and legislation here:
<https://www.gov.uk/guidance/community-infrastructure-levy>
<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

Peterport, Lavender Road, Woking

PLAN/2018/0569

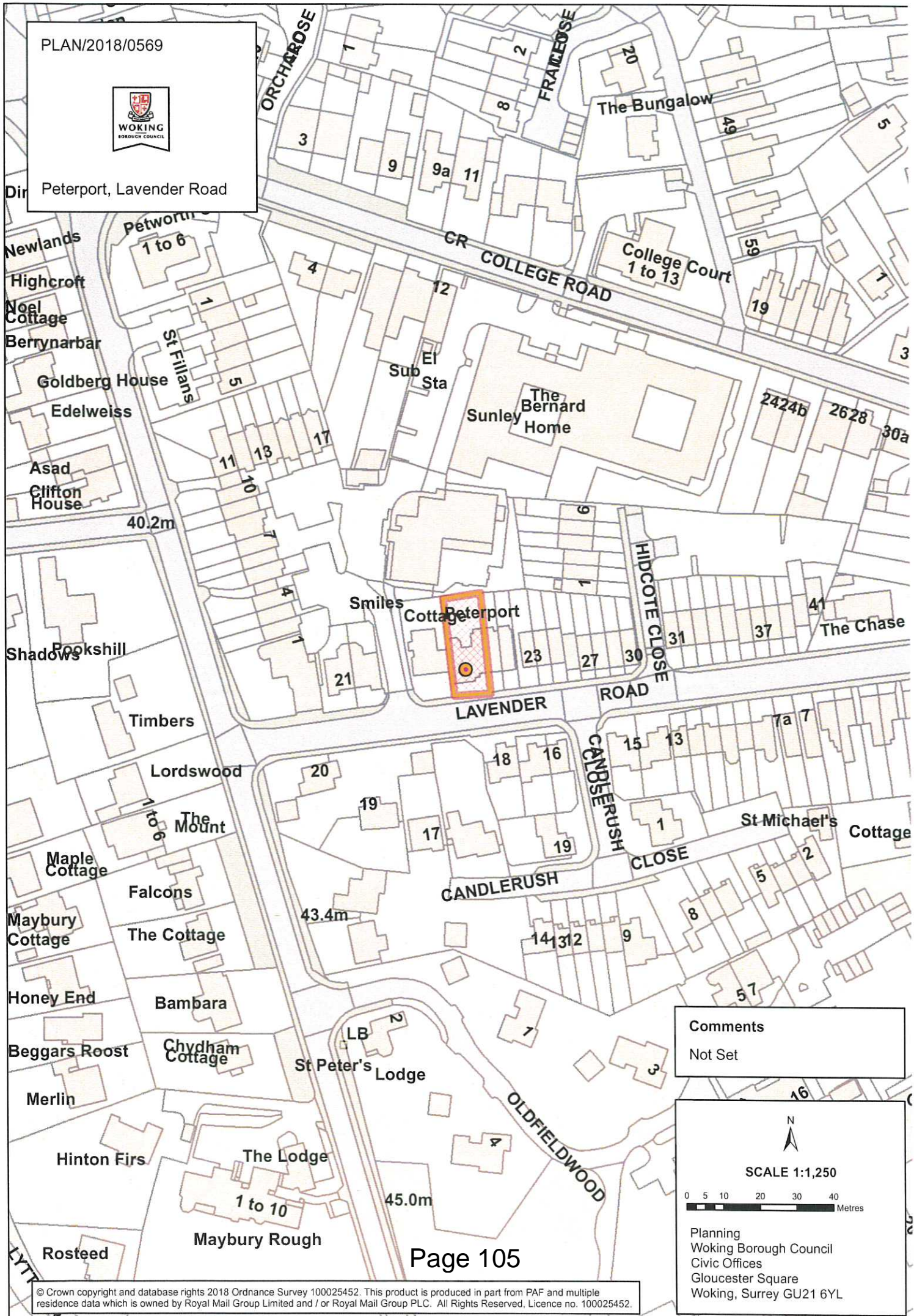
Alterations to front elevation at ground floor level, erection of part two storey, part single storey rear extensions and conversion of roof space to provide living accommodation with 2no. rear dormer windows, 1no. rooflight to front roof slope, alterations to fenestration, front porch extension/alteration and conversion from 1no. dwelling to create 2no. two storey dwellings with roof accommodation.



PLAN/2018/0569



Peterport, Lavender Road



Comments

Not Set



SCALE 1:1,250

0 5 10 20 30 40 Metres

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

16 October 2018 PLANNING COMMITTEE

6f	18/0569	Reg'd:	30.05.18	Expires:	08.08.18	Ward:	MH
Nei. Con. Exp:	03.07.18	BVPI Target	Minor dwellings - 13	Number of Weeks on Cttee' Day:	>13	On Target?	No

LOCATION: Peterport, Lavender Road, Woking, Surrey, GU21 8AY

PROPOSAL: Alterations to front elevation at ground floor level, erection of part two storey, part single storey rear extension and conversion of roof space to provide living accommodation with 2no. rear dormer windows, 1no. rooflight to front roof slope, alterations to fenestration, front porch extension/alteration and conversion from 1no. dwelling (1x5 bed) to create 2no. two storey dwellings (2x 3 bed) with roof accommodation.

TYPE: Full Application

APPLICANT: Mr Rob Munro

OFFICER: Brooke
Bougnague

REASON FOR REFERRAL TO COMMITTEE

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

PROPOSED DEVELOPMENT

This is a full planning application for alterations to front elevation at ground floor level, erection of part two storey, part single storey rear and conversion of roof space to provide living accommodation with 2no. rear dormer windows, 1no. rooflight to front roof slope, alterations to fenestration, front porch extension/alteration and conversion from 1no. dwelling to create 2no. two storey dwellings with roof accommodation.

The existing property has 5 bedrooms but is currently being used by two separate occupiers. Each part of the property has its own kitchen/living/dining area and separate staircase up to the first floor. The western side of the building has 2 bedrooms and the eastern side of the dwelling has 3 bedrooms. The applicant has advised that there is no link at first floor level through the property, notwithstanding what is shown on the plan.

The application proposes to convert the existing dwelling into two dwellings to create 2no. 3 bedroom dwellings. There would be no change to the part of the building on the eastern side of the dwelling. To the western part of the building the following works are proposed:

- Part two storey, part single storey rear extension, following demolition of existing conservatory. The proposed extension would have maximum width of 6m and depth of 4.1m. To accommodate the extra depth of the dwelling a crown roof would be created with 2 no. rear dormer windows. The eaves and ridge height would match this existing part of the building. The crown roof with 2no. rear dormers is similar to the roof form of the two storey rear extension under planning application PLAN/2017/0436. The two storey element with a depth of 4.1m would have a flat roof.

16 October 2018 PLANNING COMMITTEE

- The front elevation of the property would be altered to set back the front elevation at ground floor level only by 800mm (1.7 metres including the bay window). The first floor bay window would be retained and this would be supported by posts clad in oak at ground floor level creating a veranda style structure. Planning application PLAN/2017/0436 permitted a similar design, but with a set back of 700mm (1.6 metres including the bay window).
- The existing enclosed porch would be altered to create a canopy porch and the front door to each part of the property would be re-positioned.
- As the front of the building would be reduced in depth at ground floor level, the application proposes to create 2no. additional off street parking spaces by removing part of the front boundary brick wall. Space would also be made available for a bin store and cycle store.

Site area: 0.03 ha (300sqm)
Existing number of units: 1
Proposed number of units: 2
Existing density on site: 33dph (dwellings per hectare)
Proposed density on site: 66dph

PLANNING STATUS

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

RECOMMENDATION

Grant planning permission subject to conditions and Section 106 Agreement.

SITE DESCRIPTION

The application site extends to approximately 0.03ha. Peterport is a two storey mid-terrace L-shaped dwelling. The dwelling is faced with red brick and tile hanging under a slate roof covering. Part of Peterport comprises of a new build element built under planning permissions PLAN/2007/0738 and PLAN/2008/1189 and which links the dwelling to the two other terraced dwellings.

The dwelling is currently being used as two units of accommodation. The property has one main front door and within the hallway has two other separate doors to each unit of accommodation. The rear garden has also been sub-divided to create two separate private gardens and given the age and condition of the fence it appears that this fence was installed some years ago. The planning history of the site shows that the Council has been aware that the property has had two kitchens and facilities for separate living accommodation since 2007/2008 as this was shown on plans accompanying planning applications at that time. In 2008 under PLAN/2008/1189, the application was subsequently approved with a planning condition requiring the property to be used as one dwelling, notwithstanding the approved arrangement of the internal living space. This permission was implemented.

The dwelling has one off street parking space provided by a driveway to the front of the more modern part of the dwelling. In front of the older part of the dwelling is a small front garden with a front boundary wall measuring approximately 1.2 metres in height.

To the rear of the dwelling is a garden which has at some time in the past been sub-divided to create two gardens for the two occupiers of the property. There is no access between the divided gardens. The garden to the whole property is otherwise bounded by timber fencing.

Peterport is attached on the eastern side by a two storey dwelling and on the western side by a two storey building which is used as residential accommodation associated with the neighbouring Bradbury Centre.

PLANNING HISTORY

Since 1977 the planning history is as follows:

PLAN/2017/1084 - Alterations to front elevation at ground floor level, erection of two storey rear extensions and conversion of roof space to provide living accommodation with 2no. rear dormer windows, rooflights to front roof slope, alterations to fenestration, front porch extension/alteration and conversion from 1no. dwelling to create 2no. two storey dwellings with roof accommodation. Resolution to Grant planning permission subject to the prior completion of a S106 legal agreement to secure SAMM financial contribution on 12.12.17

PLAN/2017/0436 - Removal of front bay window, erection of first floor rear extension and conversion of roof space to provide living accommodation with 2no. rear dormer windows, rooflights to front roof slope, alterations to fenestration, front porch extension/alteration and conversion from 1no. dwelling to create 2no. two storey dwellings with roof accommodation (amended block plan received). Resolution to Grant planning permission subject to the prior completion of a S106 legal agreement to secure SAMM financial contribution on 25.07.17

PLAN/2011/0743 – Erection of a two storey rear extension and rear dormer windows. Granted 13.10.11

PLAN/2008/1189 – Retrospective application for the retention of rear conservatories, siting of plot 3 0.8 metres from side boundary, internal alterations and variations to frontage of site. Granted 20.03.09

PLAN/2007/1373 – Sub-division of town house to form 2no. town houses. Withdrawn 29.01.08

PLAN/2007/0738 – Proposed demolition of part of existing detached house and erection of 3no. town houses (amended scheme to application PLAN/2006/1186). Granted 06.09.07

PLAN/2006/1186 - Proposed demolition of part of existing detached house and erection of 3no. town houses. Granted 07.03.07

PLAN/2005/1082 – Erection of pair of semi-detached houses and retention of Peterport with partial demolition, extensions and modifications (3no. dwellings on site in total). Granted 17.11.05

PLAN/2005/0796 – Erection of 4no. town houses following demolition of existing dwelling. Withdrawn

PLAN/1997/0207 – Change of use of dwelling to form 2 houses. Granted 27.05.97

CONSULTATIONS

Arboricultural Officer: No objection subject to condition 10

County Highway Authority: No objection subject to conditions 5 and 6

Scientific Officer: No objection

REPRESENTATIONS

No letters of representation have been received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2018)

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough
CS7 – Biodiversity and nature conservation
CS8 - Thames Basin Heaths Special Protection Areas
CS9 – Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

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

DM2 - Trees and Landscaping
DM5 – Environmental Pollution
DM8 – Land contamination and hazards
DM11 – Sub-divisions, specialist housing, conversions and loss of housing

Supplementary Planning Documents (SPD's)

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

Other Material Considerations

Planning Practice Guidance (PPG)
South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area
Thames Basin Heaths Special Protection Area Avoidance Strategy
Woking Borough Council Strategic Flood Risk Assessment (November 2015)
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Waste and recycling provisions for new residential developments
Technical Housing Standards - Nationally Described Space Standard (March 2015)

PLANNING ISSUES

Principle of Development:

1. The revised NPPF (2018) has been adopted since PLAN/2017/1084 and PLAN/2017/0436 were resolved to grant planning permission subject to the prior completion of a S106 legal agreement to secure SAMM financial contribution on 12.12.17 and 25.07.17. The NPPF (2018) is not considered to materially alter the principle of development.
2. The NPPF (2018) and Policy CS25 of the Core Strategy (2012) 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 previously developed land for additional dwellings can be acceptable provided that the proposal respects the overall grain and character of development in the area. Policy CS10 of the Core Strategy (2012) seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place. The principle of the proposed subdivision to create an additional unit in this instance is therefore considered acceptable subject to further material planning considerations set out below.

Housing mix

3. Policy CS11 of the Core Strategy (2012) seeks to secure a mix of dwelling types and sizes across the Borough and seeks to avoid the loss of family homes which are regarded as units with 2+ bedrooms. This aspect is also replicated in Policy DM11 of the DM Policies DPD (2016) which provides detailed criteria relating to conversions of existing dwellings. It is also acknowledged that not every development site will deliver the complete mix of dwellings sought by Policy CS11. In this case the existing property has 5 bedrooms although the dwelling is currently capable of being used as a 3 bedroom dwelling and a 2 bedroom dwelling. The proposal would result in a 2x 3 bedroom dwellings with internal floors of approximately 100sqm and 151.5sqm. Therefore whilst the proposal would result in the loss of 1 larger family home it would provide 2no. family sized homes, resulting in a beneficial increase of 1no. family sized home. In addition this area is characterised by smaller family dwellings and in this regard the proposed provision is not considered to be out of character with the surrounding area and is thus considered to comply with Policy CS11 of the Core Strategy (2012).

Standard of accommodation

4. Policy DM11 of the DM Policies DPD (2016) also sets out a number of other criteria which proposals for the subdivision of existing dwellings should also meet. The majority of these criteria are considered below under their respective issue. One of the criteria relates to a requirement that good quality accommodation is provided by meeting any relevant housing standards. The proposal would result in a 2x 3 bedroom dwellings with internal floors of approximately 100sqm and 151.5sqm. The minimum nationally prescribed space standard for a 3 bed, 2 storey dwelling is 84sqm which is met by both dwellings. The proposal scheme is therefore considered to comply with Policy DM11 of the DM Policies DPD (2016) in this regard. The proposed dwellings are considered of an acceptable size with acceptable quality outlooks to habitable rooms.
5. Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008) states that for family dwellings with 2 bedrooms or more and over 65sqm, a *'suitable area of private garden amenity space in scale with the building but always greater than the building footprint'* should be provided. This proposal does not alter the dwelling on the eastern side of the site or its garden area which remains as previously proposed (and subject of the previous resolutions to grant planning permission). The larger dwelling to the west would have a slightly larger footprint than previously proposed given the

additional part two storey, part single storey rear extension. This dwelling would have a footprint of around 70sqm and a garden size of 80sqm. A 1.8 metre high timber fence currently divides the space. It is therefore considered that the areas of amenity space for the proposed dwellings would be suitable in size and shape for the outdoor recreational and domestic needs of the occupiers of the dwellings. Furthermore they would reflect the size of gardens in the wider local area. In this regard the proposal is considered to comply with the guidance relating to private amenity space in the Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008).

6. Neither dwelling would have separate access to the rear garden and therefore the refuse bins would be stored at the front of the property but this arrangement reflects the existing arrangement and that of the other existing dwellings within the terrace and planning applications PLAN/2017/1084 and PLAN/2017/0436.

Impact on Character:

7. Policy CS21 of the Core Strategy (2012) states that buildings should respect and make a positive contribution to the street scene and the character of the area within which they are located. Policy CS24 of the Core Strategy (2012) requires all development proposals to provide a positive benefit in terms of landscape and townscape character. Policy DM11 of the DM Policies DPD (2016) also has a number of criteria which essentially relate to the visual impact of the proposed development and ensuring it is appropriate to the area.
8. The existing building is partly new and old. There would be no visual change to the newer part of the building except that the existing porch becomes an open canopy porch instead of its current enclosed arrangement.
9. The older part of the building projects further forward on the site than the newer part of the building and in order to accommodate the two additional parking spaces it is now proposed to set back only the ground floor part of the front elevation of the building by around 800mm (1.7 metres including the existing bay window) to create sufficient space in the frontage to provide two additional car parking spaces. The first floor of the building would be retained as existing and would be supported by posts clad in oak. The visual effect would be to create a decorative veranda at ground floor level. The proposed changes to the front elevation would improve the visual interest of the building and the detailing of the veranda as proposed is not dissimilar to covered verandas seen on some Victorian style buildings. The proposed changes are considered to result in an acceptable impact on the character and appearance of the dwelling and the street scene subject to conditions (conditions 3, 8 and 9). Rooflights are also proposed to the front roofslope and matching materials are also proposed.
10. Whilst alterations to the roof, part two storey, part single storey rear extension and rear dormers are also proposed, this part of the development would not be viewed within the street scene. Although a section of the proposed part two storey, part single storey rear extension would have a flat roof this part of the proposal is limited in size and given its position would not be widely viewed from neighbouring gardens. The roof form with crown roof and 2no. rear dormers is similar to the roof form of the two storey rear extension previously approved under reference PLAN/2011/0743 and are the subject of a resolution to grant planning permission under PLAN/2017/1048 and PLAN/2017/0436.
11. Overall, the proposed alterations and extensions to the building are considered appropriate and would reflect the wider character and appearance of the street scene. The proposal is therefore considered to comply with Policies CS21 and CS24 of the Woking Core Strategy (2012), Policy DM11 of the DM Policies DPD (2016) and Supplementary Planning Document 'Woking Design' (2015).

Impact on Neighbours:

12. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
13. The proposed part two storey, part single storey rear extension would not project beyond the rear elevation of the dwelling to be created on the eastern part of the application site and would not therefore result in any adverse impact on the amenities of this property in terms of overbearing, overlooking or loss of daylight or privacy.
14. The proposed part two storey, part single storey rear extension would be sited on the boundary with attached property Smiles Cottage, Lavender Road. No windows are proposed in the side elevation orientated towards Smiles Cottage, Lavender Road. Condition 11 is recommended to restrict the insertion of first floor windows in the west elevation to retain the privacy of Smiles Cottage, Lavender Road. The single storey element sited on the boundary with Smiles Cottage, Lavender Road and would project approximately 1.8m beyond the rear elevation of Smiles Cottage, Lavender Road. There is a ground floor window serving a reception room in the rear elevation of Smiles Cottage, Lavender Road sited close to the boundary, the 45 degree has been applied and passed. It is considered there would not be a significant loss of daylight to the reception room. The first floor element would project approximately 1.8m beyond the rear elevation of Smiles Cottage, Lavender Road and has been set in approximately 2.3m from the boundary with Smiles Cottage, Lavender Road. Due to the depth and separation distance to the west boundary it is considered there would not be a significant loss of daylight to windows in the rear elevation Smiles Cottage, Lavender Road.
15. It is considered the alterations to the front of building which include setting back the front elevation at ground floor and retaining the first floor bay window to create a veranda style structure and alterations to the existing front porch to create an open canopy would not have an impact on neighbouring properties in terms of overbearing, overlooking or loss of daylight or privacy.
16. The proposed front rooflight and two rear dormers would be orientated towards Lavender Road and the rear garden of the application site to avoid overlooking neighbouring properties.
17. The existing building would be separated vertically into two dwellings and neither dwelling is considered to have any adverse impact in terms of amenity e.g. privacy, daylight/sunlight or overbearing impact on the other dwelling. Whilst the proposed ground floor accommodation is deep in terms of daylight provision to the rooms, the ground floors of both dwellings are dual aspect with windows in the front and rear elevations and in any event the proposed situation is no different to the existing situation.
18. Overall, it is considered that the proposed dwellings would achieve a satisfactory relationship to each other and adjoining properties, avoiding significant harmful impact in terms of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or outlook. However it is considered reasonable and necessary to remove 'permitted development rights' in relation to extensions and outbuildings in order to safeguard the amenities of any neighbouring occupiers and given the garden sizes (condition 7). The proposed development is considered to comply Policy CS21 of the Core Strategy (2012), Policy DM11 of the DM Policies DPD (2016), SPD Outlook, Amenity, Privacy and Daylight (2008) and the policies in the NPPF.

Transportation Impacts:

19. The proposal would have pedestrian and vehicular access from Lavender Road. The existing vehicular crossover onto Lavender Road will be extended and altered to facilitate the proposed parking.
20. Supplementary Planning Document 'Parking Standards' (2018) requires a dwelling with 3 bedrooms to provide a minimum of 2 on site parking spaces. To comply with minimum parking standards a minimum of 4 on site parking spaces would be required. A total of 3 on parking spaces would be provided; this would result in a shortfall in 1 on site parking space against the current Supplementary Planning Document 'Parking Standards' (2018).
21. PLAN/2017/1084 and PLAN/2017/0436 were resolved to grant planning permission subject to the prior completion of a S106 legal agreement to secure SAMM financial contribution on 12.12.17 and 25.07.17 with the provision of 2 on site parking spaces. When the legal agreements for PLAN/2017/1084 and PLAN/2017/0436 are signed and completed there would be two extant planning permissions for 2no. 3 bed houses with 2 on site parking spaces. It is considered that the current planning permission providing 3 on site parking spaces would represent an increase in provision above the existing situation and planning applications PLAN/2017/1084 and PLAN/2017/0436.
22. Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per residential dwelling. A total of 4 cycle spaces would be required to serve the 2 proposed dwellings. Two cycle racks providing storage for 4 cycle spaces is proposed. The proposal would comply with cycle parking standards within Supplementary Planning Document 'Parking Standards' (2018). Condition 6 is recommended to ensure the proposed cycle spaces are provided prior to first occupation of the proposal.
23. The County Highway have been consulted and raised no objection subject to conditions 6 and 7.
24. Overall 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' (2018) and the National Planning Policy Framework (2018).

Impact on Trees:

25. There are three trees within the rear of the application site. Policy DM2 of DM Policies DPD (2016) states the Council will *'require any trees which are to be retained to be adequately protected to avoid damage during construction'* and Policy CS21 of the Woking Core Strategy (2012) requires new development to include the retention of trees and landscape features of amenity value. The Arboricultural Officer has requested Arboricultural Information to be provided and agreed prior to commencement. Subject to a condition (condition 10) to ensure provision of Arboricultural Information produced in line with BS5837 2012, the proposal is considered to have an acceptable impact on trees within the application site. Condition 9 is recommended to secure details of a landscaping scheme.

Flood Risk:

26. The site is located within Flood Zone 1 (low risk) and no issues relating to fluvial flood risk are raised. As the site is not within a surface water flood risk area, there are no surface water drainage requirements. The proposal is considered to comply with Policy CS9 of the Core Strategy (2012) and the policies in the NPPF.

Sustainability:

27. Policy CS22 of the Woking Core Strategy (2012) 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 2no. dwellings. Therefore it is not considered reasonable or necessary to impose any conditions relating to sustainable construction.

Contamination

28. The Council's Scientific Officer has advised that there are no specific contaminated land concerns or recommendations to make on this application. In this regard the application complies with Policies DM5 and DM8 of the DM Policies DPD (2016).

Thames Basin Heaths Special Protection Area (TBH SPA)

29. The Thames Basin Heaths Special Protection Area are internationally important and designated for their interest as habitats for ground nesting birds. Policy CS8 of the Core Strategy requires all new residential development within the 400m-5km zone to make a financial contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM) to avoid adverse effects. The SANG contribution is now encompassed within the Community Infrastructure Levy (CIL) but the SAMM element of the contribution is required to be secured outside of CIL.
30. The applicant has agreed to make a SAMM contribution of **£897** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy as a result of the provision of 1no. additional 3 bedroom dwelling which would result from the proposal. This financial contribution would be secured by a legal agreement.
31. 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.

Affordable housing

32. 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.
33. However, Paragraph 63 of the NPPF (2018) sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
34. Whilst it is considered that weight should still be afforded to Policy CS12 of the Woking Core Strategy (2012) it is considered that more significant weight should be afforded to the policies within the NPPF (2018). The proposal is not major development and therefore no affordable housing contribution is sought.

Community Infrastructure Levy (CIL):

35. The proposal would be liable for Community Infrastructure Levy (CIL) to the sum of £2,392.00.

CONCLUSION

36. Overall the proposal is considered an acceptable form of development which would have an acceptable impact on the character of the host building and surrounding area, on the amenities of neighbours and in transportation terms and would not result in any other adverse consequences. Having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance the proposal is considered to be an acceptable form of development that complies with Policies CS1, CS7, CS8, CS9, CS10, CS11, CS12, CS18, CS21, CS22, CS24, and CS25 of the Woking Core Strategy (2012), Policies DM2, DM5, DM8, DM11 of the DM Policies DPD (2016), the guidance in the relevant SPDs and the policies within the NPPF. It is therefore recommended that planning permission is granted subject to the prior completion of a legal agreement and the conditions as set out below.

BACKGROUND PAPERS

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

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	SAMM (SPA) contribution of £897.00	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2010-2015.

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions and S106 Agreement:

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:

Unnumbered plan showing location and block plan received by the Local Planning Authority on 30.07.2018

Unnumbered plan showing proposed site plan received by the Local Planning Authority on 03.07.2018

PH 5017/101 Rev C dated June 11 and received by the Local Planning Authority on 03.07.2018

PH 5017/101 Rev B dated March 2018 and received by the Local Planning Authority on 03.07.2018

16 October 2018 PLANNING COMMITTEE

PH 5017/102Rev B dated March 2018 and received by the Local Planning Authority on 03.07.2018

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

3. ++Prior to the commencement of any above ground works associated with the development hereby permitted a written specification of all external materials to be used in the construction of the development hereby approved 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. Prior to the first occupation of the development hereby permitted, the refuse and recycling facilities shown on the approved plans shall be made available and thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the amenities of the area in accordance with Policy CS21 of the Woking Core Strategy 2012.

5. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Lavender 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 measured from 0.6m above the road surface.

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

6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to be parked. Thereafter the parking and cycle areas shall be retained and maintained for their designated purpose.

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

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 and Classes A, B, C, D, E, F and G 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 development falling within these Classes shall be carried out within the curtilage of each 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 and the policies in the NPPF.

8. ++ Prior to the commencement of any above ground works associated with the development on the site full design details, to a scale of 1:25, of the proposed alterations to the ground floor front elevation, clearly showing the design details and

materials of the posts and all decorative features and brickwork 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: To protect the visual amenities of the area in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012 and the policies in the NPPF.

9. ++ Notwithstanding any details shown on the approved plans listed within condition 02, prior to any above ground works associated with the development hereby approved, a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted and details of materials for areas of hardstanding, 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.

10. ++ Prior to the commencement of the development hereby permitted (including clearance and demolition) tree protection details shall be 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 details of how trees would be retained and protected during construction. 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. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure the retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development in accordance with Policy CS21 of the Woking Core Strategy 2012.

11. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) 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 (at first floor level or above within the west (side-facing) elevation (including the roof)) of the development hereby permitted 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.

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 the National Planning Policy Framework 2018.
2. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The 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.
4. 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.
5. 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
6. 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.
7. 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).
8. This decision notice should be read in conjunction with the related S106 Legal Agreement.
9. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to

the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), **it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development.** The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from: http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available on the Council's website at:
<https://www.woking.gov.uk/planning/service/contributions>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

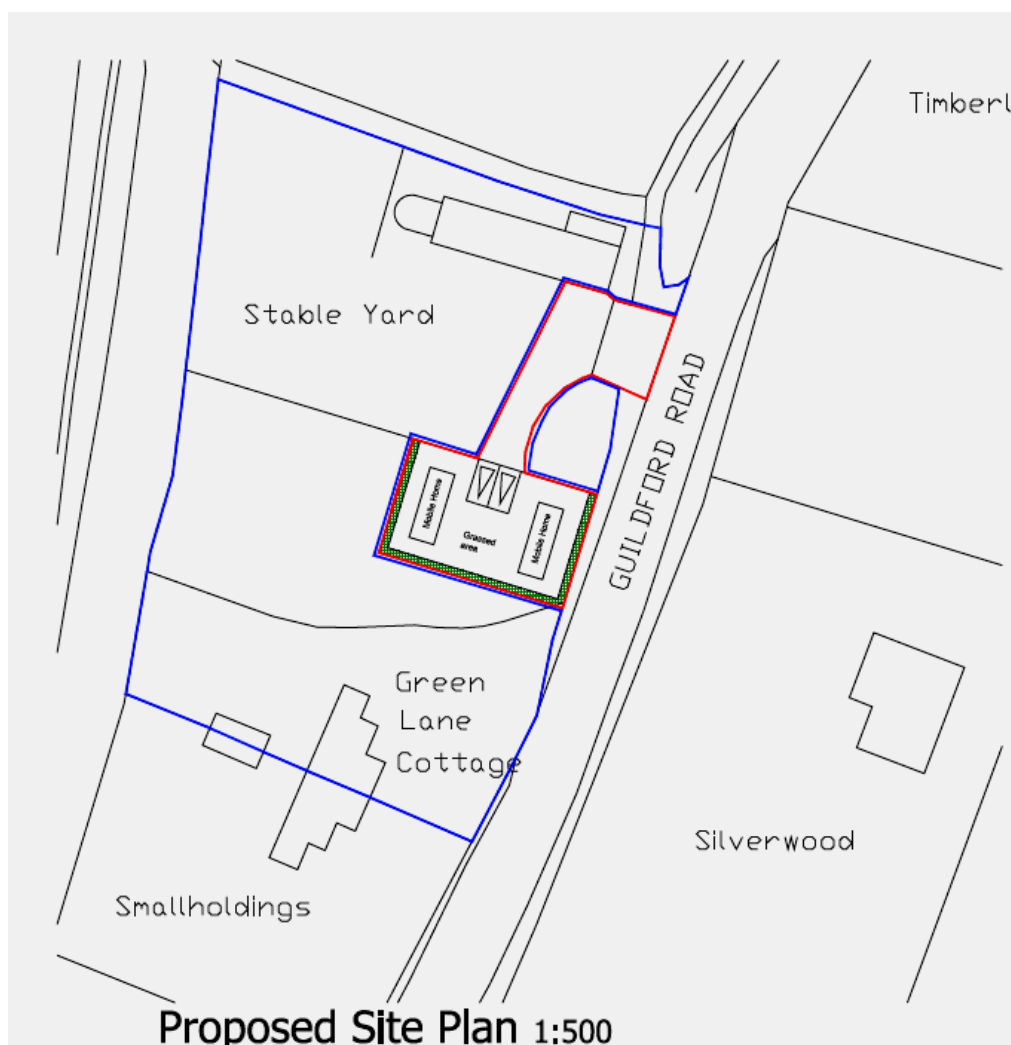
<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

The Stable Yard, **Guildford Road, Mayford** **Woking**

PLAN/2018/0804

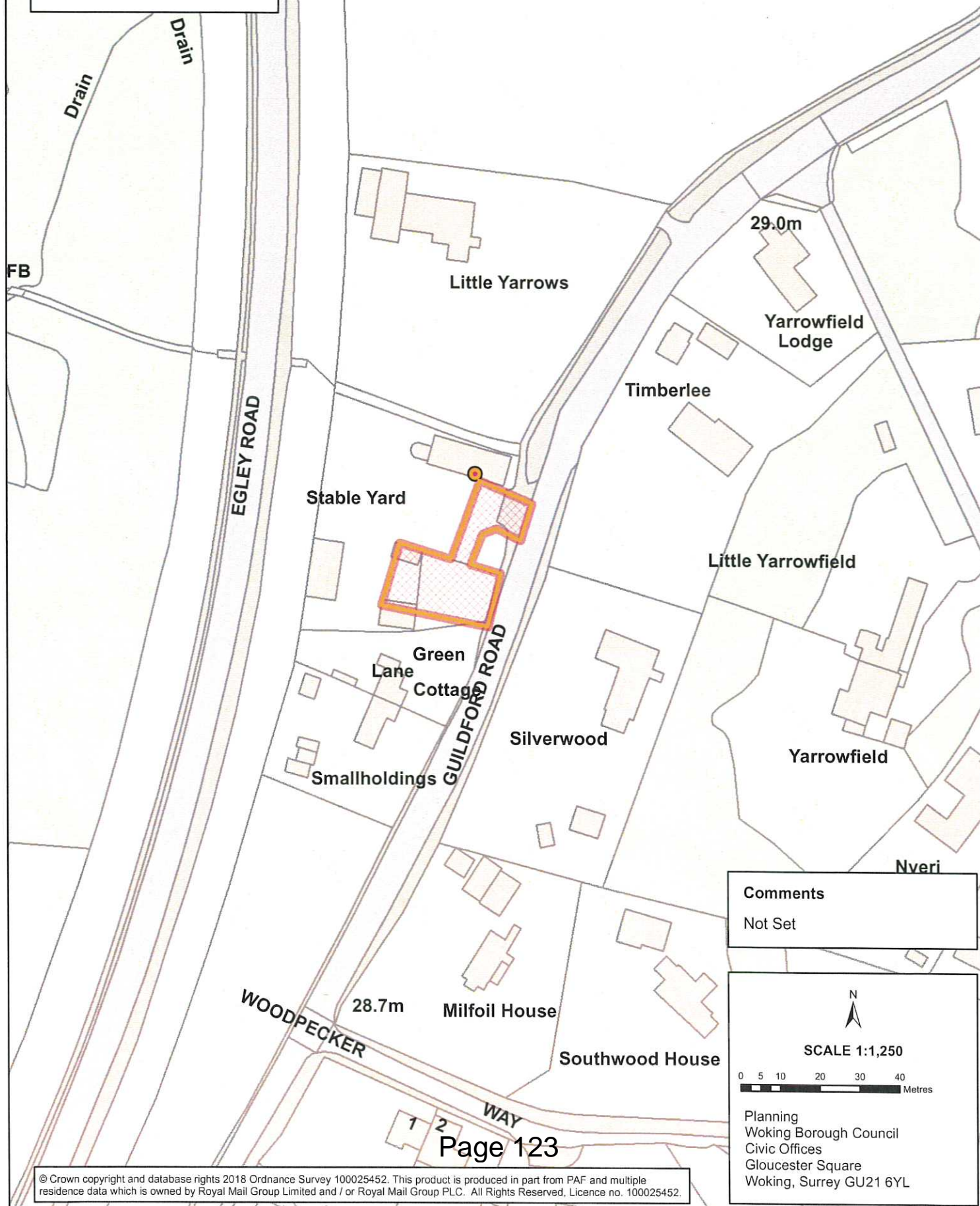
Permanent residential use of the land for the stationing of two mobile homes occupied as self-contained residential units.



PLAN/2018/0804



The Stable Yard, Guildford Road



Comments

Not Set



SCALE 1:1,250

0 5 10 20 30 40 Metres

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

16 OCTOBER 2018 PLANNING COMMITTEE

6g	18/0804	Reg'd:	17.08.18	Expires:	12.10.18	Ward:	HE
Nei. Con. Exp:	04.10.18	BVPI Target	17 (Gypsy & Traveller Pitches)	Number of Weeks on Cttee' Day:	9/8	On Target?	No

LOCATION: The Stable Yard, Guildford Road, Mayford, Woking, GU22 0SD

PROPOSAL: Retention of residential use of the land for the stationing of two mobile homes occupied as self-contained residential units.

TYPE: Full Application

APPLICANT: Mr K Dunphy

OFFICER: Benjamin
Bailey

REASON FOR REFERRAL TO COMMITTEE

The proposal falls outside of the Management Arrangements and Scheme of Delegations. The proposal is a Departure from the Development Plan.

SUMMARY OF PROPOSED DEVELOPMENT

Retention of residential use of the land for the stationing of two mobile homes occupied as self-contained residential units.

Site Area:	0.0452 ha (452sq.m)
Existing mobile homes:	2
Proposed mobile homes:	2
Existing density:	44 dph (dwellings per hectare)
Proposed density:	44 dph

PLANNING STATUS

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

RECOMMENDATION

Grant temporary planning permission of three years duration subject to recommended conditions.

SITE DESCRIPTION

The site is part of a larger parcel of land in the same ownership which includes The Stable Yard to the north and Green Lane Cottage to the south. It occupies a rural location on Guildford Road and falls within the Green Belt.

RELEVANT PLANNING HISTORY

PLAN/2013/0828 – Stationing of 2No mobile homes on land south of Stable Yard for one Gypsy family.

16 OCTOBER 2018 PLANNING COMMITTEE

Appeal allowed (06.08.2015) as a temporary, personal planning permission limited to three years duration (Appeal Ref: APP/A3655/A/14/2218561)

Refused (24.01.2014) for the reasons below:

- 01. Insufficient information has been provided to demonstrate that the harm to the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt is clearly outweighed by other considerations which constitute the very special circumstances required to justify the development. The proposed development is therefore contrary to Section 9 of the National Planning Policy Framework 2012, Planning Policy for Traveller Sites 2012 and Policies CS6 and CS14 of the Woking Core Strategy 2012.*
- 02. The proposed development, by virtue of the site coverage, size of the mobile homes and associated development would have an adverse impact on the openness, character and appearance of the area; and diminish the amenity area of "Stable Yard" contrary to Policies CS14, CS21, CS24 of the Woking Core Strategy 2012, the Outlook, Amenity, Privacy and Daylight SPD the National Planning Policy Framework and the Planning Policy for Traveller Sites.*
- 03. The proposed development would not provide the level of accommodation provisions for an appropriate gypsy pitch. As such the development would not ensure the longevity of the use to contribute to maintaining a supply of traveller sites within Woking Borough. The development is contrary to Policy CS14 of the Woking Core Strategy 2012, the National Planning Policy Framework, the Planning Policy for Traveller Sites and the guidance contained within Designing Gypsy and Traveller Sites - Good Practice Guide (2008).*
- 04. In the absence of an appropriate legal agreement to secure a contribution towards the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 the proposed development is contrary to Policy CS8 of the Woking Core Strategy 2012.*

CONSULTATIONS

Planning Policy:

This may be a circumstance in which a second temporary permission is justifiable. It is also likely that a personal occupancy condition would need to be applied.

Environmental Health:

No complaints have been received by Environmental Health regarding the use of mobile homes on this site. For the reasons set out by the Planning Inspector under Appeal B, the mobile homes are considered to be unsuitable for general residential use on a permanent basis. There is, however, no objection on Environmental Health grounds for the current use to be extended subject to the same conditions.

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 condition 08 be attached to any permission granted.

REPRESENTATIONS

x9 local properties were sent neighbour notification letters of the application, in addition to the application being advertised on the Council's website and by statutory press and site notices. The application has been advertised as a Departure from the Development Plan (due to constituting inappropriate Green Belt development).

x0 representations have been received.

Any representations received will be updated at Planning Committee.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2018)

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 13 - Protecting Green Belt land

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Woking Core Strategy (2012)

CS6 - Green Belt

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Areas

CS9 - Flooding and water management

CS14 - Gypsies, Travellers and Travelling Showpeople

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

Development Management Policies Development Plan Document (DMP DPD) (2015)

DM13 - Buildings Within and Adjoining the Green Belt

Supplementary Planning Documents (SPD's)

Design (2015)

Parking Standards (2018)

Outlook, Amenity, Privacy and Daylight (2008)

Other material considerations

Planning Policy for traveller sites (August 2015)

Planning Practice Guidance (PPG)

Draft Site Allocations DPD (2015)

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

PLANNING ISSUES

1. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and is a material consideration in the determination of this application. However, the starting point for decision making remains the Development Plan, and the revised NPPF (2018) is clear at Paragraph 213 that existing Development Plan policies should not be considered out-of-date simply because they were adopted or made prior to 24 July 2018. The degree to which relevant Development Plan policies are consistent with the revised NPPF (2018) has been considered in this instance, and it is concluded that they should be afforded significant weight.
2. Before listing the planning issues, two considerations will be addressed which have implications for what the planning issues are in this case.

Gypsy/traveller status

3. Planning permission is sought on the basis that the mobile homes are to be occupied by gypsies or travellers. In the course of consideration of PLAN/2013/0828 and the subsequent appeal arising from refusal of that application it was established as a matter of common ground between the Local Planning Authority and the applicant that the applicant himself meets the planning policy definition of a gypsy or traveller as set out in the MHCLG publication Planning Policy for traveller sites (August 2015) (the PPTS). However, the applicant resides in the established dwelling at The Stable Yard and is not a present or intended occupier of the mobile homes.
4. Rather, sons (Patrick and Michael) of the applicant and their young families occupy the mobile homes at present and are also the intended continuing occupiers of the mobile homes. Their gypsy/traveller status was explored at some length at the appeal hearing arising from refusal of PLAN/2013/0828. According to the applicant, both sons lived an itinerant travelling lifestyle with their parents before moving into the established dwelling at The Stable Yard during their teens. Both left home at a young age and travelled with their wives before returning to live in the mobile homes at The Stable Yard. Moreover, both wives (Eileen and Paulina respectively) were raised in travelling families with Gypsy heritage.
5. In allowing the appeal against refusal of PLAN/2013/0828 the Inspector was therefore satisfied that all the adult occupiers satisfied the national policy definition of gypsies and travellers. The Local Planning Authority did not contend otherwise. The PPTS makes it clear that establishing gypsy and traveller pitches in the countryside outside the defined confines of built settlements is not unacceptable in principle. Consequently, the countryside location of the application site is not a barrier to planning permission in this case and, accordingly, compliance or otherwise with local settlement policy is not in itself a main issue.

Inappropriate development

6. The application site lies within the Green Belt. Paragraph 133 of the NPPF (2018) states that the Government attaches great importance to Green Belts; the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy E of Planning Policy for Traveller Sites (August 2015) sets out policy for such sites in the Green Belt.

7. Policy CS6 of the Woking Core Strategy (2012) states that within Green Belt boundaries strict control will continue to apply over inappropriate development, as defined by Government policy outlined in the NPPF; that should now be taken to be the revised NPPF (2018). Policy DM13 of the Development Management Policies DPD (2016) sets out that, unless 'Very special circumstances' can be 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 Green Belt, and that exceptions to this, subject to other Development Plan policies, are detailed within the NPPF and in Policy CS6.
8. Policy CS14 of the Woking Core Strategy (2012) is specific to gypsies, travellers and travelling showpeople, stating that provision is to be made for necessary additional pitches in the Borough between 2017 and 2027 over the plan period with sites to meet the need identified within the Site Allocations Development Plan Document (DPD). In addition to setting out the sequential approach to be taken in identifying sites for allocation through the Site Allocations DPD Policy CS14 also sets out the following criteria to be taken into consideration when determining any planning applications for non allocated sites, as in this instance:
 - The site should have safe vehicular access from the highway and have adequate parking provision and turning areas.
 - The site should have adequate amenity for its intended occupiers, including space for related business activities.
 - The site should not have unacceptable adverse impacts on the visual amenity and character of the area.
 - The site should have adequate infrastructure and on-site utilities to service the number of pitches proposed.
 - The site should have safe and reasonable access to schools and other local facilities.
9. Paragraphs 145 and 146 of the NPPF (2018) set out certain categories of development that is inappropriate in the Green Belt, together with exceptions to this. Paragraph 143 of the NPPF (2018) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in 'Very special circumstances'. Paragraph 144 adds that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
10. In allowing the previous appeal the Inspector gave the status of the application site as Previously Developed Land (PDL) substantial weight. In the *R (oao Lee Valley RPA) v Broxbourne BC v Britannia Nurseries* [2015] EWHC 185 (Admin) judgment the High Court found that PDL status is an 'other consideration' that can sometimes lead to 'Very special circumstances'.
11. However such PDL status does not in itself preclude development from being inappropriate in the first place. This leads to consideration of the revised paragraph 145g) of the NPPF (2018), and specifically the new second limb where the test is not to cause substantial harm to the openness of the Green Belt. However, that complete paragraph concerns the construction of buildings, and the application proposal is for the stationing of mobile homes. The other relevant change is in paragraph 146e) of the NPPF (2018), where a material change of use of land need not be inappropriate development provided it preserves openness and does not conflict with the purposes of the Green Belt. However, there would be a reduction in openness, and that should

be considered therefore as not preserving openness so that the exception in paragraph 146e) does not apply. The proposal is inappropriate development in the Green Belt and as stated in paragraph 144 of the NPPF (2018), substantial weight should be given to any harm to the Green Belt. Therefore the existence of harm arising from inappropriateness is a main issue in determining the application.

12. In the light of the preceding, the other main issues in determining the application are:
 - the effect of the development on the openness of the Green Belt and the character and appearance of the surrounding area;
 - its effect on the living conditions of the occupiers of the dwellinghouse at The Stable Yard, with particular reference to external amenity space;
 - the adequacy of living conditions on the site for the occupiers of the mobile homes, with particular reference to the availability of facilities required for day-to-day domestic existence and the particular needs of gypsies and travellers;
 - the implications of the development for ecological interests, with particular reference to the proximity of the TBH SPA; and
 - whether the harm by reason of inappropriateness and any other harm arising from the above issues is clearly outweighed by other considerations, including the personal circumstances of the applicant's family, unmet need for gypsy and traveller sites and the site's status as PDL and, if so, whether there exist 'Very special circumstances' which justify the granting of planning permission.
13. In allowing the previous appeal the Inspector concluded that the compound in which the mobile homes are located benefits from lawful use rights for the operation, parking and maintenance of commercial vehicles and although such activity does not currently take place on the relevant part of the wider site, it is nonetheless well-established as part of the mixed use spanning the wider site and may spread to other parts of the site without the need for planning permission. Accordingly, the applicant enjoys a lawful fall-back position that could be implemented on the relevant part of the site should the current application fail. Nothing suggests that this would not be exploited, under the applicant's ownership or that of a successor in title, in the event that a residential planning permission is not forthcoming. The fall-back position is therefore an important material consideration to which substantial weight must be attached in assessing all the main issues.

Openness, character and appearance

14. The application site occupies an area outside the built confines of any settlement defined by the Development Plan and therefore, for the purposes of planning policy, is located in the countryside. Despite the lawful commercial use referred to above and a substantial, albeit low density, residential presence in the vicinity, the area is resolutely rural in character. For the most part, dwellings along Guildford Road are set well back from the highway behind substantial screening such that their contribution to the prevailing spacious and sylvan sense of place is muted.
15. However, in allowing the previous appeal the Inspector considered that the area where the mobile homes are located is set behind a high, dense screen of well-established hedging which appears to be in good condition and likely to provide an effective visual barrier for some years to come. The Inspector also found that the site is also well-screened from the public right of way to the north and the A320 to the west, such that, at most, the mobile home compound can only be glimpsed obliquely through the site entrance when its gates are fully open. The Inspector was therefore satisfied that the scheme allowed on appeal, which is the same as that now sought

permanently, had minimal adverse implications for the character and appearance of the locality, at least in the short term.

16. The Inspector found that the effect of the mobile homes on the openness of the Green Belt would be more significant. Openness is identified in paragraph 133 of the NPPF (2018) as one of the essential characteristics of Green Belts. Inevitably, it is eroded by any item of substantial size, such as a mobile home, by simple reason of the fact that it occupies three-dimensional space, irrespective of its visual prominence.
17. Whilst that was the case the Inspector found that the regular parking of large vehicles in the existing compound pursuant to the applicant's lawful fall-back position would have a similar effect on openness and would, in all likelihood, occur in due course should that appeal have failed. The Inspector therefore found that the additional harm stemming from the appeal which was allowed, over and above that associated with the fall-back position, would therefore be limited. Accordingly, the Inspector attached limited weight to the issue of character, appearance and openness and found no serious conflict with the objectives of Policies CS6, CS21 or CS24 of the Woking Core Strategy (2012), the PPTS or the NPPF in that regard. This reasoning remains equally applicable at the current time because no material changes have occurred in the application site circumstances or planning policy since the previous appeal decision which would alter this conclusion.

Living conditions of neighbouring residents

18. In refusing planning permission, which was subsequently allowed on appeal, the Local Planning Authority criticised the existing compound and its proposed use for the stationing of static mobile homes on the basis that it would reduce the extent of the external amenity area available to the occupiers of the established dwelling at The Stable Yard. SPD Outlook, Amenity, Privacy and Daylight (2008) advises that, where appropriate, the area of private garden should approximate with the gross floorspace of the dwelling (subject to the character of the local context) but should always be as large as the building footprint of the dwellinghouse except in the most dense urban locations.
19. The Inspector noted that the SPD sets out guidance on achieving suitable amenity in new residential developments *whilst safeguarding those attributes of adjoining residential areas* [italicised emphasis of Inspector] and therefore accepted that its objectives apply to the garden areas of existing dwellings as well as those of new build development. The Inspector was also mindful that the existing garden/sitting out area associated with the established dwelling is confined to a limited expanse of hard surfacing immediately adjacent to the building which, in terms of coverage alone, falls considerably short of the minimum standard prescribed by the SPD. However, the Inspector set out that any concerns in this regard must be tempered by two factors in particular; firstly, neither of the planning permissions that governed the establishment of the existing dwelling are explicit in specifying the extent of the associated external amenity area. There are no conditions to that effect and on the evidence put before the Inspector, including the approved plans, the extent of the lawful curtilage of the dwelling was considered to be open to interpretation. Secondly, and conclusively, the compound benefits from lawful use for haulage-related commercial purposes by reason of the 2002 appeal decision, such that its potential function as a domestic garden or yard could not be enforced effectively in any event.
20. The Inspector stated that they saw or heard nothing of substance to the effect that the land in question had previously been an amenity area incidental to the dwelling and at

the appeal hearing, the applicant maintained that it had never been used as such during his time at the property. The Inspector therefore found no serious conflict with the Council's SPD in the context of this issue and attached very little weight to the non-availability of the land for amenity purposes.

Living conditions of the mobile home occupiers

21. In refusing PLAN/2013/0828 the Local Planning Authority stated that, in its perception, the siting of x2 mobile homes on the site would not provide facilities which would be suitable for all gypsies and travellers. Having regard to advice set out in the publication Designing Gypsy and Traveller Sites – Good Practice Guide (the GPG), issued by the DCLG (now MHCLG) in May 2008, the Inspector shared these concerns. This prescribes, amongst other things, the need to provide, for each pitch, space for a large trailer and touring caravan, parking for two vehicles, drying space for clothes, a lockable shed and a small garden. The Inspector set out that two pitches would require at least one amenity building subdivided into two semi-detached units to include, as a minimum, hot and cold water and electricity supplies, a separate toilet and hand wash basin, a bath/shower room and a kitchen and dining area, required to meet the expectations of many gypsies that washing and dining facilities should be kept separate from sleeping accommodation.
22. The current application relates specifically to the compound and excludes all other land belonging to the applicant except for the vehicular access. The Inspector set out that the compound alone could not possibly accommodate two static mobile homes plus all the other essential facilities listed above and that whilst the proposal would meet the short term requirements of the existing occupiers, who the applicant advised would be content to keep their touring caravans elsewhere, it would not be suitable for many gypsies and travellers.
23. The two mobile homes contain washing, bath/shower room, toilet and cooking facilities such that their occupiers are not dependent on facilities elsewhere on the applicant's property. However, whilst this is the case, the Inspector clearly stated that the lack of facilities within the confines of the pitches themselves would inevitably temper the contribution that the mobile homes make in helping to address any unmet need for gypsy and traveller accommodation in the Borough and set out that any planning permission would therefore still need to be personal to the existing occupiers, albeit without a tie to the applicant's continued occupation of the dwelling.
24. The Inspector therefore concluded that the pitches fell short of the objectives and expectations of the PPTS, GPG and Policy CS14 of the Woking Core Strategy (2012) in terms of the living conditions available to their occupiers and that it therefore followed that unfettered planning permissions would undermine national and local objectives for the quality of gypsy and traveller pitches and thus cause harm to an interest of acknowledged importance. Moreover, the Inspector found that substantial weight should be attached to these shortcomings such that, at best, any planning permission would need to be subject to a personal occupancy restriction.

Ecological interests

25. The application site lies in close proximity (400m - 5km) to the Thames Basin Heaths Special Protection Area (TBH SPA). The Inspector recognised the harmful cumulative effects that even small scale residential development such as the stationing of gypsy and traveller mobile homes can have on the ecological interests of the SPA, by simple reason of increased human and predatory animal activity in close proximity to it. The

Inspector concluded that it was therefore a potentially harmful impact that, if significant, must be mitigated one way or another through the planning process.

26. Gypsy and traveller caravans and mobile homes do not constitute 'chargeable development' for the purposes of the CIL Regulations 2010. Consequently, a charge specifically covering SANGS (Suitable Alternative Natural Green Spaces) payments associated with development such as that proposed could not be included within the CIL Charging Schedule.
27. However the SANGS charge in the Schedule for 'chargeable development', such as conventional new-build residential development, has been set at a level which is high enough to mitigate the harm arising from 'non-chargeable development' such as affordable housing and gypsy and traveller caravans and mobile homes.
28. As the stationing of gypsy and traveller caravans and mobile homes is not CIL-chargeable, such development is not subject to the five-obligation limit imposed by Regulation 123(3)(b) of the 2010 Regulations. In any event, SAMM (Strategic Access Management and Monitoring) payments are not captured by Regulation 123(3) as the monitoring they relate to is, in effect, revenue expenditure rather than being a 'project' or type of infrastructure in itself. SAMM requirements relating to gypsy and traveller caravans cannot therefore be subsumed within the CIL Charging Schedule in the same way as SANGS provisions.
29. The applicant has applied for permanent planning permission although no unilateral undertaking (under Section 106) to secure the SAMM component of the SPA Avoidance Strategy tariff has been submitted with the application, nor has reference been made to any willingness or intention to submit such an undertaking.
30. The Inspector concluded that they were in no doubt that, if permanent, the appeal scheme (identical to the current application), in combination with other residential developments, would adversely affect the integrity of the SPA in the event that a SAMM payment was not secured. As the applicant had not provided a valid obligation of any kind the Inspector attached substantial weight to the consequential harm to the ecology of the SPA and found that the appeal scheme (identical to the current application), if permanent, would be contrary to the underlying objectives of Policies CS7 and CS8 of the Woking Core Strategy (2012), the Avoidance Strategy and the relevant provisions of the NPPF.
31. However, it is also pertinent that during the previous appeal proceedings the Local Planning Authority and the applicant shared common ground to the effect that, were a temporary planning permission to be granted, a SAMM payment could not be justified as the consequences of the additional short term, small scale residential presence on the site for the ecology of the SPA would be insignificant. The Inspector found no reason to disagree as long as any planning permission was of no more than three years' duration.

Other considerations

32. It will now be considered whether there are other considerations which might weigh against the harm arising from inappropriate development in the Green Belt and other main issues.

Need for gypsy and traveller sites

33. At the time of the previous appeal hearing the Local Planning Authority anticipated that the examination of the Site Allocations DPD would take place in March 2016 with adoption following in July 2016. The Inspector expressed that these dates, whilst possibly achievable, were somewhat optimistic and additionally, a period to facilitate the actual delivery of allocated sites must then be allowed for.
34. With regard to unmet need, the Council's Annual Monitoring Report (AMR) for 2014/15, which would have been the most up-to-date document at the time of the appeal decision, recorded a cumulative delivery of 0 pitches; which is to say that there was neither unmet need nor a surplus of pitch provision at that point. In the most recently published AMR (2016/17), there is a projected cumulative delivery of -4 pitches by 2017/18. This is based on the assumption of zero gypsy and traveller pitch planning permissions being granted in the year 2017/18, which has indeed been the case. Therefore there is at present an unmet need for 4 pitches within the Borough, and it should be recognised that unmet need has intensified to a certain degree since temporary planning permission was granted at the site in August 2015.
35. Nonetheless, there are important countervailing considerations. There is currently a planning application pending consideration for x6 additional pitches in the Borough on a site being promoted within the Regulation 19 Site Allocations DPD for Travellers' accommodation. Should the Local Planning Authority be minded to approve this pending application, there would be a surplus of 0.7 pitches by the end of 2018/19. Moreover, Policy E of the PPTS states that "*subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.*" On this basis, unmet need in and of itself is not sufficient grounds to constitute 'Very special circumstances'.
36. Indeed, in any case, Policy CS14 of the Woking Core Strategy (2012) outlines a planned mechanism for meeting the need for gypsy, travellers and travelling showpeople pitches. It specifies that "*the Council will make provision for necessary additional pitches for Gypsies and Travellers and Travelling Showpeople in the Borough between 2017 and 2027 over the plan period. Sites to meet the need will be identified in the Site Allocations DPD.*" Although the Site Allocations DPD has yet to be adopted, and can therefore only be afforded very limited weight at the current time, its preparation is sufficiently advanced to identify sites to meet the Borough's identified need over the plan period. A draft of the DPD has already been published for Regulation 18 consultation, and it is clear that sufficient land has been identified to meet the identified need over the plan period.
37. When addressing the need for traveller pitches in the Borough, in allowing the previous appeal, the Inspector identified that the Council "*does not have a supply of specific deliverable sites gypsies and travellers sufficient to provide five years' worth of sites against locally set targets, so as to accord with Policy B of the PPTS.*"
38. The PPTS policy to which the Inspector was referring is as below:

"Local planning authorities should, in producing their Local Plan:
a) Identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets."

39. At present, it remains the case that the Local Planning Authority cannot demonstrate a five year supply of deliverable gypsy and traveller pitches. However, while this circumstance remains unchanged, it does not, in isolation, carry particular weight in this instance. Paragraph 27 of the PPTS provides that:

“If a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt.”

40. In this instance, the application is for a permanent permission on Green Belt land. Therefore lack of a demonstrable five year supply of deliverable gypsy and traveller pitches does not, in isolation, form an overriding ‘Very special circumstances’ consideration in this case although it is capable of contributing towards a potentially cumulative ‘Very special circumstances’ case.

Alternative accommodation

41. With regard to lack of alternative accommodation, the Inspector found at the time of the previous appeal that:

“On the balance of probabilities...no alternative accommodation appropriate to [the prospective occupants’] gypsy status is available to the families at the present time. Upholding the enforcement notice would therefore be likely to force them back to the road. I attach substantial weight to this.”

42. No evidence has been submitted by the applicant to the effect that suitable alternative accommodation beyond the temporary planning permission (which has now expired) remains unavailable. Therefore the lack of alternative accommodation cannot be afforded significant weight in determining the current application.

Personal circumstances

43. During the previous appeal the applicant advised that the desire of both families to continue living on the site for the time being stemmed for the most part from aspirations for their children. At the time of the previous appeal the oldest child was 5, each couple had a toddler aged 2, and there was a baby aged 7 months. The Inspector was mindful that in the case of *Jane Stevens v SSCLG & Guildford BC* [2013] EWHC 792 (Admin) it was found that, where gypsy families include children, rights under Article 8 of the European Convention on Human Rights as incorporated by the Human Rights Act 1998 have to be interpreted in the light of international law. In the Supreme Court Ruling *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4, Lord Kerr found that *“where the best interests of the child clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them.”* The ‘best interests’ of children are therefore a primary consideration in such cases, reflecting Article 3(1) of the United Nations Convention on the Rights of the Child.
44. At the time of the appeal decision the Inspector found that *“remaining on the appeal site for even a limited period of time would allow the families to maintain their independence and enhance their quality of life”* and that *“taking to the road at the present time would, undoubtedly, be to the detriment of the children’s needs”*. When this consideration was made, *“the oldest child [was] already of school age, whilst the*

two toddlers [were] due to start pre-school." Circumstances have now changed such that four of the six children are currently enrolled at a local primary school, continued attendance at which is clearly in their best interests. That the best interests of the children in this case clearly favour a certain course is indisputable; their educational needs would be best served by remaining in their current place of residence, within easy access of their existing primary school. This weighs heavily in favour of granting planning permission.

45. The Inspector was satisfied that the need for gypsy and traveller pitches generally and the individual characteristics of these particular families were quite distinct and that these matters therefore carried substantial weight in the balancing process.

Previously developed land

46. In the context of discussing the concept of inappropriate development in the Green Belt, the Inspector placed emphasis on the fact that the site forms PDL, referencing that in the *Lee Valley* judgment it was found that PDL status is an 'other consideration' for the purposes of the NPPF that can sometimes lead to 'Very special circumstances'. The Inspector afforded that status substantial weight. This PDL status remains unchanged from the time of the appeal decision and therefore weighs in favour of granting planning permission.

Additional matters

47. The Inspector found that there was no cogent evidence that the subject residential use would have an adverse impact on the living conditions of residents beyond the confines of the applicants' land or would be likely to do so in the future, particularly in the context of the ongoing commercial use. The Inspector also found nothing to substantiate the view that mobile homes would have adverse implications for highway safety and that conflict within the wider site itself between residential and commercial activity was not an issue at the time of the appeal decision and the Inspector found no reason why it need become so in the future. These findings remain unchanged.

Planning Balance

48. The proposal constitutes inappropriate development in the Green Belt which, as specified within the NPPF (2018), carries substantial weight against granting planning permission. However, because the key site and planning policy circumstances remain unchanged since the appeal decision, the findings of the Inspector that the proposal has no harmful implications for the character and appearance of the surrounding area and only a limited effect on the openness of the Green Belt over and above the likely impact of the lawful fall-back position, carry significant weight in determination of the current application. The Inspector also found that the consequences of the proposal for the external amenity of the occupiers of the existing dwelling were insignificant; again this finding carries significant weight in determination of the current application.
49. The Inspector found that matters including an unmet need for gypsy and traveller pitches, an absence of alternative accommodation, the personal circumstances of the applicant's family and the PDL status of the land, all weighed substantially in favour of granting planning permission but that the two exceptions to this were the shortcomings of the pitches in terms of size and facilities and the potential for harm to SPA interests in the absence of a legal obligation that is fit for purpose, both of which weighed heavily against the establishment of the proposal on a permanent basis. Consequently, the Inspector found that the attributes of the proposal could not

outweigh the harm arising unless the planning permission was personal to the Dunphy family and of limited duration.

50. However, the Inspector found that, at the time of the appeal decision, the unmet need for sites was such that, despite the shortcomings of the proposal and the Green Belt location, the harm thus caused would be clearly outweighed if permission were limited to a three year period. The implications of two pitches for the SPA over such a short period were concluded to be insignificant, whilst impermanence would preclude the categorisation as a 'release of Green Belt land' contrary to Policy E of the PPTS.
51. The Inspector therefore considered three years to be a suitable lifespan for the planning permission in this case, as by the end of that period, more suitable gypsy and traveller sites sufficient to cater for the long term needs of the Borough should have been identified through the Site Allocations DPD process, with a sufficient proportion of them deliverable so as to amount to the required five year supply.
52. Considering the need for gypsy and traveller sites, the personal circumstances and the PDL status of the site in combination, the weight of countervailing factors demonstrating that harm to the Green Belt would be outweighed by other considerations remains essentially unchanged from the appeal decision. While the lack of alternative sites cannot at present be afforded significant consideration, the applicants' personal circumstances now weigh more heavily in favour of planning permission being granted. So too does the unmet need for gypsy and traveller sites; the unmet need having increased since the appeal decision.
53. However, it must be noted that these factors were only considered of sufficient weight to justify a temporary planning permission by the Inspector. In large part, this was because of the Inspector's concerns regarding the *"shortcomings of the pitches in terms of size and facilities and the potential for harm to SPA interests in the absence of a legal obligation that is fit for purpose."* These were found to *"both weigh heavily against the establishment of either appeal scheme on a permanent basis."*
54. The concern regarding harm to the SPA can be relatively easily addressed. As the Inspector noted, *"were [he] minded to grant a permanent permission pursuant to either of the current appeals, [he] would expect to see a completed section 106 obligation providing for such a payment."* The same would apply in the case of the current application; were the Local Planning Authority minded to permit the application on a permanent basis, it should be permitted subject to a S106 legal agreement securing a SAMM (Strategic Access Management and Monitoring) payment.
55. More difficult to address is the size of the pitches and their lack of capacity for essential infrastructure. In this regard, there are two provisions of Policy CS14 of the Woking Core Strategy (2012) which are not satisfactorily addressed by the current application:
 - *"The site should have adequate amenity for its intended occupiers...[and]*
 - *The site should have adequate infrastructure and on-site utilities to service the number of pitches proposed."*
56. The reasoned justification text to Policy CS14 provides that *"the layout of proposed sites/pitches should comply with the design principles set out by Government practice guidance which is currently in the form of 'Designing Gypsy and Traveller Sites.'"* Although this document has been withdrawn, no replacement has been issued, and it

therefore remains useful in identifying the ways in which the application fails to address the above provisions of CS14.

57. Two provisions within this document are particularly salient:

- *"It is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area...Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle."*
- *"It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self contained semi-detached units"*

58. The current application does not include any of the above features and in this sense cannot be considered to provide adequate amenity, infrastructure or on-site utilities for the occupants. Furthermore, there is concern that the site lacks the spatial capacity to accommodate any of these. This consideration is lent credence by the Inspector's contention that:

"The compound alone could not possibly accommodate two static mobile homes plus all the other essential facilities listed above [in the Appeal Decisions document]. Again, the proposal would meet the short term requirements of the existing occupiers of the caravans, who the Appellant advises would be content to keep their tourers elsewhere. However, it would not be suitable for many gypsies and travellers."

59. Given that 'the compound' referred to above constitutes the majority of the site to which the current application pertains, it is considered that the proposal site is not large enough, and is therefore unsuitable, to accommodate the proposed use in the long term.

60. To return to the *"three overarching objectives [of the planning system]"* set out in the NPPF, it is likely that issuing a permanent permission would run contrary to objective B, principally the intention *"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations."* In light of the above concerns regarding the size of the site and its capacity to accommodate adequate infrastructure, facilities and amenities, it is unlikely that the proposal would facilitate homes that would meet the needs of future generations. This is corroborated by the Inspector's contention regarding the site that *"unfettered planning permissions would undermine national and local objectives for the quality of gypsy and traveller pitches and thus cause harm to an interest of acknowledged importance."*

61. By this analysis, a permanent planning permission is likely to be unsuitable unless the above conditions are met. The harm to the Green Belt by reason of inappropriateness, in combination with the essential unsuitability of the site, outweighs the countervailing factors (unmet need for pitches, the lack of a demonstrable five year supply of pitches, personal circumstances and PDL) such that a permanent permission is unlikely to be justifiable.

62. In conducting this balancing exercise, regard has been given to a number of legal considerations. The Public Sector Equality Duty provides that:

“(1) a public authority must, in the exercise of its functions, have due regard to the need to –

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

63. The relevant protected characteristic in this instance is the proposed occupants' Gypsy and Traveller status. Particular consideration has been given to provision 3b of the Duty which clarifies clause 1(b):

“having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular to the need to...take steps to meet the needs of persons who share relevant protected characteristic that are different from the needs of persons who do not share it.”

64. The need in question is for gypsy and traveller pitches which, at present, is partially unmet within the Borough. However, while this is currently the case, the Local Planning Authority is confident that the plan-led process is sufficiently advanced to identify sites to meet the Borough's identified need over the plan period. In this regard, the Local Planning Authority is taking steps to provide for the need for gypsy and traveller pitches in the Borough.

65. A further consideration is that Article 8 of the European Convention on Human Rights is also engaged by the current application:

- 1. “Everyone has the right to respect for his private and family life, his home and his correspondence.*
- 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”*

66. It should be recognised that the Green Belt has a particular purpose - to maintain its openness - and inappropriate development can only be justified by 'Very special circumstances'. This aim has been balanced with Article 8 cited above, and it is considered that this purpose, taken in combination with the concerns regarding the adequacy of amenity, infrastructure and facilities provision, is sufficient to justify interference in this instance.

67. On balance, without a 'Very special circumstances' case to justify why the (now expired) temporary planning permission should become permanent, and without the necessary measures to meet the amenity and infrastructure requirements of Policy CS14 of the Woking Core Strategy (2012), there is insufficient evidence to support the permanent use of the site for the proposed development.

68. However, whilst a permanent planning permission is considered to be unacceptable, a further temporary planning permission is considered to be appropriate because, with the possible exception of the unavailability of alternative accommodation, the same circumstances that justified a temporary planning permission for the site in 2015 still apply. It is noted that the Planning Practice Guidance (PPG) states that *“it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so.”*

69. However, when the appeal was allowed and temporary permission granted for PLAN/2013/0828, the Inspector reasoned that three years was:

“a suitable lifespan for permissions in this case as, by the end of that period, more suitable gypsy and traveller sites sufficient to cater for the long term needs of the Borough should have been identified through the development plan process, with a sufficient proportion of them deliverable so as to amount to the required five year supply.”

70. The Inspector also found that:

“both the refusal to grant permanent planning permissions and the granting of time limited permissions would interfere with the family’s Article 8 rights. However, I am satisfied that, as suitable and reasonably local alternative sites would in all probability be available for them to relocate to in three years’ time, they would not be made homeless at that point. The refusal of permanent permissions and the granting of temporary ones are both therefore proportionate in the terms of the 1998 Act”.

71. It is noted that the Planning Practice Guidance (PPG) states that *“it will rarely be justifiable”*, as opposed to imposing a blanket prohibition on the granting of a second temporary planning permission. On these grounds, this is considered to be a circumstance in which a second temporary planning permission is justifiable, because suitable and reasonably local alternative sites are not available for the applicant’s family to relocate to as the Inspector envisaged three years’ ago, and the refusal of planning permission would likely result in the current mobile home occupants being made homeless at that point.

72. The temporary grant of planning permission is however recommended subject to a personal occupancy condition because, in allowing the previous appeal, the Inspector found that:

“the proposal would meet the short term requirements of the existing occupiers of the caravans, who the Appellant advises would be content to keep their tourers elsewhere. However, it would not be suitable for many gypsies and travellers.”

73. The same reasoning applies in the case of the current application. Overall it is envisaged that by the end of a further three year period (ie. October 2021), more suitable gypsy and traveller sites sufficient to cater for the long term needs of the Borough should have been identified through the Site Allocations DPD process, with a sufficient proportion of them deliverable so as to amount to the required five year supply. Suitable and reasonably local alternative sites would in all probability be available for the mobile home occupiers to relocate to in three years’ time, such that they would not be made homeless at that point.

CONCLUSION

74. Having regard to the above, it is considered that 'Very special circumstances' exist which justify the granting of a second temporary planning permission subject to a three year time limit. In doing so, it is considered that the relevant objectives of Policies CS6, CS7, CS8, CS14, CS21 and CS24 of the Woking Core Strategy (2012), the Council's SPD and Avoidance Strategy, the GPG and the relevant provisions of the NPPF and PPTS would either be complied with or that other material considerations justify a departure therefrom without setting an unacceptable precedent. In such circumstances a planning obligation relating to the protection of the SPA is unnecessary.
75. Residential occupancy of the mobile homes on the site must be limited to Patrick and Michael Dunphy and their dependants to reflect the fact that planning permission is justified in this case primarily by an unmet need for gypsy/traveller pitches and the fact the existing pitches, whilst acceptable to those individuals, are not of sufficient quality to cater for all gypsies and travellers. In view of the personal occupancy restriction, there is no need for conditions limiting occupancy to gypsies and travellers.

BACKGROUND PAPERS

Site visit photographs

Consultation responses from County Highway Authority (CHA) (SCC)

Consultation response from Environmental Health

Consultation response from Planning Policy

RECOMMENDATION

Grant temporary planning permission of three years duration subject to recommended conditions:

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

J001404 PL01A (Block Plan / OS Extract), dated 25.10.13 and received by the Local Planning Authority on 26.07.2018.

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

02. The planning permission hereby granted shall be for a limited period expiring three years from the date of this decision. At the end of this period the use hereby permitted shall cease and all mobile homes, caravans, buildings, structures, materials and equipment brought on to, or erected on the land or works undertaken to it in connection with the use shall be removed. The land shall then be restored to its former condition with immediate effect in accordance with a scheme of work which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: Planning permission has been granted on a temporary basis in view of the personal circumstances of the applicant and extended family and other circumstances at the time of this decision. The condition is required to review the development hereby permitted in light of the Site Allocations DPD process in accordance with Policies CS6, CS14 and CS21 of the Woking Core Strategy (2012).

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03. The site shall contain no more than two pitches at any one time. These shall be restricted to the area edged red on drawing no J001404 PL01A. Each pitch shall contain no more than one static mobile home or caravan at any one time, all of which shall be caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended.

Reason: To prevent an inappropriate intensification of use of the site in the interests of amenity and preserving the character and appearance of the area in accordance with Policies CS6, CS14, CS21 and CS24 of the Woking Core Strategy (2012).

04. Any mobile home or caravan stationed on the site pursuant to this permission shall contain within it cooking, washing, bath/shower room and toilet facilities.

Reason: To ensure that adequate facilities are available for occupiers of the mobile homes without dependency upon the dwelling house of Stable Yard in accordance with Policy CS14 of the Woking Core Strategy (2012) and the provisions of the NPPF (2018).

05. The mobile homes/caravans on the site shall be occupied only by Patrick and Michael Dunphy and their dependants. In addition to compliance with the time limit set out in condition 02, if the mobile homes/caravans cease to be occupied by Patrick and Michael Dunphy and their dependants, the use hereby permitted shall cease and all mobile homes, caravans, buildings, structures, materials and equipment brought on to, or erected on the land or works undertaken to it in connection with the use shall be removed. The land shall then be restored to its former condition with immediate effect in accordance with a scheme of work which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: Planning permission has been granted on a temporary basis in view of the personal circumstances of the applicant and extended family and other circumstances at the time of this decision. The condition is required to review the development hereby permitted in light of the Site Allocations DPD process in accordance with Policies CS6, CS14 and CS21 of the Woking Core Strategy (2012).

06. No more than one commercial vehicle per pitch, which shall be solely for the user of the residential occupiers of the site and shall be less than 3.5 tonnes in weight, shall be stationed, parked or stored on this site. Other than vehicle parking as described, no commercial use shall take place on the site at any time.

Reason: To preserve the character, appearance and general amenities of the area and the residential amenities of neighbouring and nearby properties from undue noise and disturbance in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2018) and the provisions of the NPPF (2018).

07. No external lighting in addition to or replacing that already in place shall be installed on the site unless details have first been submitted to and approved in writing by the Local Planning Authority, including hours of use and intensity and direction of illumination. The installation shall take place as approved.

Reason: To protect the general amenities of the area and the residential amenities of neighbouring and nearby properties from potential nuisance arising from light spill in accordance with Policy CS21 of the Woking Core Strategy (2012) and the provisions of the NPPF (2018).

08. The existing vehicle parking and turning areas at the premises shall be permanently retained and maintained for their designated purposes.

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 NPPF (2018).

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 the National Planning Policy Framework (NPPF) (2018).
02. 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.
03. All caravan/mobile home sites are required to be licensed by the Caravan Sites and Control of Development Act 1960. The site licence will be issued subject to conditions having regard to amenity and fire safety. For further information and to submit a licence application, for which a fee is payable, please go online http://www.woking.gov.uk/planning/envhealthservice/housing/caravan_site or contact the Council's Environmental Health Service on 01483 743840.

