

14 JANUARY 2020 PLANNING COMMITTEE

6B **PLAN/2019/0968** **WARD: Hoe Valley**

LOCATION: **The Eastern and Oriental, 53 Westfield Road, Westfield, Woking, Surrey, GU22 9NQ**

PROPOSAL: **Change of use of the ground floor restaurant (Class A3) to a retail store (Class A1), with extensions and alterations for the creation of 7no. flats (Class C3) (5x1 bed and 2 x 2 bed) on upper floors and associated car/cycle parking, refuse storage and landscaping and the demolition of single storey garage.**

TYPE: **Full Planning Application**

APPLICANT: **33WR Ltd** **OFFICER: William Flaherty**

REASON FOR REFERRAL TO COMMITTEE:

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

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the change of use of the ground floor restaurant (Class A3) to a retail store (Class A1) with extensions and alterations for the creation of 7x flats (Class C3) (5x1 bed and 2x 2 bed) on upper floors and associated car/cycle parking, refuse storage and landscaping and the demolition of a single storey garage.

Site area:	0.096ha
Number of proposed units:	c. 305sqm – Class A1 (Retail) 7x flats (5x 1 bedroom and 2x 2 bedroom) – Class C3 (residential)
Number of proposed parking spaces:	10x car parking spaces (Class A1) 7x car parking spaces (Class C3)
Existing density on site:	10.41dph (dwellings per hectare)
Proposed density on site:	72.9dph

PLANNING STATUS

- Westfield Neighbourhood Centre
- Urban Area
- Listed Building Buffer
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Urban Open Space – Westfield Common

RECOMMENDATION

GRANT planning permission subject to planning conditions and the signing of a Section 106 Legal Agreement to secure a Thames Basin Heaths SAMM contribution.

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SITE DESCRIPTION

The application site is a part single/part two-storey building situated to the east of Westfield Road and Westfield Common. The existing use of the site is Class A3 (Restaurant) with ancillary residential accommodation above. The application site is not situated in a Conservation Area, however, to the immediate east of the site is Grade II listed building "The Old Cricketers and Cricketers Cottage". Westfield Common to the west and south of the application site is a Site of Nature Conservation Importance (SNCI).

In terms of policy designations, the site falls within the boundary of the Westfield Neighbourhood Centre (Policies CS1 and CS4 of the Woking Core Strategy (2012).

PLANNING HISTORY

- PLAN/2019/0721 – Proposed internally illuminated letters mounted onto facade of building as main signage. Individual acrylic lettering mounted onto facade of building. Individual wall mounted signs. Aluminium hanging sign – Permit – 13.09.2019
- PLAN/2019/0720 - Proposed installation of external plant equipment including refrigeration condenser and air conditioning units within timber fenced enclosure together with installation of external coldstore, canopy and minor alterations to the building rear elevation. – Permit – 12.09.2019
- PLAN/2019/0281 - Certificate of Proposed Lawful Development for a change of use from ground floor restaurant (Class A3) with ancillary residential accommodation above to a retail store (Class A1) with ancillary residential accommodation above (Amended Description). – Permit – 16.05.2019
- PLAN/2014/0836 - Erection of a single storey rear infill extension and new external staircase and external alterations – Permit – 03.10.2014
- PLAN/2010/0563 - Erection of a single storey rear and side extension, installation of a flue and alterations to parking area. – Permit – 09.08.2010
- WOK/193 – Erection of a Public House – Permit – 14.03.1934

CONSULTATIONS

County Highway Authority: No objection subject to planning conditions.

Environmental Health Officer: No objection subject to planning conditions

Conservation Consultant: *"I consider the additional accommodation in the roof space, including the addition of dormers to be acceptable. There will be an overall improvement in the street scene by the removal of the detached garage and the creation of a landscaped entrance for the flats. I have no adverse comments."*

Joint Waste Solutions: Provide advice regarding the residential waste/recycling storage requirements.

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RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019):

Section 2 - Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

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

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough
CS8 - Thames Basin Heaths Special Protection Areas
CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing Mix
CS12 – Affordable housing
CS18 - Transport and accessibility
CS20 – Heritage and conservation
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

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

DM2 - Trees and Landscaping
DM7 – Noise and Light Pollution
DM8 – Land Contamination and Hazards
DM10 – Development on Garden Land
DM16 – Servicing Development
DM20 – Heritage Assets and their Settings

Supplementary Planning Documents (SPDs):

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

Other Material Considerations:

Planning Practice Guidance (PPG)
Woking Borough Council Strategic Flood Risk Assessment (November 2015)
Community Infrastructure Levy (CIL) Charging Schedule (2015)

PLANNING ISSUES

1. The main issues to consider in determining this application are:
 - Principle of development (including change of use)
 - Design considerations
 - Impact on designated heritage assets
 - Standard of accommodation
 - Impact on residential amenities

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- Highways and parking implications
 - Sustainability
 - Local finance considerations
 - Thames Basin Heaths Special Protection Area
- and any other matters having regard to the relevant policies of the Development Plan.

Background

2. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and is a material consideration in the determination of this application. The NPPF (2019) was published in February 2019 and provides minor clarifications to the revised version published in July 2018.
3. However, the starting point for decision making remains the Development Plan, and the revised NPPF (2019) is clear at Paragraph 213 that existing Development Plan policies should not be considered out-of-date simply because they were adopted or made prior to February 2019. The degree to which relevant Development Plan policies are consistent with the revised NPPF (2019) has been considered in this instance, and it is concluded that they should be afforded significant weight, with the exception of Policy CS12, the reasons for which are set out within the affordable housing section of this report.

Principle of Development

4. The NPPF (2019) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010 and 2027. The reasoned justification text to Policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling.
5. Policy CS4 (Local and Neighbourhood Centres and Shopping Parades) of the Woking Core Strategy (2012) sets out that local and neighbourhood centres, as indicated on the Proposals Map, will retain town centre uses wherever viable in order to meet the day to day needs of the local community.
6. Policy CS4 goes on to state that in neighbourhood centres and shopping parades the Council will seek to protect and retain local shops and other small scale economic uses such as post offices because of the importance of these uses for meeting the everyday needs of those living locally. Proposals for development in these centres must relate to the scale role and function of the centre in the settlement hierarchy and will be determined on individual merit, taking into account the requirements of national planning policy. No retail growth figures have been set out for the Neighbourhood Centres but they are considered appropriate for a small amount of retail growth in order to fulfil their function of meeting day-to-day needs.
7. The proposal is for the change of use of the ground floor restaurant (Class A3) to retail (Class A1) with alterations at the first floor level and the addition of a second floor to provide 7x flats above the ground floor use (5x1 bed and 2x 2 bed) and associated car/cycle parking, refuse storage and landscaping and the demolition of a single storey garage.

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8. The proposed change of use of the ground floor from a restaurant (Class A3) to retail (Class A1) would broadly accord with Policy CS4 which seeks to protect and retain town centre/neighbourhood uses wherever viable in order to meet the day to day needs of the local community. Policy CS4 further sets out that neighbourhood centres are considered appropriate for a small amount of retail growth in order to fulfil their function of meeting day-to-day needs. The proposed retail unit would add vibrancy to the neighbourhood centre and would contribute to meeting the day-to-day needs of the local community.
9. In terms of the change of use of first floor ancillary residential accommodation and extension and alterations to provide a total of 7x flats on site (5x 1 bedroom and 2x 2 bedroom), Policy CS10 sets out that density levels will be influenced by design with the aim to achieve the most efficient use of land. Wherever possible, density should exceed 40 dwellings per hectare (dph) and will not be justified at less than 30dph unless there are significant constraints on the site or where higher densities cannot be integrated into the existing urban form. Higher densities than the guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of an area would not be compromised.
10. The existing density on site is 10.41dph and the proposed density is 72.9dph. While the proposed density would exceed the indicative density range of between 30 - 40 dph for infill development within the rest of the Urban Area, Policy CS10 seeks to provide higher densities of development to achieve the most efficient use of land. The proposed density of 72.9dph is not considered to be unacceptable in principle given that the residential development is for flats. The proposed mix of dwelling sizes would broadly reflect the requirements of Policy CS11 (Housing Mix) which seeks to provide a mix of dwelling types and sizes.
11. Overall, the principle of the change of use of the ground floor restaurant to retail and the extensions and alterations to the building to provide 7x residential flats would be acceptable, subject to meeting the relevant criteria of the Development Management Policies DPD, other Development Plan policies and material planning considerations which will be assessed in further detail within the paragraphs below.

Character, Design, and Impact on Designated Heritage Assets

12. The NPPF (2019) sets out that one of the fundamental functions of the planning and development process is to achieve the creation of high quality buildings and places and that good design is a key aspect of sustainable development.
13. Policy CS21 of the Woking Core Strategy (2012) states that development should respect and make a positive contribution to the street scene and the character of the area paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. Policy CS24 of the Woking Core Strategy 2012 states that 'development will be expected to...respect the setting of, and relationship between, settlements and individual buildings within the landscape' and to 'conserve, and where possible, enhance townscape character'.
14. Policy CS20 (Heritage and Conservation) of the Woking Core Strategy (2012) sets out that new development must respect and enhance the character and appearance of the area in which it is proposed whilst making the most effective use of land. Policy DM20 (Heritage Assets and their Settings) of the Development Management Policies DPD (2016) sets out that proposals affecting heritage assets will be required to demonstrate that the development preserves and/or enhances the heritage asset and its setting.

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15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the building possesses.
16. The above statutory duty is to be considered alongside the contents of the NPPF, accompanying National Planning Practice Guidance (NPPG) and local development plan policies. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
17. The Old Cricketers and Cricketers Cottage are Grade II listed. The list entry (ref: 1264341) is as follows:

“6/141 II 22/7/53 Former Inn, now Shop with house attached. C16 encased in mid C18. Timber framed, brick exterior, plain tile mansard roof with centre ridge stack, end stack to right. 2 storeys and attic under flat roof dormers, dentil band to eaves. Casement windows, 4 across the first floor, with two blocked, one bay in from each end; ground floor windows of plate glass under cambered heads, except for window on right end. Two doors to shop left and right of centre, door to cottage on right hand end under pent roof porch on wood supports. C20 extensions to rear.”
18. In support of the application the applicant has submitted a Built Heritage Statement dated October 2019. The submitted statement sets out that the heritage significance of the listed building is principally embodied in its remaining historic fabric and its overall form as a 16th century former inn with later alterations associated with its later and current use as a residence. The building is representative of the local vernacular particularly in its use of brick, tile-hung flank elevations and tiled mansard roof. A detailed assessment of the setting of the listed building is also set forward in the report.
19. The proposed development includes a two-storey side extension to the eastern elevation of the building to accommodate the pedestrian access to the flats above. The proposal is to then convert the existing accommodation within the roof space to a more conventional first floor with brick elevations. A first floor rear mansard type extension with hipped roof dormers is proposed above the existing single storey rear extension near the northern boundary of the site. Above the proposed brick built first floor would be a mansard roof with hipped roof dormer windows providing a third storey. The maximum height of the existing building would not be exceeded with the bulk of the extensions and alterations confined to the existing envelope of development. Bricks and roof tiles for the development would be to match those of the existing dwelling.
20. The proposed conventional first floor would replicate the character and design of the ground floor and existing two-storey bay window feature on the south elevation. The bricks to match existing, lintels and stone coping would reflect the architectural vernacular of the existing building. The mansard roof would grade away from the first floor elevations and the incorporation of hipped roof dormers is considered to provide visual interest and articulation which reduces the visual prominence of the roof within the street scene.
21. The existing flat roof garage and timber framed corrugated plastic roofed storage area towards the eastern part of the site neighbouring The Old Cricketers would be

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demolished as part of the proposed development and replaced with an area of soft landscaping and a purpose built cycle and refuse storage area.

22. In terms of the impact of the proposal on the setting of the neighbouring listed building, it is considered that the development would not cause any harm, be it substantial or less than substantial, to its setting. The proposed development would maintain an appropriate level of visual separation between the two buildings and the removal of the existing flat roofed garage and timber framed storage area, along with the incorporation of the entrance to the flats to the south-east elevation of the building, would improve the relationship with the neighbouring listed building and enhance its setting.
23. The Council's Conservation Consultant has reviewed the submitted scheme and raises no objection to the proposal as they consider that there would be an overall improvement to the street scene by the removal of the detached garage and the creation of a landscaped entrance the flats. They also consider that sufficient clearance between the two buildings is maintained.
24. Overall, it is considered that the proposed development would relate well to the character and design of the existing building and the surrounding area. The proposal addresses its corner plot location well and would not appear incongruous or overly prominent within the street scene. The proposed development would not result in any harm to the neighbouring Grade II listed building and would enhance its setting. The proposal would therefore accord with Policies CS20, CS21 of the Woking Core Strategy (2012), Policy DM20 of the Development Management Policies DPD (2016) and the NPPF (2019).

Impact upon neighbouring amenity

25. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. Policy CS21 also advises that new developments should be designed to avoid significant harm to the environment and general amenity resulting from noise. Policy DM7 of the Development Management Policies DPD (2016) also relates to noise implications. More detailed guidance, in terms of neighbouring amenity, is provided by the Outlook, Amenity, Privacy and Daylight SPD (2008).
26. The main dwellings to consider when assessing the impact of the proposal on the residential amenities of neighbouring properties are: The Old Cricketers and Cricketers Cottage to the east. It is noted that planning permission ref: PLAN/2019/0720 dated 12.09.2019 granted permission for the installation of external plant and equipment for the use of the ground floor retail unit. A Noise Impact Assessment (NIA) was submitted as part of this previous planning permission which concluded that the proposed plant and machinery would not have any significant adverse impact on the residential amenities of neighbouring properties.
27. A more recent Noise Assessment (rev 1) dated 05.12.2019 has been submitted in support of the current planning application demonstrating that there would not be any significant adverse impact on the closest proposed residential receptor, the first floor living room of Flat 3. As the noise impact is acceptable at the closest proposed residential receptor which is approximately 1-2m from the closest plant/equipment, it is not considered that there would be any significant adverse noise impact to neighbouring The Old Cricketers or Cricketers Cottage which are approximately 8m away and separated by boundary fencing. The Council's Environmental Health Officer (EHO) has

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reviewed the submitted assessment and raises no objection to the proposed development with regards to noise impact on neighbouring properties.

28. In support of the current planning application the applicant has submitted a Daylight and Sunlight Assessment dated 27.09.2019 assessing the impact of the proposed development on neighbouring residential receptors.
29. With regards to The Old Cricketers to the immediate east of the application site, the submitted Daylight and Sunlight Assessment identifies windows at The Old Cricketers which could be affected by the proposal. This assessment concludes that the proposed development would have an imperceptible impact on the levels of skylight and sunlight received by windows at The Old Cricketers which would accord with the recommendations of BRE:209. The submitted assessment also identifies that the proposed development would have an acceptable impact on the sunlight received by surrounding amenity areas. It is therefore concluded that the proposed development would not have any significant adverse impact in terms of loss of daylight/sunlight to habitable rooms or loss of sunlight to amenity space at The Old Cricketers.
30. The existing window arrangement for the ancillary residential accommodation at the first floor level of the Eastern and Oriental is such that there are no habitable room windows facing towards The Old Cricketers, but rather hallway, landing and bathroom windows which are non-habitable. It is unclear whether the first floor window on the side elevation of The Old Cricketers serves a habitable room or not, however it is noted that this window is not obscurely glazed and there is a likelihood that it is a secondary window serving a first floor bedroom.
31. The submitted first floor plan shows some of the first floor habitable room windows to be obscurely glazed and non-opening which would ensure that there is no significant loss of privacy to habitable room windows or private amenity space of The Old Cricketers, subject to an additional kitchen/living room window serving Flat 4 being obscurely glazed to prevent direct overlooking to the first floor side elevation window at The Old Cricketers. In terms of the second floor dormer windows, the majority of these windows would not afford any direct views into habitable rooms or the rear amenity space of The Old Cricketers with the exception of east facing kitchen/living room window serving Flat 7. Subject to a planning condition restricting specific windows as being obscurely glazed and non-opening below 1.7m above the internal floor level of the room in which they are situated, it is considered that there would be no significant loss of privacy to The Old Cricketers.
32. The position of the existing Eastern & Oriental building would largely remain unchanged with the uplift in residential accommodation coming primarily from first and second floor extensions within the existing building footprint with no increase in the maximum height of the building. Overall, it is considered that the proposal would not result in any significant loss of outlook or overbearing impact to The Old Cricketers given the position of the majority of the development to the south-west of the rear elevation of The Old Cricketers.
33. In light of the findings of the above assessment relating to The Old Cricketers, it is considered that the proposed development would not have any significant adverse impact on Cricketers Cottage beyond given its increased separation distance from the application site. The north of the application site is bound by Moorcroft Day Centre while to the west and south of the site is Westfield Common. It is therefore considered that the proposed development would not have any significant adverse impact on the residential amenities of neighbouring residential receptors.

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Standard of Accommodation

34. Although not locally adopted the Technical Housing Standards – Nationally Described Space Standard (2015) (as amended) provides useful guidance. The table below sets out the Gross Internal Area (GIA) of the proposed flats alongside the Technical Housing Standards – Nationally Described Space Standard (2015) (as amended).

	Number of bedrooms	Gross internal floor area (sqm)	Technical Housing Standard (sqm)
Flat 1	2 bedroom 3 person	61.2	61 (2b3p)
Flat 2	1 bedroom 2 person	51.3	50 (1b2p)
Flat 3	2 bedroom 4 person	74.6	70 (2b4p)
Flat 4	1 bedroom 2 person	54.6	50 (1b2p)
Flat 5	1 bedroom 2 person	51	50 (1b2p)
Flat 6	1 bedroom 2 person	53.6	50 (1b2p)
Flat 7	1 bedroom 2 person	53	50 (1b2p)

35. All of the proposed flats would meet the minimum space standards set out in the Technical Housing Standards – Nationally Described Space Standard (2015) (as amended) and would provide multiple outlooks (i.e. would not be single aspect). While the proposed flats would not have any private or communal amenity space provision on site, it is noted that the site is bound by Westfield Common to the immediate south and west with children’s play areas and other recreational facilities such as the Woking Sports Box and Westfield Cricket & Bowls Club within walking distance.
36. The Council’s Environmental Health Officer (EHO) initially raised concerns as no Noise Assessment (NA) had been submitted to take account of the plant and equipment permitted by planning permission ref: PLAN/2019/0720 dated 12.09.2019 and the impact that it would have on the proposed residential amenities of the proposed dwellings. Concerns were also raised about the originally proposed delivery times 06.00 – 22.00 seven days a week and the store opening hours.
37. In response to the EHO’s comments the applicant has submitted a NA, Rev 1, dated 05.12.2019 which assesses the impact of the previously approved plant/equipment, the proposed delivery activities as well as customer noise on the proposed dwellings. The proposed delivery times are as follows:

Fresh (including frozen on Tuesday, Thursday and Saturday)	Monday – Saturday arriving 07:00 – 13:30
Ambient	5 deliveries a week arriving 09:00 - 18:00
Bread (x2), sandwiches and also newspapers	Monday to Saturday (6 days), direct from supplier, arriving at 07:00 and 10:30

38. The submitted NA includes noise mitigation measures as well as a specific noise management plan for deliveries which includes measures such as: lorry engine and refrigeration being turned off as soon as practicable and not left running during deliveries; the use of an isolating mat under the tail/scissor lift to reduce the noise of the plats on the pavement or the loading bay; as well as guidance for employees which set out how to deal with noise complaints quickly, effectively and to address any issues

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raised. The proposed hours of operation for the retail unit are 07:00 – 23:00 Monday – Sunday.

39. The Council's EHO has reviewed the submitted NA and the accompanying email dated 05.12.2019 and confirms that no objection is raised subject to the delivery hours being as restricted to the times set out in email dated 05.12.2019 and the recommendations of the submitted NA being followed in full. With reference to hours of operation, the EHO raises no objection to the proposed hours of operation given the approach that has been taken to similar sites elsewhere in the Borough and that it is unlikely that the proposed hours of operation would result in any statutory nuisance to the flats above.
40. The EHO has advised that planning conditions restricting opening hours, hours for deliveries as well as construction hours would be required. In addition to the above restrictions, a planning condition requiring details of acoustic performance measures for party ceilings/floors and walls as well as a condition requiring the details of any external lighting scheme to be submitted are also required.
41. Subject to the planning conditions requested by the EHO, it is considered that the proposed dwellings would provide a good standard of accommodation for owner/occupiers which would not experience any significant or unacceptable levels of noise. The proposal would therefore accord with Policy CS21 of the Woking Core Strategy (2012) and Policy DM7 of the Development Management Policies DPD (2016).

Highways and Parking Implications

42. Policy CS18 of the Woking Core Strategy (2012) sets out that minimum car parking standards will be set for residential development (outside of Woking Town Centre). Policy DM16 (Servicing Development) of the Development Management Policies DPD (2016) sets out that the Council will require servicing facilities to be well designed, built to accommodate the demands of the development and sensitively integrated into the development and the surrounding townscape and streetscape. Servicing activities should not give rise to traffic congestion, conflict with pedestrians, or other road users, or be detrimental to residential amenity.
43. The Parking Standards SPD (2018) sets out the following *minimum* residential parking standards and *maximum* standards for food or non-food retail:

Number of bedrooms	Minimum on-site vehicle parking spaces per flat, apartment or maisonette	Number of flats, apartments or maisonettes in proposal	Overall minimum parking standard
1 bedroom	0.5	5	2.5
2 bedroom	1	2	2
Total spaces required (minimum)			4.5
Total spaces proposed			7
Use Class	Maximum per m2 (GFA)	Maximum Required	Proposed
Food or non-food retail up to 500m2	1 car space per 30m2	10	10

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44. As demonstrated in the table above, the proposed development would exceed the minimum on-site car parking spaces provision for the residential element of the proposal and would accord with the maximum car parking requirement for the retail element of the proposal. A total of 7x on-site car parking spaces would be provided for the flats which would exceed the minimum requirement for 4x spaces. The proposed level of residential on-site car parking provision is considered to be acceptable given the suburban location of the site and the likelihood of residents requiring the use of a car. The level of provision would provide 1x on-site car parking space per flat which would minimise the potential for overspill car parking onto Westfield Road to the south.
45. The County Highway Authority has assessed the application on highway safety, capacity and policy grounds and raises no objection to the proposed development subject to planning conditions requiring: the provision of the on-site car parking, turning and delivery areas in accordance with the submitted plans; a Construction Transport Management Plan; and the provision of on-site cycle parking spaces.
46. Overall, it is considered that the proposed development would be acceptable in terms of on-site car parking provision and highway safety and capacity grounds. A total of 10x covered and secure cycle parking spaces would be provided for residents which would equate to at least 1x cycle parking space per flat which would encourage sustainable modes of transport.

Thames Basin Heaths Special Protection Area (TBH SPA)

47. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Woking Core Strategy (2012) states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
48. The development results in a net increase of 6x dwellings on site. The applicant has indicated that they are prepared to enter into such an agreement should planning permission be granted. For the avoidance of doubt, sufficient SANG at Horsell Common has been identified to mitigate the impacts of the development proposal.
49. Subject to securing the provision of the SAMM tariff (through a S106 Legal Agreement) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development would not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. 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. At the time of writing this report, the residential element of the proposal would require a Thames Basin Heaths contribution of approximately £2905 (this figure is linked to inflation).

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Affordable Housing

- 50 Policy CS12 of the Woking Core Strategy 2012 states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.
- 51 Paragraph 63 of the National Planning Policy Framework (NPPF) (2019) sets out that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The site is not within a designated rural area and does not constitute major development (development where 10 or more homes will be provided or the site has an area of 0.5 hectares or more).
- 52 Whilst it is considered that weight should still be afforded to Policy CS12 (Affordable housing) of the Woking Core Strategy 2012 it is considered that greater weight should be afforded to the policies within the NPPF 2019. As the proposal represents a development of less than 10 units, and has a maximum combined gross floor space of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

Waste & Recycling Storage

53. The proposed development would comprise of 7x dwellings above the ground floor retail unit. The residential waste/recycling storage area would be situated to the north-east of the building accessed by a timber gate which fronts onto the recreation ground to the south of the application site. Joint Waste Solutions have reviewed the application and set out the waste/recycling storage requirements for the residential element of the proposed development.
54. Overall, It is considered that there would be sufficient storage space for waste/recycling receptacles in the proposed storage area within 25m pulling distance for two-wheeled bins to the roadside. However, the full complement of receptacles is not shown on the submitted drawings and it is therefore necessary to require the full details of waste/recycling storage for the residential component of the scheme to be secured by way of a planning condition to ensure that the waste/recycling storage arrangement does not affect access to the covered cycle parking spaces.
55. If larger waste/recycling receptacles were to be used instead of the two-wheeled 240l wheeled bins a collection point for the bins would need to be agreed as the carry point for four wheeled bins is 10m, as opposed to the 25m for two-wheeled bins. Subject to a detailed waste/recycling storage layout and management strategy being submitted and approved prior to the occupation of the proposed flats, it is considered that there would be no significant adverse impacts resulting from the waste/recycling storage requirements for the proposed flats.
56. With reference to the ground floor retail unit a Commercial Goods Entrance is located to the rear of the building which provides access to a relatively large external storage area where waste/recycling could be stored. The retail unit would also be serviced by an on-site commercial loading way which could be used for waste servicing purposes. However, as no specific details have been provided it is considered necessary to require details of the commercial waste/recycling storage and servicing to ensure that satisfactory arrangements can be accommodated within the application site.

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Sustainability

57. Following a Ministerial Written Statement to Parliament on 25th March, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.
58. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential development which seeks the equivalent water and energy improvements of the former Code Level 4. While the applicant has submitted an Energy and Sustainability Assessment dated 27.09.2019, it would appear that this assessment relies upon the installation of PV panels in a prominent roof-top location.
59. The PV panels are shown on the submitted roof plan but not on any of the elevations or proposed 3D views. The position of the panels as indicated on the submitted Roof Plan would be a highly prominent location which could be highly visible within the street scene due to the prominent corner plot location of the development. Therefore further details of the proposed PV panels would be required by way of a planning condition to ensure that they do not have an unacceptable adverse impact on the character and appearance of the area.
60. It is also noted that the flat sizes referenced in the submitted assessment conflict with the flat sizes shown on the submitted plans and it is therefore unclear whether the submitted assessment relates to the development currently under consideration.
61. In light of the above, it is considered that the proposal would be acceptable in terms of sustainability subject to planning conditions seeking the equivalent water and energy improvements of the former Code Level 4.

LOCAL FINANCE CONSIDERATIONS

59. The development would be liable for Community Infrastructure Levy (CIL) for the residential element of the proposed development. The charge would be £125 per square metre of the gross internal floorspace (GIA) of the proposed residential development, plus indexation for inflation. At the time of writing this report it is estimated that the CIL liability for the residential part of the proposal would be approximately £49,223.
60. As the total new build exceeds 100sqm, the additional retail floorspace at the ground floor level would be CIL liable. The proposed development includes an increase in retail floorspace of approximately 4sqm. A charge of £75 per square metre of retail development is required which, when indexed for inflation, results in an estimated charge of £374.
61. As set out in the Thames Basin Heaths Special Protection Area (TBH SPA) section above, a SAMM contribution of £2905 would be required to account for the net increase of 6x dwellings on site. It is noted that these figures are based on the information submitted as part of the current application relating to the current financial year. The above contributions would increase in line with inflation at the next financial year.

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CONCLUSION

- 62 The principle of development is considered to be acceptable and the proposal will incorporate a satisfactory design which would enhance the setting of the neighbouring Grade II listed building. The proposal would have an acceptable impact on neighbouring amenity, highway safety and would provide a good standard of accommodation for the proposed flats.
- 63 The proposal is therefore considered to be an acceptable form of development that complies with Policies CS1, CS8, CS10, CS16, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy (2012), the 'Outlook, Amenity, Privacy and Daylight' SPD (2008), Parking Standards SPD (2018) and Design SPD (2015), Policies DM2 and DM7 and DM16 of the Development Management Policies DPD (2016), the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 and National Planning Policy Framework (2019) and it is therefore recommended that planning permission is approved subject to the recommended planning conditions and Section 105 Legal Agreement securing the Thames Basin Heaths SAMM contribution.

BACKGROUND PAPERS

1. Site visit photographs: 29.08.2019 & 09.05.2019

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	£2905 SAMM (TBH SPA) contribution.	To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy (2012) and The Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the signing of a Section 106 Legal Agreement to secure SAMM contribution and subject to the following Conditions:

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

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

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

001, Location Plan & Site Photos, received 07.10.2019

002, Ground Level Plan Existing, received 17.10.2019

003, Levels 1, Level 2, Roof Plan Existing, received 17.10.2019

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004, West and South Elevations Existing, received 17.10.2019
005, East and North Elevations Existing, received 17.10.2019
006, 3D Views Existing, received 17.10.2019
007, 3D Views Existing, received 17.10.2019
008, 3D Views Existing, received 17.10.2019
009, 3D Views Existing, received 17.10.2019
112, Ground Level Plan Proposed, received 17.10.2019
113, Levels 1, Level 2, Roof Plan Proposed, received 17.10.2019
114, West and South Elevations Proposed, received 17.10.2019
115, East and North Elevations Proposed, received 17.10.2019
116, 3D Views Proposed, received 17.10.2019
117, 3D Views Proposed, received 17.10.2019
118, 3D Views Proposed, received 17.10.2019
119, 3D Views Proposed, received 17.10.2019
120, Section Existing & Proposed, Proposed, received 17.10.2019

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 protect the character and appearance of the building, the visual amenities of the area and the setting of the neighbouring Grade II listed building in accordance with Policies CS20 and CS21 of the Woking Core Strategy (2012).

- 4 ++ Prior to the first occupation of the dwellings hereby approved, a hard and soft landscaping scheme showing details of hard and soft landscaping to the frontage, details of materials for areas of hardstanding (including any drainage arrangements) and boundary treatments and additional tree planting, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 5 ++ Prior to the commencement of any of the residential unit hereby permitted written evidence shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the development will:
- a. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition).

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- Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

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

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance within Policy CS22 of the Woking Core Strategy (2012) and SPD Climate Change (2013).

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

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

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance within Policy CS22 of the Woking Core Strategy (2012) and SPD Climate Change (2013).

7. ++ Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with drawing '112, Ground Level Plan Proposed, received 17.10.2019' for vehicles to be parked and for the loading and unloading of vehicles. Thereafter the parking, loading, unloading and turning areas shall be retained and maintained solely for their designated purposes as shown on '112, Ground Level Plan Proposed, received 17.10.2019'.

Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users and to ensure that sufficient on-site car parking is provided for the approved dwellings in accordance with Policy CS18 of the Woking Core Strategy (2012) and the Woking Parking Standards SPD (2018).

8. The following windows hereby permitted, as shown on '113, Levels 1, Level 2, Roof Plan Proposed, received 17.10.2019' and listed below shall be glazed entirely with obscure glass and be non-opening unless the parts of the windows which can be opened are more than 1.7m above the internal floor level of the room in which the window is installed.
 - First Floor Flat 4 – North-East Facing Living Room Window
 - First Floor Flat 4 – North-East Facing Bedroom Window

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- First Floor Flat 4 – East Facing Living Room Window
- Second Floor Flat 7 – East Facing Living Room Window

Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 The flat roof area of the existing single storey rear extension shown as 'Flat Roof' on drawing '113, Levels 1, Level 2, Roof Plan Proposed, received 17.10.2019' and the other flat roofed areas of the development hereby approved shall not be used as balconies, roof terraces, sitting out areas or similar amenity areas nor shall any railings or other means of enclosure be erected on top of or attached to the side of the building without the grant of further specific planning permission by the Local Planning Authority.

Reason: In order to protect adjoining properties from overlooking and noise and to comply with Policy CS21 of the Woking Core Strategy 2012.

- 10 Notwithstanding the details of PV Panels shown on the proposed roof plan, as shown on drawing '113, Levels 1, Level 2, Roof Plan Proposed, received 17.10.2019', details of any PV Panels or similar installations (including drawings showing the panels within the elevations of the development hereby approved) shall first be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be carried out in accordance with the approved details.

Reason: The application site occupies a prominent corner plot location and the installation of PV panels in what would be a highly visible location could have an unacceptable adverse impact on the character and appearance of the existing building, the wider area and the neighbouring Listed Building contrary to Policies CS20 and CS21 of the Woking Core Strategy (2012).

- 11 ++ No above ground development associated with the development hereby permitted shall commence until details of any necessary upgrade to the existing acoustic performance of the party ceilings/floors and walls have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To protect the environment and amenities of the occupants of the approved first and second floor dwellings in accordance with Policy CS21 of the Woking Core Strategy (2012) and Policy DM7 of the Development Management Policies DPD (2016).

- 12 Construction work of any sort within the area covered by the application site shall only take place between 0800 -1800 hours Monday to Friday, 0800-1300 hours on Saturday and not at all on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the environment and amenities of the occupants of neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy (2012) and Policy DM7 of the Development Management Policies DPD (2016).

- 13 ++ No development shall commence until a Construction Transport Management Plan to include details of:

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- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) measures to prevent the deposit of materials on the highway

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

Reason: To ensure that the construction of the proposed development does not adversely affect highway safety or inconvenience highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF (2019).

- 14 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 5489 Part 9) have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be installed prior to the first use/ occupation of the development hereby approved and maintained in accordance with the approved details thereafter.

Reason: To protect the appearance of the surrounding area and the residential amenities of the neighbouring properties and the dwellings hereby approved in accordance with Policy CS21 of the Woking Core Strategy (2012) and Policy DM7 of the Development Management Policies DPD (2016).

- 15 No deliveries shall be taken or dispatched from the site outside of the following times:

Fresh Deliveries – 07:00 – 13:30;
Ambient Deliveries – 09.30 – 18.00;
Bread, Sandwiches and Newspapers – 07:00 – 10:30;

Monday – Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the environment and occupants of the approved flats and neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy (2012) and Policy DM7 of the Development Management Policies DPD (2016).

- 16 The retail premises hereby approved shall not be open to customers between the hours of 23:00 – 07:00 Monday – Sunday including Bank or Public Holidays.

Reason: To protect the environment and amenities of the occupants of the approved flats and of neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy (2012) and Policy DM7 of the Development Management Policies DPD (2016).

- 17 ++ Prior to the commencement of the change of use and prior to the occupation of the dwellings hereby permitted, whichever is the sooner, a scheme for the storage of refuse and recycling (including details regarding location and means of enclosure of bin stores and a collection point if required) for both the residential and retail development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be carried out in full prior to the first occupation of the development and the refuse and recycling storage facilities shall be retained thereafter for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the amenities of the area from nuisance by reason of smell, insects or rodent pests in accordance with Policy CS21 of the Woking Core Strategy (2012)

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- 18 No fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall be installed unless and until details, including acoustic specifications have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 19 The ground floor use hereby permitted shall be carried out in accordance with the Noise Management Plan for deliveries set out in 'Planning Noise Assessment, Rev 1, dated 05.12.2019' prepared by Noise Solutions Limited and shall continue to be complied with for the duration of the approved use.

Reason: To protect the residential amenities of the owner/occupiers of the approved flats and neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

- 20 The ground floor development hereby permitted shall be restricted solely to Class A1 of The Town and Country Planning (Use Classes) Order 1987 (or any orders amending or re-enacting that order) and shall not be used for any use outside Class A1 without the prior written consent of the Local Planning Authority.

Reason: To restrict the use of the premises to one which is compatible with the site specific location within the Westfield Neighbourhood Centre and surrounding area and to safeguard the amenities of the adjoining premises in accordance with Policies CS4 and CS21 of the Woking Core Strategy (2012).

- 21 ++ The residential development hereby approved shall not be first occupied unless and until the secure cycle parking shown on drawing '113, Levels 1, Level 2, Roof Plan Proposed, received 17.10.2019' has been provided. The cycle parking facilities shall thereafter be retained and maintained for use by the occupiers of the approved flats.

Reason: To ensure that sufficient on-site cycle parking is provided and that sustainable modes of transport are encouraged in accordance with Policy CS18 of the Woking Core Strategy (2012), the Parking Standards SPD (2018) and the NPPF (2019).

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 accepting additional information during the course of the assessment of the application.
2. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

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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.

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

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

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

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

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

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

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

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

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

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

08.00 – 18.00 Monday to Friday
08.00 – 13.00 Saturday
and not at all on Sundays and Bank/Public Holidays.
6. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.