

## 14 JANUARY 2020 PLANNING COMMITTEE

**6A PLAN/2019/0534**

**WARD: SJS**

**LOCATION:** 136 Kingsway, Woking, Surrey, GU21 6NR

**PROPOSAL:** Erection of a two storey building with accommodation in the roof space comprising 5x self-contained flats (3x two bed & 2x one bed) and a ground floor unit in Use Class D1 (non-residential institution) unit and associated parking, bin and cycle storage following demolition of existing two storey building in use as a orthodontic clinic (D1 Use).

**APPLICANT:** Mrs Nicola Humphrey

**OFFICER:** David Raper

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

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

### **SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is for the erection of a two storey building with accommodation in the roof space comprising 5x self-contained flats (3x two bed & 2x one bed) and a ground floor unit in Use Class D1 (non-residential institution) unit and associated parking, bin and cycle storage following demolition of existing two storey building in use as a orthodontic clinic (D1 Use). The proposal includes the provision of six off-street parking spaces, partially within in an undercroft below a first floor element of the building.

### **PLANNING STATUS**

- Urban Area
- Surface Water Flood Risk
- Thames Basin Heaths SPA ZoneB (400m-5km)

### **RECOMMENDATION**

GRANT planning permission subject to conditions and Section 106 Agreement to secure a SAMM contribution.

### **SITE DESCRIPTION**

The proposal relates to a two storey building in use as an Orthodontic Clinic. The original part of the building fronting Kingsway dates from the Victorian/Edwardian era with two later two storey extensions to the rear. An existing parking forecourt is sited to the west of the building. The surrounding area is residential in character and is predominately characterised by two storey detached and semi-detached dwellings dating from the Edwardian and inter-war period.

### **RELEVANT PLANNING HISTORY**

- PLAN/2018/0956 - Erection of a three storey building comprising 8x self-contained flats (5x two bed & 3x one bed) and associated parking, bin and cycle storage following demolition of existing two storey building in use as a orthodontic clinic (D1 Use) – Withdrawn 02/11/2018

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- PLAN/1997/0240 - Change of use of first floor from offices to orthodontist treatment rooms and supporting ancillary areas - existing ground floor treatment rooms to be retained – Permitted 10/07/1997
- PLAN/1996/0115 - Conversion and extension of ground floor to form orthodontic surgery and retention of first floor offices – Permitted 28/03/1996
- 85/0054 - Erection of additional office accommodation over existing single storey extension and provision of parking – Permitted
- 84/1119 - Erection of additional office accommodation at ground and first floor level and provision of parking – Refused
- 80/0450 – Alterations and extension to first floor – Refused
- 28515 – Single storey extension and use as offices – Permitted
- 27056 – Change of use shop and residential accommodation to offices – Permitted 01/04/1971
- 26996 – Change of use shop and residential accommodation to showroom and offices – Refused

### **CONSULTATIONS**

- **County Highway Authority:** No objection subject to conditions.
- **Drainage and Flood Risk Engineer:** No objection subject to conditions.
- **Arboricultural Officer:** No objection subject to conditions.
- **Waste Services:** No objection.
- **Scientific Officer:** No objection subject to conditions.
- **Surrey Wildlife Trust:** No comments received.

### **REPRESENTATIONS**

A total of 11x objections have been received raising the following summarised concerns:

- Proposal would be out of character with the area
- Proposal would cause overlooking
- Proposal would be overbearing and cause loss of light
- Proposed building would be taller and closer to neighbours than the existing building
- Proposal would effectively be three storeys
- Proposal would provide insufficient parking
- There is already parking pressure in the area
- The flats would not have adequate amenity space
- Detached dwellings would be more appropriate
- Proposal would be an overdevelopment of the site
- Proposed D1 use could result in disturbance to neighbours

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- The construction phase would cause noise, dust, congestion and disruption

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2019):

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

#### 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

CS18 - Transport and accessibility

CS19 - Social and community infrastructure

CS21 - Design

CS22 - Sustainable construction

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

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

DM2 - Trees and Landscaping

#### Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

### **BACKGROUND**

Amended plans were received on 27/11/2019 and 13/12/2019 which made the following amendments:

- Previously proposed balconies have been removed
- Windows and dormer windows have been removed or re-sited
- Internal layouts have been amended
- Changes to elevations and design features
- Indicative layout of proposed D1 unit shown

The proposal has been assessed based on these plans.

### **PLANNING ISSUES**

#### Principle of Development:

1. The use of the proposal site is as an Orthodontic Clinic which is a D1 use (non-residential institution). The use is understood to have been operated until 31<sup>st</sup> March 2018 and the premises is understood to have been vacant since this date. The proposal is to demolish the existing building to erect a building comprising 5x flats and a D1 unit at ground floor level.

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2. Core Strategy (2012) policy CS19 'Social and Community Infrastructure' states that:  
*"The loss of existing social and community facilities or sites will be resisted unless the Council is satisfied that:*
  - *there is no identified need for the facility for its original purpose and that it is not viable for any other social or community use, or*
  - *adequate alternative facilities will be provided in a location with equal (or greater) accessibility for the community it is intended to serve*
  - *there is no requirement from any other public service provider for an alternative social or community facility that could be met through change of use or redevelopment"*
3. Furthermore, Section 8 'Promoting healthy and safe communities' of the NPPF (2019) states that *"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should;...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day need"* and *"ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community"*.
4. The proposal incorporates the provision of a D1 unit at ground floor level measuring 63m<sup>2</sup> in floor area. The submitted floor plans indicate how the proposed D1 use could be laid out internally to provide two consulting rooms along with reception and staff areas. Whilst the proposal would result in a D1 unit which is significantly smaller than the existing unit, the proposal would not result in the loss of the use and the proposed unit is considered of a sufficient size to be viable and to continue to provide a facility for the local community. The applicant also draws attention to the fact that the area is well-served by dental practices (for example two on Goldsworth Road).
5. Overall the proposal is considered consistent with the aims of policy CS19 and is not considered to result in the undue loss of a community facility. The proposed development can therefore be considered acceptable in principle in land use terms subject to the detailed considerations set out below.

### Impact on Character:

6. The proposal site is positioned at the end of Kingsway, which is a residential road characterised by detached and semi-detached two storey dwellings dating from the Edwardian and inter-war era. The surrounding area including The Triangle and Triggs Lane to the south-west are characterised by dwellings of similar ages and styles. The proposal site occupies a prominent position at the end of Kingsway and fronts onto a roundabout which is flanked by a large area of open amenity land to north of the site and a grassed area of amenity land to the west with a wooded area beyond.
7. The part of the existing building which fronts onto Kingsway directly abuts the pavement and dates from the Victorian/Edwardian era and has some architectural merit however the building has been extended substantially and unsympathetically to the rear. The demolition and replacement of the building can be considered acceptable subject to the design of the proposed development and its relationship with the street scene. Whilst the surrounding area is predominately characterised by two storey dwellings, the existing building on the site already differs in form to surrounding development and a block of flats close to the proposal site at No.212 Goldsworth Road has recently been considered acceptable (PLAN/2018/0456).

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8. The proposed development is predominately two storeys with accommodation in the roof space served by rooflights and dormer windows and with a maximum ridge height ranging from 9.8m-10.5m. Whilst this is approximately 1.8m-2.5m taller than No.134 Kingsway, the corner position of the proposal site facing towards the roundabout is considered to justify a greater height and scale of development. Furthermore, the proposed building would be positioned approximately 5m from the side boundary with No.134 Kingsway to the east and 10.4m from this neighbour itself which is considered to diminish the perceived difference in height and scale in the street scene along Kingsway. The building is predominately two storeys and is considered consistent with the overall scale and character of development in the area.
9. Whilst the building would be positioned forward of the building line along Kingsway, this would be consistent with the existing situation whereby the existing building directly abuts the pavement. The building would be set-back between 1m and 5.2m from the footpath due to the staggered building line which allows for soft landscaping to the frontage.
10. The proposed building adopts a varied hipped roof form and, staggered building line and projecting gable features which helps to break-up the bulk and massing of the building. The proposed building adopts a traditional design approach, picking up on the Victorian and Edwardian architecture of the surrounding area through the use of brick and tile hanging, timber detailing and contrasting soldier and string courses which all add visual interest and design quality of the building. The building includes a projecting gable feature and windows on the south-west elevation and the building is considered to address the nearby roundabout and adds interest to a prominent corner position. As a result on the above the proposed building is considered well-proportioned and sympathetic to the character of the surrounding area.
11. Overall the proposed building is considered to exhibit good quality design and is considered of an appropriate form, scale and massing for its corner position. The proposal is therefore considered a visually acceptable form of development which would have an acceptable impact on the character of the surrounding area.

### Impact on Neighbours:

12. Core Strategy (2012) policy CS21 'Design' requires development proposals to '*Achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook*'. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) recommends minimum separation distances for different relationships including 20m for rear-to-rear relationships and 10m for front-to-boundary relationships at two storey level and 30m and 15m respectively for three storey development.

### *Strathmore, Triggs Lane:*

13. This neighbour is positioned to the south-west and this neighbour's garden is bordered by the proposal site; this neighbour has a relatively close relationship with the proposal site. This neighbour's rear elevation is orientated slightly away from the proposal site towards the south-east but includes habitable room windows on the flank elevation including a ground floor bay window and first floor bedroom window although these rooms are also served by windows on the rear elevation.
14. The existing building already has a relatively close relationship with this neighbour and the two storey elevation is positioned approximately 2m from the boundary and is positioned approximately 13.2m from this neighbour at its nearest point. The existing

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building also features first floor windows on the south-east and south-west facing elevations.

15. The proposed building would have an eaves height of between 5.1m and 5.5m and would have a predominately hipped roof with a maximum ridge height of 10.5m; the building would be positioned within 0.8m of the boundary of Strathmore's rear garden at its nearest point however this is towards the end of this neighbour's rear garden. The proposed building would be positioned 10.8m from this neighbour at its nearest point. The proposed building would not be positioned directly opposite any of the windows of this neighbour and is positioned to the north of this neighbour and its rear garden. The proposal is not therefore considered to result in an undue loss of light impact or overbearing impact on this neighbour or its rear garden compared to the existing situation.
16. In terms of window openings, there are no proposed openings at first floor on the south-east elevation facing this neighbour's garden, there are however windows and rooflights at first and second floor level on the south-west-facing elevation. The first floor window nearest this neighbour would serve a bedroom and the centre of the window would be positioned approximately 12m from the windows on the flank elevation of this neighbour at its nearest point. The window would not directly face this neighbour's rear elevation or its rear garden however if a 45° line is taken from the window then the separation distance to the boundary is 7m. Whilst this falls short of the recommended minimum distance of 10m for front-to-boundary relationships set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008), the oblique view from the window is considered to mitigate the potential overlooking and loss of privacy impact. There would also be rooflights in the same elevation at second floor level which would be positioned approximately 8m from the boundary and 14m from the neighbour itself. Again, the oblique angles involved means that these windows are not considered to result in undue overlooking or loss of privacy. A rooflight is proposed in the south-east facing roof slope facing the amenity space of Strathmore however as this is a secondary window, this can be required to be obscurely glazed with restricted opening by condition.
17. It should also be borne in mind that the existing building features first floor windows in relatively close proximity to the boundaries. It is also borne in mind that both the proposal site and Strathmore form corner plots separated by an area of public amenity land and the windows would partially look across this area of public land; in such situations there is less expectation of privacy. It is acknowledged that the existing conifer trees on the site largely screen the existing building from view however these are not protected and could be removed at any time. Overall the proposal is not therefore considered to result in an unacceptable overlooking or loss of privacy impact on this neighbour compared to the existing situation.
18. Overall, the orientation of this neighbour and its rear garden and the orientation of the proposed development is considered to result in an acceptable impact on the amenities of this neighbour compared to the existing situation.

*Krsna, Triggs Lane:*

19. This neighbour is positioned further south of the proposal site than Strathmore and the proposed building would be positioned 17.2m from this neighbour at its nearest point and the windows at first floor level and above would not directly face this neighbour. The proposal is therefore considered to form an acceptable relationship with this neighbour.

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### *No.134 Kingsway:*

20. This is a detached dwelling which adjoins the site to the east. This neighbour is set-in at least 5.5m from the boundary with the proposal site and the proposed development would be positioned 5m from the boundary with this neighbour and 10.5m from the neighbouring dwelling itself.
21. The section of the building nearest this neighbour does feature first floor side-facing windows however as these serve a bathroom and as a secondary window, these can be required to be obscurely glazed with restricted opening by condition. The remaining first and second floor window openings on the proposed building are positioned on the rear projecting element which is set-in 11.4m from the boundary with this neighbour. Whilst the first and second floor windows would be positioned 11.4m from the boundary, this neighbour features a large double garage towards the rear of their plot. This means that the separation distance to the actual amenity space of this neighbour increases to approximately 17.4m and the windows would be positioned at least 18.6m from the dwelling itself, which is orientated over 90° away from the windows in question. This neighbour does feature a ground floor side-facing bay window however the separation distance of 18.6m is considered sufficient to avoid an undue overbearing or loss of privacy impact. It is also borne in mind that the existing building features several first floor windows which are positioned closer to this neighbour at present.
22. In terms of potential loss of light, the proposal would pass the '45° test' in plan and elevation form with front and rear-facing windows of this neighbour. This neighbour does feature a side-facing bay window and the proposed development would be approximately 12m from the window in question. The proposal would pass the '25° test' with this window and in any case, this window is likely to serve a dual-aspect room with primary windows on the rear elevation. The proposal is not therefore considered to result in an undue loss of light or overbearing impact on this neighbour.

### *Royal Oak Road:*

23. Neighbours on Royal Oak Road to the south have a rear-to-rear relationship with the proposed development. The rear gardens of these neighbours are in excess of approximately 22m in depth and the proposed building is considered a sufficient distance from these neighbours to avoid an undue loss of light or overbearing impact. The only rear-facing windows facing towards these neighbours are at first floor level and would be positioned 9m from the rear boundary and in excess of 30m from the rear elevations of these neighbours. The proposal is not therefore considered to result in an undue overlooking or loss of privacy impact on these neighbours.

### *Proposed D1 use:*

24. The proposed D1 use is considered a relatively innocuous use and would be of a reduced scale compared to the existing D1 use which has been operating on the site. The proposed D1 use is not therefore considered to result in an undue neighbour amenity impact compared to the existing situation.
25. Considering the points discussed above, overall the proposal is not considered to result in a significant impact on the amenities of neighbours in terms of loss of light, overbearing and overlooking impacts and therefore accords with Core Strategy (2012) policy CS21, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the National Planning Policy Framework (2019).

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

26. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes of the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
27. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The proposed development would require a SAMM financial contribution of **£3,124** based on a net gain of 3x two bedroom dwellings and 2x one bedroom dwellings which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. For the avoidance of doubt, sufficient SANG at Horsell Common has been identified to mitigate the impacts of the development proposal.
28. Subject to securing the provision of the SAMM tariff and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

### Transportation Impact:

29. The proposed development would utilise the existing vehicular access onto Kingsway and would provide a total of 6x off-street parking spaces. The Council's Parking Standards (2018) set minimum parking standards of 1x space per two bedroom flat and 0.5x spaces per one bedroom flat. This would equate to a minimum parking requirement of 4x spaces for the residential element of the proposed development.
30. In terms of the proposed D1 unit, the SPD sets maximum standards of one space per consulting room (or an individual assessment) for dental practices. The proposed plans identify two consulting rooms which would equate to a total of two spaces. The proposed provision of 6x off-street parking spaces therefore accords with the Council's Parking Standards (2018) and is considered to deliver sufficient parking. It is also borne in mind that on-street parking is available in the form of unrestricted



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parking bays opposite the proposal site. The County Highway Authority has been consulted and raises no objection subject to conditions.

31. An integral bin and cycle store is proposed close to the vehicular access point which allows for collection from Kingsway.
32. Overall the proposal is therefore considered to have an acceptable transportation impact.

### Standard of Accommodation:

33. The proposed flats would have internal floor areas ranging from 53m<sup>2</sup> to 69m<sup>2</sup> which would comply with the recommended minimum standards set out in the National Technical Housing Standards (2015). The ground floor flat would have access to an area of private amenity space; whilst the remaining flats would not have dedicated private amenity space, this is due to the constrained nature of the site and the potential overlooking impact which balconies would have on neighbours. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD states flats under 65m<sup>2</sup> do not require dedicated amenity space; three of the flats in question would be under 65m<sup>2</sup>. In any case the SPD offers guidance only and in this instance it is considered that the constrained nature of the site makes the provision of private amenity space undesirable. Overall the proposal is considered to offer an acceptable standard of accommodation for future residents when considering the constraints of the site and when balanced with the benefits of delivering five additional dwellings in an established urban area.

### Impact on Trees:

34. There are three trees within the proposal site which would be removed as part of the proposal; these are coniferous Lawson Cypress trees of around 16m and are 'B' and 'C' category trees as set out in the submitted Arboricultural Report. These trees are not protected by a Tree Preservation Order. There are also off-site trees which are relatively close to boundaries including a group of Leyland Cypress and Sycamore trees close to the southern boundary and a Silver Birch in the front garden of No.134 Kingsway. There is also a mature Oak tree on public amenity land to the west of the site. The submitted report details how off-site trees would be protected during construction which is considered acceptable by the Council's Arboricultural Officer, who also raises no objection to the removal of existing trees within the site.

### Impact on Drainage and Flood Risk:

35. The proposal site is within Flood Zone 1 and is therefore at low risk from flooding from rivers but parts of the proposal site and surrounding areas are classified as being at risk from surface water flooding. The Council's Drainage and Flood Risk Engineer has been consulted and raises no objection subject to a condition securing details of a sustainable surface water drainage scheme. Subject to this condition, the proposal is considered to result in an acceptable impact on surface water drainage and in terms of flood risk.

### Impact on Biodiversity:

36. The application is accompanied by a Preliminary Ecological Appraisal and Bat Report including an Emergence Survey which assesses the potential for the presence of protected species on the site. No bats were observed emerging or entering the building which is to be demolished and the submitted survey concludes that the

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building is likely absent of roosting bats. Overall levels of bat activity in the area were also recorded as being low. Based on the above, the proposal is therefore considered unlikely to detrimentally impact on roosting bats. The submitted Ecological Appraisal also concludes that there is a low potential for the presence of other species on the site however several recommendations and precautions are made with regards to the clearance of the site. Compliance with the recommended precautions set out in the submitted Ecological Appraisal can be secured by condition.

37. The submitted Preliminary Ecological Appraisal and Bat Emergence Survey also make recommendations with regards to potential measures to enhance the biodiversity of the site (e.g. bird and bat boxes and use of native plant/tree species). Specific details of biodiversity enhancement measures can be secured by condition. Overall the proposal is therefore considered to result in an acceptable impact on biodiversity.

### Housing Mix:

38. 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 result in 3x two bedroom flats and 2x one bedroom flats which is considered an appropriate housing mix for this location.

### Sustainability:

39. 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. This is expected to happen alongside the introduction of Zero Carbon Homes policy in late 2016. 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.
40. 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. Such conditions could be applied if the proposal were considered otherwise acceptable.

### Affordable Housing:

41. The recently revised National Planning Policy Framework (2019) states that affordable housing provision should not be sought for residential developments which are not 'major' developments (i.e. 10x units or more). Whilst 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 more recently published NPPF (2019). Contributions towards affordable housing are not therefore sought under this application.

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### Community Infrastructure Levy (CIL):

42. The proposal would be liable to make a CIL contribution of £7,476.92 based on a net increase in floor area of 48m<sup>2</sup>.

### CONCLUSION

43. Considering the points discussed above, overall the proposal is considered an acceptable form of development which would respect the character of the surrounding area and would have an acceptable impact on the amenities of neighbours and in transportation terms. The proposal would also re-provide a D1 use and would provide 5x new dwellings in an established urban area. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions and a Legal Agreement to secure a SAMM contribution.

### BACKGROUND PAPERS

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

### PLANNING OBLIGATIONS

The following obligation has been agreed by the applicant and will form the basis of the Legal Agreement to be entered into.

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	SAMM (SPA) contribution of <b>£3,124</b>	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

PERMIT 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:

074-02-21 Rev.A (Existing and Proposed Location Plan) received by the LPA on 27/11/2019

074-02-22 Rev.A (Existing Site Survey) received by the LPA on 30/05/2019

074-02-23 Rev.A (Proposed Site Layout) received by the LPA on 27/11/2019

074-02-24 Rev.B (Proposed Site Plan) received by the LPA on 13/12/2019

074-02-25 Rev.B (Proposed Ground Floor Plan) received by the LPA on 13/12/2019

074-02-26 Rev.B (Proposed First Floor Plan) received by the LPA on 13/12/2019

074-02-27 Rev.A (Proposed Second Floor Plan) received by the LPA on 27/11/2019

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074-02-28 Rev.B (Proposed Front and Flank Elevation) received by the LPA on 13/12/2019

074-02-29 Rev.A (Proposed Rear and Flank Elevation) received by the LPA on 27/11/2019

Unnumbered drawing named 'Building Elevations' (existing) received by the LPA on 19/06/2019

Unnumbered drawing named 'Ground Floor Plan' (existing) received by the LPA on 19/06/2019

Unnumbered drawing named 'First Floor Plan (existing) received by the LPA on 19/06/2019

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

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

Reason: In the interests of the visual amenities of the area.

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

5. ++ Prior to the commencement of the development hereby permitted a Method of Construction Statement, to include details of points (a) to (c) below, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented during the construction of the development hereby approved.
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials

Measures will be implemented in accordance with the approved Method of Construction Statement and shall be retained for the duration of the construction period. Only the approved details shall be implemented during the construction works unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity

6. The development hereby permitted shall take place in strict accordance with the Arboricultural Report from ACS (Trees) dated 29/05/2019 ref: ha/aiams2/19/136kingswy, including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity.

7. ++No above ground development associated with the development hereby permitted shall commence until a scheme detailing the proposed waste and recycling storage and management arrangements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development hereby permitted and maintained thereafter at all times in accordance with the agreed details.

Reason: In the interests of amenity and to ensure the appropriate provision of waste infrastructure.

8. ++No above ground development associated with the development hereby permitted shall commence until details of secure cycle storage for both the residential units and D1 unit have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained and made available for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided.

9. ++Prior to the commencement of the development hereby permitted, 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 shall be 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

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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.

10. Prior to the first occupation of the development hereby permitted, 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 permanently retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity.

11. The first floor windows in the north-east facing flank elevation of the development hereby permitted identified on the approved plans listed in this notice as serving 'Flat 4' and the rooflight in the south-east facing roof slope of the development hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor levels of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties.

12. The development hereby permitted shall take place in accordance with the precautions and recommendations set out in the within the Preliminary Ecological Appraisal and Bat Report dated 30/05/2019 prepared by Applied Ecology Ltd unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site.

13. ++Prior to any above ground works (excluding demolition) in connection with the development hereby permitted, details of the measures for the enhancement of biodiversity on the site, and a timetable for their provision on the site, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the agreed details prior to the first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site.

14. ++ Prior to the commencement of any above ground works in connection with the development hereby permitted (excluding demolition), written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:

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- 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.

15. 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.

16. 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.

17. No external lighting including floodlighting shall be installed until details (demonstrating compliance with the recommendations of the Institute of Lighting Engineers "Guidance Notes for Reduction of Light Pollution" and the provisions of BS

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5489 Part 9) have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of residential amenity.

18. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or Article 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting those Orders with or without modification) the use of the unit labelled 'D1 Unit' at ground floor level identified on the approved plans listed in this notice shall be restricted solely to uses falling within Use Class D1 (Non-Residential Institution) of The Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use whatsoever without the consent in writing of the Local Planning Authority.

Reason: To ensure that a D1 use is provided on site in accordance with the approved plans.

19. The D1 unit hereby permitted shall not be used/open to clients/customers and no deliveries shall be taken into or dispatched from the site outside the hours of 08:00 to 18:30 Monday-Saturday and not at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenities of the neighbouring properties.

### **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 (2019).
2. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs: [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. 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.



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5. 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](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).

6. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours:-

8.00 a.m. - 6.00 p.m. Monday to Friday

8.00 a.m. - 1.00 p.m. Saturday

and not at all on Sundays and Bank Holidays.

7. Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Trees should be inspected before any works commence and if the presence of bats is suspected advice will need to be sought from the English Nature Bat Line on 08708 339213. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).