

12 DECEMBER 2017 PLANNING COMMITTEE

5b 17/1075 Reg'd: 22.08.17 Expires: 17.10.17 Ward: HE
Nei. 26.10.17 BVPI Minor Number 16/8 On No
Con. Target dwellings (13) of Weeks Target?
Exp: on Cttee'
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LOCATION: Apple Trees Place, Cinder Path, Woking, GU22 0HD

PROPOSAL: Erection of first floor extension to create 1no. new flat (studio) and second floor extension to extend 1no. existing flat. Formation of additional parking.

TYPE: Full Application

APPLICANT: Sinclair Solomons Ltd

OFFICER: Benjamin Bailey

REASON FOR REFERRAL TO COMMITTEE

The proposal results in a net residential unit through extensions; a development type which falls outside the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

Erection of first floor extension to create 1no. new flat (studio) and second floor extension to extend 1no. existing flat. Formation of additional parking.

Site Area: 0.25 ha (2500 sq.m)
Existing units: 21
Proposed units: 22
Existing density: 84 dph (dwellings per hectare)
Proposed density: 88 dph

PLANNING STATUS

- Urban Area
- Tree Preservation Order (Ref: TPO/0039/2007)
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Contaminated Land suspected

RECOMMENDATION

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

SITE DESCRIPTION

Apple Trees Place is sited off Cinder Path which is accessed from College Lane. The site has significant level changes within it, and is surrounded by residential properties also lying upon land with significant level changes. Cinder Path is a single track carriageway which terminates with a pedestrian footpath. The path sits at a lower level than all adjacent plots and the residential properties which lie either side of the carriageway are set back from their frontages and on undulating land.

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The occupation of Apple Trees Place was previously restricted by planning condition, applied during the 1970s, to persons nominated by and under the care of a registered charity. This condition was removed by application reference PLAN/2014/0726 during 2015. The building occupies the centre of the site and spreads out towards the front and rear to create 'wings'. The building makes use of the pronounced slope in the land, with single, two and three storey elements and a central courtyard. The rear of the site is laid partially to sloping lawn, and the site boundaries are relatively well screened by vegetation and several significant trees protected by Tree Preservation Order.

The front wing of the building is two storey and sited above a retaining wall which borders three car parking spaces adjacent to the carriageway of Cinder Path. Vehicular access is taken from Cinder Path at the south-eastern part of the site and ascends the slope towards the west to parking spaces set alongside this internal driveway and to the south-west of the site on higher ground. A retaining wall supports part of the driveway and the eight parking spaces to the rear.

RELEVANT PLANNING HISTORY

PLAN/2017/1072 - Erection of second floor extension (including 2no. front dormers and 1no. side rooflight) to create 1no. new flat (2 bedroom) and part second floor, part three storey extension to extend 2no. existing flats. Formation of additional parking.
Pending Consideration

AMEND/2017/0061 - Non-material amendment to PLAN/2017/0168 dated 15.06.2017 (Section 73 application to vary condition 01 of PLAN/2014/0726 dated 19.02.2015 (Removal of Condition 5 (restricting occupation of flats to persons nominated by and under the care of a registered charity) of permission 75/1370 dated 03.02.1976) to retrospectively revise the car parking layout and for siting of enclosed bin storage area) for relocation of car parking space no.8.
Non-material amendment permitted (09.10.2017)

PLAN/2017/0168 - Section 73 application to vary condition 01 of PLAN/2014/0726 dated 19.02.2015 (Removal of Condition 5 (restricting occupation of flats to persons nominated by and under the care of a registered charity) of permission 75/1370 dated 03.02.1976) to retrospectively revise the car parking layout and for siting of enclosed bin storage area (amended plans received 24.05.2017).
Permitted subject to conditions (15.06.2017)

PLAN/2016/1183 - Erection of second floor extension to provide 1No. 1 Bedroom apartment and 1No. Studio apartment, erection of first floor extension to provide 2No. Studio apartments (4No. apartments total) and formation of 4No. new car parking spaces.
Refused (24.01.2017) for the following reasons:

01. The proposed building extensions, by reason of their overall height, mass, form, appearance and resultant relationship with the sloping ground level of the site, the reduction in visual separation and uplift in bulk and mass in relation to the southern site boundary and the reduction in existing variance in differing proportions and scales apparent within the existing building, would result in a significantly more urban, overbearing and oppressive structure at odds with the overriding characteristics of built form within the surrounding area. Furthermore the extension of existing hardstanding to accommodate car parking would urbanise the appearance of the site and result in the loss of an area of existing soft landscaping, whilst the provision of suitable refuse and recycling bin storage has not been demonstrated. The proposal would therefore fail to respect and make a positive

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contribution to the character of the area contrary to Policy CS21 of the Woking Core Strategy 2012, Section 7 of the National Planning Policy Framework (2012) and Supplementary Planning Document 'Design (2015)'.

- 02. That three of the four additional proposed residential units fall short of the relevant minimum Technical Housing Standards - Nationally Described Space Standard (March 2015) is symptomatic of a cramped and contrived form of development which would both fail to represent high quality design and fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers contrary to the core principles of the National Planning Policy Framework (2012) (paragraph 17), policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)'.*
- 03. In the absence of up-to-date arboricultural information in accordance with British Standard 5837:2012, and which takes into account previously constructed vehicular hardstanding, it has not been demonstrated how the proposed additional vehicular hardstanding area would be constructed without resulting in adverse impact upon nearby protected trees which are of significant amenity value. The proposal is therefore contrary to policy CS21 of the Woking Core Strategy 2012, policy DM2 of the Development Management Policies DPD (2016) and the core principles of the National Planning Policy Framework 2012.*
- 04. In the absence of up-to-date site investigation information which relates to the application proposal and current site conditions, it has not been demonstrated that there is no unacceptable risk of pollution within the site or in the surrounding area, contrary to Section 11 of the National Planning Policy Framework (2012) and policy DM8 of the Development Management Policies DPD (2016).*
- 05. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the four additional residential units would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").*

COND/2015/0054 - Discharge condition 1 of PLAN/2014/0726.
Condition 1 discharged (31.07.2015)

PLAN/2014/0726 - Proposed removal of Condition 5 (restricting occupation of flats to persons nominated by and under the care of a registered charity) of permission 75/1370 dated 03/02/1976.
Permitted subject to conditions (19.02.2015)

PLAN/2010/0639 - Demolition of existing residential development and erection of 22 no. housing units comprising 4 x 1 bed flats, 16 x 2 bed flats and 2 x 2 bed maisonettes with associated access, parking and landscaping. (Amended plans received 22/9/10).
Refused (25.11.2010) - Allowed on appeal (24.05.2011)

PLAN/2007/0275 - Demolition of existing residential development and erection of 24 units comprising 5 x 1 bed and 19 x 2 bed flats with associated access, parking and landscaping. (Amended plans received 16.04.07).
Refused (19.06.2007)

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75/1370 - The execution of site works, the carrying out of alterations, the conversion of existing house into 1No. 2 bedroom flat, 1No. 1 bedroom flat, and guest room and the erection of an extension comprising 2No. 1 bedroom flats, 17No. 1 person flats, common room, a washroom and boiler room.
Permitted subject to conditions (13.02.1976)

CONSULTATIONS

- County Highway Authority (SCC):** The CHA notes that the application site is on Cinder Path, a private road outside of the jurisdiction of the CHA, therefore an assessment has been carried out at the point the local highway network is reached - the junction between Cinder Path and College Lane. The additional dwellings proposed by the applicant are unlikely to represent a significant or severe impact in terms of highway safety or capacity compared to the vehicular load currently served by this junction. Therefore the CHA raises no objection on these grounds.
- Contaminated Land Officer (WBC):** No objection subject to condition 4.
- Waste Services (WBC):** To be reported verbally at Planning Committee.

REPRESENTATIONS

x12 letters of objection have been received raising the following main points:

- High density of over-development
- Impact upon parking provision
- Out of character
- Plans are in essence the same as the previous refused plans, particularly if taken in conjunction with PLAN/2017/1072
(*Officer Note: Each application must be assessed on its individual merits. The current application does differ from refused PLAN/2016/1183*)
- Omissions and inaccuracies of submitted plans
- Would look more like a block of flats
- Reduction in green planted space due to new parking spaces would increase surface water runoff
- Impact of contamination
- Impact of additional vehicle movements/volume in Cinder Path
- Car park and bin store are unsightly
(*Officer Note: The existing car park and bin store are lawful*)
- Loss of privacy
- Approval may set a precedent for future developments in the roof space and surrounding garden grounds
(*Officer Note: Each application must be assessed on its individual merits*)
- The bin store is unauthorised

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(Officer Note: As of an officer site visit undertaken on 17.11.2017 the unauthorised bin store has been removed from the front of the site and a replacement bin store has been constructed in the location approved under PLAN/2017/0168)

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012)

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS8 - Thames Basin Heaths Special Protection Areas

CS10 - Housing provision and distribution

CS11 - Housing mix

CS12 - Affordable housing

CS18 - Transport and accessibility

CS21 - Design

CS25 - Presumption in favour of sustainable development

Development Management Policies DPD (2016)

DM8 - Land Contamination & Hazards

Supplementary Planning Documents (SPDs)

Outlook, Amenity, Privacy and Daylight (2008)

Design (2015)

Parking Standards (2006)

Affordable Housing Delivery (2014)

Other Material Considerations

National Planning Practice Guidance (NPPG)

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

Thames Basin Heaths Special Protection Area Avoidance Strategy

Waste and recycling provisions for new residential developments

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

PLANNING ISSUES

1. The main planning issues to consider in determining this application are:

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring amenity
- Amenities of future occupiers
- Highway safety and parking implications
- Thames Basin Heaths Special Protection Area (TBH SPA)
- Affordable Housing
- Contaminated Land

having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Principle of development

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2. The application site is situated within the designated Urban Area, outside of the 400m (Zone A buffer) of the Thames Basin Heaths Special Protection Area (TBH SPA) and outside of identified fluvial and surface water flood zones. The predominant surrounding land use is residential and the existing building to which the application relates is within residential use.
3. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for 4,964 net additional dwellings in the Borough between 2010 and 2027. The justification text for 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. Policy CS10 of the Woking Core Strategy (2012) sets out an indicative density range of between 30 - 40 dph for infill development within the rest of the Urban Area (ie. those areas outside of Woking Town Centre, West Byfleet District Centre and Local Centres).
5. The existing density of the application site is 84 dph (dwellings per hectare). The proposed development would increase this density to 88 dph. Whilst this is the case density itself is not determinative of overdevelopment of the site. The impact upon the character of the area, in terms of siting, mass and scale, the level of parking provision and the relationship formed with neighbouring dwellings, must also be considered.

Design and impact upon the character of the area

6. One of the core principles of the National Planning Policy Framework (NPPF) (2012) is to seek to secure high quality design. Furthermore Policy CS21 of the Woking Core Strategy (2012) states that buildings should respect and make a positive contribution to the street scene and the character of the area paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
7. Whilst the built form of Apple Trees Place differs, as existing, from the detached dwellings which characterise Cinder Path the existing building is itself part of the grain and character of the area and is not obviously out of keeping with the pattern of generally detached dwellings around it. The application site has significant level changes within it, and is surrounded by residential properties also lying upon land with significant level changes. The building occupies the centre of the site and spreads out towards the front and rear. The building makes use of the pronounced slope in the land, with single, two and three storey elements and a central courtyard. The front wing of the building is two storey and sited above a retaining wall which borders a small car parking area adjacent to the carriageway of Cinder Path. The rear wing utilises the pronounced level changes and is single storey in scale to its southern elevation although increases to two storey scale to the north. The remaining area is laid to lawn to the west of the building and rises in ground level from east to west. The proposed extensions are restricted to the southern section of the rear wing of the existing building.
8. The proposed rear wing extension would form an almost twin element of southern gable on the site of the existing single storey element. A new hipped element would occur to the north of this. Whilst a similar extension to this element of building was refused under PLAN/2016/1183 that application also proposed the erection of extensions to the front wing of the building and would have resulted in 4no. net

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dwellings. The current application proposes only extensions to the rear wing of the building and would result in 1no. net dwelling and extend 1no. existing dwelling. The eaves height of the extension proposed over the existing single storey element is also lower than the eaves height proposed under PLAN/2016/1183 with the extension currently proposed also stepping down from the height of the existing southern gable end to respect the sloping ground level within the site, which was not the case to the extent currently proposed in terms of refused PLAN/2016/1183.

9. Whilst the existing level of separation between the existing single storey element to be extended over and the southern side boundary would decrease at first floor level in comparison to the existing situation a minimum of approximately 8 metres separation would be retained to the southern side boundary which is considered sufficient to avoid a cramped or contrived appearance within the site, particularly taking into account the reduced eaves and maximum heights of the extension now proposed in comparison to that proposed under PLAN/2016/1183. Furthermore, the profile of the proposed extension, when viewed from Cinder Path to the north-east, would occur predominantly against the profile of the existing building. Whilst existing elements of pitched roof would be replaced by vertical elevations the extension would nonetheless appear clearly subordinate in scale to the host building when viewed from Cinder Path.
10. Whilst PLAN/2016/1183 proposed to extend the existing hardstanding to the rear (west) of the existing building to provide 4no. new parking spaces, alongside vehicle manoeuvring space, the current application proposes to provide 2no. new parking spaces to the south-west of the existing rear wing on a lawned margin. Whilst the provision of 2no. parking spaces in this location would slightly reduce the level of soft landscaping within the site this additional parking provision would occur within the context of existing immediately adjacent parking spaces and would not encroach into the primary area of amenity space to the rear (west) of the site as previously proposed under PLAN/2016/1183.
11. The existing building of Apple Trees Place, whilst forming one structure, is made up of various elements of differing proportions and scales. The proportions of the various elements, as defined by the changes in the roof scape, the changes in height and their relative orientation with the remainder of the building are similar to those of other buildings within the immediate area (ie. depths of between 9.0m and 12.0m and primarily two storey in height as viewed from Cinder Path). Whilst it is acknowledged that the resulting rear wing would be bulkier than existing the proposed extension is nonetheless considered to break up the roofscape and retain the existing variance in differing proportions and scales apparent within the overall building of Apple Trees Place to an acceptable extent so as to avoid a significantly urbanising or oppressive effect upon the character of the area and Cinder Path.
12. Overall, taking into account the factors discussed above, the resulting building of Apple Trees Place is considered to respect the character of the area and pay due regard to the scale, height, proportions, layout, materials and other characteristics of adjoining buildings and land in accordance with Section 7 of the National Planning Policy Framework (NPPF) (2012), Policy CS21 of the Woking Core Strategy (2012) and SPD 'Design (2015)'.

Impact upon neighbouring amenity

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

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avoiding significant harmful impact in terms of loss of privacy, light, or an overbearing effect due to bulk, proximity or loss of outlook. Further guidance on assessing neighbouring amenity impacts is provided within SPD 'Outlook, Amenity, Privacy and Daylight (2008)'.

Coplow Cottage:

14. Coplow Cottage is sited at an angle to the application site to the south-east with openings facing largely north-west and south-west and is separated from the application site by planting along the common (southern) boundary. Due to the obliquely angled nature of the common boundary the proposed extension would be located between approximately 8.0m and 12.0m from the common boundary with Coplow Cottage and would occur towards the terminus of the rear amenity space of Coplow Cottage. Taking into account the retained separation distances, together with the scale and form of the proposed extension, it is not considered that a significantly harmful impact, by reason of potential loss of light or overbearing effect, due to bulk, proximity or loss of outlook, would occur to Coplow Cottage, or to its rear amenity space, contrary to policy CS21.
15. The proposed extension would demonstrate two traditional windows within the southern (side) elevation together with a full height window and traditional window, also at first floor level within the eastern (front) elevation. It is a material consideration that the east-facing windows would demonstrate a very similar relationship with Coplow Cottage to windows proposed within refused application PLAN/2010/0639, subsequently allowed on appeal, with the Planning Inspector considering that distance would preclude the prospect of any harmful overlooking to Coplow Cottage. Whilst it is acknowledged that these new openings would facilitate some outlook towards the south and east, due to the cumulative factors of the retained levels of separation, planting along the common (southern) boundary and the depth of the rear amenity space serving Coplow Cottage, combined with the conclusions of the Planning Inspector in allowing the appeal against refusal of PLAN/2010/0639, it is not considered that a significantly harmful loss of privacy or overlooking would occur to Coplow Cottage contrary to Policy CS21.

Other properties outside of the application site

16. Taking into account the retained separation distances, taken together with the scale and form of the proposed extension, it is not considered that a significantly harmful impact, by reason of potential loss of light, loss of privacy or overbearing effect, due to bulk, proximity or loss of outlook, would occur to properties outside of the red-lined application site, other than Coplow Cottage (which is assessed above) contrary to Policy CS21.

Existing flats within Apple Trees Place

17. In terms of the impact upon other existing flats within Apple Trees Place the proposed extension would be largely offset from the front wing to the north-east. Whilst part of the second floor extension proposed would occur opposite part of the existing front wing, which is set on a lower ground level, a separation distance measuring a minimum of approximately 11.5m would be retained between the resulting rear wing and the existing front wing.
18. SPD 'Outlook, Amenity, Privacy and Daylight (2008)' states that "*outlook from a principal window will generally become adversely affected when the height of any*

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vertical facing structure exceeds the separation distance from the window” and also recommends that suitable daylight to an existing dwelling is achieved where an unobstructed vertical angle of 25° can be drawn from a point taken from the middle of each of the existing window openings. Taking into account the fall in ground level which occurs between the rear wing (as proposed) and the front wing (as existing) the resulting separation distance from openings within the front wing would exceed the height of the vertical facing element of the proposed extension. The proposed extension is therefore not considered to adversely affect outlook from openings to the extent that a significantly harmful overbearing effect would occur to existing flats within the front wing contrary to Policy CS21.

19. The proposed extension would also comply with the 25° angle test for retaining suitable daylight to south-west facing openings within the existing front wing. Furthermore the openings within the existing front wing, which face towards the area of the proposed extension, serve a living room and bedroom which are also served by openings within the north-east elevation (living room) and south-east elevation (bedroom). Taking all of the above into account it is considered that the proposed rear wing extension would achieve a satisfactory relationship to existing flats within the front wing, avoiding significantly harmful impact in terms of potential loss of privacy, loss of light, or overbearing effect due to bulk, proximity or loss of outlook.

Amenities of future occupiers

20. Although not locally adopted the Technical Housing Standards - Nationally Described Space Standard (March 2015) identifies a minimum gross internal floor area (GIA sq.m) for 1 bedroom, 1 person, 1 storey dwellings, measuring 39 sq.m. The proposed studio flat would measure 40 sq.m GIA and would therefore accord with these standards. The second floor level extension to an existing flat would increase the GIA of this existing flat from 23 sq.m to 46 sq.m. and again would accord with the Technical Housing Standards - Nationally Described Space Standard (March 2015). It is considered that a good standard of outlook, daylight and sunlight would be achieved to habitable rooms within both the new and extended flats.
21. Both the new and extended flats, in measuring 40 sq.m and 46 sq.m respectively, would fall below the 65 sq.m gross floorspace which SPD ‘Outlook, Amenity, Privacy and Daylight (2008)’ identifies as being suitable for family accommodation. SPD ‘Outlook, Amenity, Privacy and Daylight (2008)’ states that *“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 65 sq.m floorspace”*. It is therefore considered that the absence of private amenity space to serve the resulting flats is acceptable, and would remain commensurate with the existing situation at Apple Trees Place in which flats benefit from communal amenity space.

Highway safety and parking implications

22. SPD ‘Parking Standards (2006)’ sets maximum parking standards, with the objective of promoting sustainable non-car travel. It advises that where car parking provision falls below the stated maximum standard the scheme needs to be examined to ensure it does not have an adverse impact upon highway safety, the free flow of traffic or parking provision in the locality. More recently, Policy CS18 of the Woking Core Strategy (2012) highlights the Council’s commitment to sustainable transport modes. With this in mind new development is steered to urban locations served by a range of sustainable transport options.

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23. The NPPF (2012) states that in setting local parking standards local planning authorities should take into account the accessibility of the development; the type and mix of the development; the availability and opportunities for public transport; local car ownership levels; and the need to reduce the use of high emission vehicles.
24. The application proposal includes the formation of 2no. additional car parking spaces on the site. The existing site contains 21no. flats and 21no. car parking spaces. The proposed development would provide 1 net studio flat, and would extend 1 existing studio flat to a 1 bedroom flat, although the relevant parking standard to serve this extended flat would not alter over and above the existing situation. SPD 'Parking Standards (2006)' identifies a maximum car parking standard, outside of the High Accessibility Zone, of 1 car parking space per 1 bedroom dwelling, stating that "*for car parking the standards define the maximum acceptable provision for the most common forms of development. Provision above this level will not normally be permitted. A minimum requirement will not normally be imposed unless under provision would result in road safety implications*". The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (Paragraph 32). The proposed development would comply with SPD 'Parking Standards (2006)'.
25. The increase in vehicle movements associated with the provision of 1 net studio flat, and the extension of 1 existing flat (from studio to 1 bedroom) is considered unlikely to cause highway safety problems or be otherwise unacceptable in comparison to the existing situation. The County Highway Authority (SCC) has been consulted on the application and comment that "*the application site is on Cinder Path, a private road outside of the jurisdiction of the CHA, therefore an assessment has been carried out at the point the local highway network is reached - the junction between Cinder Path and College Lane. The additional dwellings proposed by the applicant are unlikely to represent a significant or severe impact in terms of highway safety or capacity compared to the vehicular load currently served by this junction. Therefore the CHA raises no objection on these grounds*".
26. In light of the above it is considered that the provision of on-site parking proposed would mitigate any additional pressure upon car parking which would arise as a result of the 1 net studio flat proposed and that the proposed development would not result in undue pressure upon the availability of off-site parking in the locality or have a materially adverse impact upon the free flow of traffic and highway safety. The proposed development is therefore considered to comply with the National Planning Policy Framework (2012), Policy CS18 of the Woking Core Strategy (2012) and SPD 'Parking Standards (2006)'.

Thames Basin Heaths Special Protection Area (TBH SPA)

27. The application site falls within the 400m - 5km (Zone B) buffer of the Thames Basin Heaths Special Protection Area (TBH SPA). The TBH SPA is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended).
28. Policy CS8 of the Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres, of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

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29. The Suitable Alternative Natural Greenspace (SANG) element of the TBH SPA avoidance tariff is encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the TBH SPA avoidance tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of **£487** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy as a result of the uplift of 1no. studio dwelling which would arise from the proposal. The applicant is preparing a Legal Agreement to secure this financial contribution.
30. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the TBH SPA and therefore accords with Policy CS8 of the Woking Core Strategy (2012) and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy'.

Affordable Housing

31. 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. However, following a Court of Appeal judgment in May 2016, the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. These circumstances include that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000 sq.m.
32. Whilst it is considered that weight should still be afforded to Policy CS12 of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). As the proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000 sq.m, no affordable housing financial contribution is therefore sought from the application scheme.

Contaminated Land

33. The application site appears as potentially contaminated land on the Council's records. Paragraph 120 of the NPPF (2012) advises that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate to its location. Policy DM8 of the Development Management Policies DPD (2016) seeks to ensure, amongst other things, that sites are suitable for the proposed use and states that, where a development site is known or suspected of being impacted by contamination, an appropriate level of supporting information should accompany any proposal for development and should typically consist of a desk-based study and site walkover as a minimum.
34. The application is supported by a Stage 1 Desktop Study and Preliminary Risk Assessment Report by Your Environment (Ref: YE3275), dated August 2017. The Council's Scientific Officer has been consulted upon the application, has reviewed the submitted report, and raises no objection to the proposed development subject to recommended condition 4.

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35. Overall, subject to recommended condition 4, the proposed development is considered to accord with the provisions of the NPPF (2012) and Policy DM8 of the Development Management Policies DPD (2016).

LOCAL FINANCE CONSIDERATIONS

36. The proposed development would be Community Infrastructure Levy (CIL) liable to the sum of **£8,723** (including the April 2017 Indexation).

CONCLUSION

37. Overall the principle of development is considered to be acceptable and the resulting building of Apple Trees Place is considered to respect the character of the area and pay due regard to the scale, height, proportions, layout, materials and other characteristics of adjoining buildings and land. The proposed development is considered to result in an acceptable impact upon neighbouring amenity, to provide a good standard of amenity to future occupiers and to result in acceptable highway safety and parking implications. Thames Basin Heaths impacts can be mitigated by way of the adopted Avoidance Strategy with contaminated land implications addressed via the recommended planning condition.
38. Having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance the proposal is therefore considered to be an acceptable form of development which complies with Sections 4, 6, 7 and 11 of the National Planning Policy Framework (NPPF) (2012), Policies CS1, CS8, CS10, CS11, CS12, CS18, CS21 and CS25 of the Woking Core Strategy (2012), Policy DM8 of the Development Management Policies DPD (2016), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)', 'Design (2015)', 'Parking Standards (2006)' and 'Affordable Housing Delivery (2014)', South East Plan (2009) (Saved policy) NRM6, the Thames Basin Heaths Special Protection Area Avoidance Strategy and the National Planning Practice Guidance (NPPG). It is therefore recommended that planning permission is granted subject to conditions and planning obligations as set out below.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation response from County Highway Authority (SCC)
3. Consultation response from Contaminated Land Officer (WBC)

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	£487 SAMM (TBH SPA) contribution.	To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy (2012) and The Thames Basin Heaths Special Protection Area (SPA) Avoidance Strategy.

RECOMMENDATION

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

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

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

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

B - 2451 Revision B (Location Plan), dated 05.09.2014 and received by the Local Planning Authority on 21.08.2017.

1855/1B Revision 3 (Alterations & Extensions Block Plan (West)), dated 15 Aug 17 and received by the Local Planning Authority on 21.08.2017.

1855/10 (Existing Ground & First Floors), dated 5 Apr 17 and received by the Local Planning Authority on 02.10.2017.

1855/11 Revision 1 (Second Floor & Elevations - Existing), dated 27 Jun 17 and received by the Local Planning Authority on 02.10.2017.

1855/12 (Proposed West Block Ground & First Floor), dated 30 Sept 17 and received by the Local Planning Authority on 02.10.2017.

1855/13 (Proposed West Block Second Floor), dated 30 Sept 17 and received by the Local Planning Authority on 02.10.2017.

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

3. The external finishes of the development hereby permitted shall match those used in the existing building in material, colour, style, bonding and texture unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To preserve the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD 'Design (2015)' and Section 7 of the National Planning Policy Framework (NPPF) (2012).

4. ++ The development hereby permitted shall not commence (including any demolition works) until a scheme to deal with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

(ii) The above scheme shall include:-

(a) a contaminated land desk study and suggested site assessment methodology;

(b) a site investigation report based upon (a);

(c) a remediation action plan based upon (a) and (b);

(d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;

and (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d)

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(f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out

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

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the Development Management Policies DPD (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).

5. The development hereby permitted shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan (Drawing No. 1855/1B) for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor inconvenience other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (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 (NPPF) (2012). The application was considered to be acceptable as initially submitted.
2. 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.
3. This decision notice should be read alongside the related legal agreement.
4. The development hereby permitted is subject to the Community Infrastructure Levy (CIL). The charge becomes due when development commences. A Commencement Notice, which is available from the Planning Portal website (Form 6: Commencement Notice:
https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf) must be issued to the Local Planning Authority and all owners of the relevant land to notify them of the intended commencement date of the development.
5. For the avoidance of doubt, the following definitions apply to the above condition 4 relating to contaminated land:

Desk study- This will include: -

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

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

Site Investigation Report: This will include: -

- (i) a relevant site investigation including the results of all sub-surface soil, gas and groundwater sampling taken at such points and to such depth as the Local Planning Authority may stipulate.
- (ii) a risk assessment based upon any contamination discovered and any receptors.

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

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

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

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

Validation strategy: This shall include : -

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

All of the above documents, investigations and operations should be carried out by a qualified, accredited consultant/contractor in accordance with a quality assured sampling, analysis and recording methodology. In addition to this it is expected that best practice guidance from authorities such as the EA, British Standards, CIRIA and NHBC would be followed where applicable.

6. The applicants attention is specifically drawn to the condition above marked ++. This condition requires 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. The applicant is advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Local Planning Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.