

25 FEBRUARY 2020 PLANNING COMMITTEE

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

RECOMMENDATION

GRANT planning permission subject to planning conditions.

SITE DESCRIPTION

The application site forms part of what is currently known as Brooklyns House, a building fronting onto Connaught Road comprising of 3x flats and ground floor retail accommodation. To the north and east of the application site is Connaught Place while to the west are commercial units at Orchard House.

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

PLANNING HISTORY

- COND/2019/0123 - Discharge of Conditions 3 (Waste and Recycling Storage) and 4 (Cycle Parking) of planning permission ref: PLAN/2015/0813 for a first floor rear extension to form a 2x bedroom flat above the existing commercial units. – Withdrawn 01.11.2019
- AMEND/2019/0032 - Non-Material amendment to PLAN/2015/0813. (Proposed first floor rear extension to form a 2 bedroom flat over the existing commercial units). (amended plans) – Refused – 02.08.2019
- PLAN/2015/0813 - Proposed first floor rear extension to form a 2 bedroom flat over the existing commercial units (amended plans) – Permitted subject to Legal Agreement – 18.01.2016

CONSULTATIONS

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

REPRESENTATIONS

In response to neighbour notification, 1x letter of objection was received from a resident at Flat 3, Brooklyns House raising the following comments:

- The developer had previously confirmed that bins would be positioned away from the entrance to Flat 3 and my flat was purchased on this basis;
- The proposed bins should be positioned at the far end of the courtyard.

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

25 FEBRUARY 2020 PLANNING COMMITTEE

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
 - Standard of accommodation
 - Impact on residential amenities
 - Highways and parking implications
 - Sustainability
 - Local finance considerations
 - Thames Basin Heaths Special Protection Areaand any other matters having regard to the relevant policies of the Development Plan.

25 FEBRUARY 2020 PLANNING COMMITTEE

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. Paragraph 117 of the NPPF sets out that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses. The principle of providing an additional dwelling in a mixed use building host to 3x flats within the urban area would make an effective use of existing land. The proposed density of development is considered to be acceptable given the density of existing development at Brooklyns House and also the high density residential development at Connaught Place to the rear.
7. Approximately 6.5sqm of the ground floor retail space would be lost to accommodate the access to the proposed flat off Connaught Road. Given the relatively limited amount of space required in relation to the size of the retail unit, it is not considered that the proposal would have any significant impact on the viability of the ground floor retail unit or the functioning of the neighbourhood centre as a whole. Overall, it is considered that the principle of development 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

8. 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.

25 FEBRUARY 2020 PLANNING COMMITTEE

9. 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'.
10. It is noted that the development has been completed. The first floor rear extension largely converted what was previously roof slope into a conventional brick walled first floor elevation with 4x uPVC windows with a partly pitched "crown" type roof above and a brick upstand along the roof level boundary with adjoining Connaught Place (formerly No. 112 Connaught Road). To the front elevation, the previously existing single canopy fronting onto Connaught Road has been replaced with a mono-pitched roof canopy to span the residential accesses for the existing ground floor flat and the proposed first floor flat. Roof tiles to match those of the existing building have been used while London-stock type bricks have been used for the rear elevation. The existing yard area to the rear of the ground floor retail unit is proposed to be used for waste/recycling storage.
11. While the proposed materials for the rear facing development would not strictly relate to those of the existing building, it is noted that any views of this would be limited and would not be visible from Connaught Road. The proposed extended canopy on the front façade facing Connaught Road would not be incongruous within the wider façade. The utilisation of the existing yard area to the rear for the storage of waste/recycling receptacles would not have any adverse impact on the street scene.
12. Overall, it is considered that the development is acceptable in character and design terms in accordance with Policy CS21 of the Woking Core Strategy (2012) and the NPPF (2019).

Impact upon Neighbouring Amenity & Waste and Recycling Storage

13. 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.
14. The flat as built presents 4x habitable room windows at the first floor rear elevation facing to the north. These windows would not afford any direct views into neighbouring habitable room windows. An oblique view from a rear facing bedroom window would be possible towards a rear balcony serving a flat at Connaught Place to the north, however, it is not considered that this would have any significant adverse impact given the high density flatted nature of the development, existing levels of overlooking and as any views towards this balcony would be partial.
15. An objection has been raised by a neighbouring flat owner at Brooklyns House in relation to the positioning of waste/recycling receptacles. It is proposed that waste/recycling receptacles would be stored in the yard area to the rear of the proposed flat. It is noted that ground floor Flat 3, Brooklyns House is accessed directly off this yard area while Flat 2 Brooklyns House is accessed via a staircase located within the yard.
16. Joint Waste Solutions has been consulted as part of the assessment of the planning application and note that there is currently no waste collection arrangements in place for

25 FEBRUARY 2020 PLANNING COMMITTEE

any of the flats at Brooklyns House. Joint Waste Solutions request that waste storage arrangements for all flats at Brooklyns House be incorporated into the current planning application. However, this is not within the scope of the current planning application for the first floor flat. The lack of existing waste/recycling storage provision could in part be explained by the complex and piecemeal evolution of development on the application site with parts of the building currently known as Brooklyns House appearing to have been occupied as flats from the post-war period onwards.

17. The yard area to the rear is shown to fall within the red line boundary for the current planning application and Certificate A has been signed on the submitted application form indicating that the applicant is the sole owner of any part of the land to which the application relates. The applicant has shown an indicative layout of the yard area to the rear on Drawing No. 1872/10, rev A to demonstrate that there is sufficient space for the storage of waste/recycling receptacles for Flat 4. Bins for the other residential units of Brooklyns House and the ground floor retail unit are also shown for information purposes.
18. While the objections of Flat 3 to the location of waste receptacles in this rear yard area are noted, it is not considered that the principle of waste/recycling storage in this yard area would result in any significant adverse impact on the amenities of Flat 3 given that Flat 3 has an access door only to this yard area with no habitable room windows facing this area. Any agreement between the developer and neighbouring flat owners in relation to the positioning of bins would be a civil matter.
19. On the basis of the submitted information it is not considered that the proposed flat or its associated waste and recycling storage arrangements in the yard area to the rear would result in any significant adverse impact on the amenities of neighbouring properties and that there would be sufficient space within the application site boundary for the waste/recycling receptacle storage requirements for the proposed flat.

Standard of Accommodation

20. Although not locally adopted the Technical Housing Standards – Nationally Described Space Standard (2015) (as amended) provides useful guidance. The proposed 2x bedroom 3 person flat has a Gross Internal Area (GIA) of approximately 56sqm. While this would not strictly accord with the technical housing standard of 61sqm, it is noted that the previously consented flat ref: PLAN/2015/0813 was of a similar size.
21. No dedicated private or communal amenity space is provided for the proposed first floor flat, however it is noted that none of the flats elsewhere within Brooklyns House have access to private or communal amenity space. It is further noted that the Basingstoke Canal is approximately 130m to the north with Connaught Crescent Play Area approximately 100m to the north-west. Within this site specific context it is considered that the lack of any private or communal amenity space is acceptable.
22. Overall, given the previously consented flat and site specific context it is considered that the proposed flat would provide an acceptable standard of accommodation in accordance with Policy CS21 of the Woking Core Strategy (2012).

Highways and Parking Implications

23. 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. The Parking Standards SPD (2018) sets a *minimum* residential parking standard of 1x on-site car parking space per flat.

25 FEBRUARY 2020 PLANNING COMMITTEE

24. While no on-site car parking is provided for the proposed flat, it is considered that the site is situated within a very sustainable location with Brookwood Railway station sited directly opposite the entrance to the site and Connaught Road which is well served by public transport. In approving application ref: PLAN/2015/0813 for a first floor flat in this location it is noted that no on-site car parking was considered to be acceptable. An internal cycle rack is proposed for the ground floor access off Connaught Road which would encourage sustainable modes of travel. It is further noted that there is no scope for any car parking to be provided within the application site boundary.
25. An obligation restricting residents from applying for parking permits within the local Controlled Parking Zone (CPZ) of the flat approved by planning permission ref: PLAN/2015/0813 was secured by way of Section 106. However, no such obligation shall be required for the current proposal as such an obligation has been found to fall outside the powers under Section 106 by the Courts.
26. On balance, and within the context set out above, it is considered that the lack of on-site car parking would be acceptable. As the development has been completed there would not be any adverse highways implications resulting from construction works associated with the proposal. An internal cycle rack would be provided which would encourage sustainable modes of travel. Overall, it is considered that the proposed development would be acceptable in terms of highway safety and parking.

Thames Basin Heaths Special Protection Area (TBH SPA)

27. 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.
28. The development is retrospective and has resulted in a net increase of 1x 2 bedroom dwelling on site. It is noted that a Thames Basin Heaths SAMM contribution was secured through a Section 106 agreement in connection with planning permission ref: PLAN/2015/0813. Officers can confirm that the required contribution was paid in July 2019 and that as the current proposal is of the same size and number of bedrooms no further contribution is required. For the avoidance of doubt, sufficient SANG at Brookwood Country Park has been identified to mitigate the impacts of the development proposal.
29. Subject to 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.

25 FEBRUARY 2020 PLANNING COMMITTEE

Affordable Housing

- 30 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.
- 31 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).
- 32 It is noted that planning permission ref: PLAN/2015/0813 dated 18.01.2016 required an affordable housing contribution in accordance with Policy CS12 of the Core Strategy (2012). 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) which is a material planning consideration which must be given significant weight in this case. 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.

Sustainability

- 33 In the determination of planning permission ref: PLAN/2015/0813 it was considered that as the proposal involved a small scale infill extension to an existing building it would not be appropriate to apply the current water and energy standards. Given the previously adopted approach it is considered that compliance with the Building Regulations would be acceptable in this case.

LOCAL FINANCE CONSIDERATIONS

- 34 The current application seeks planning permission, albeit retrospectively, for a new first floor flat in what was previously uninhabitable roof slope. Planning permission ref: PLAN/2015/0813 was liable for Community Infrastructure Levy (CIL), although no payment was received. With the exception of the ground floor access onto Connaught Road which utilises former retail floorspace, the proposed flat required the construction of approximately 50sqm additional floorspace.
- 35 The 50sqm additional residential floorspace would be liable for CIL. The charge would be £125 per square metre of the gross internal floorspace (GIA) of the proposed residential development, plus indexation for inflation.

CONCLUSION

- 36 The principle of development is considered to be acceptable and the proposal will incorporate a satisfactory design. The proposal would have an acceptable impact on neighbouring amenity, highway safety and would provide an acceptable standard of accommodation for the proposed flat.
- 37 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

25 FEBRUARY 2020 PLANNING COMMITTEE

the Woking Core Strategy (2012), the 'Outlook, Amenity, Privacy and Daylight' SPD (2008), Parking Standards SPD (2018) and Design SPD (2015), 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.

BACKGROUND PAPERS

1. Site visit photographs: 21.10.2019

PLANNING OBLIGATIONS

None required.

RECOMMENDATION

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

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

Block Plan, received 19.11.2019

1872/10, Rev A, As built plans and elevations, received 19.11.2019

1872/11, As built site and block plan, received 19.11.2019

7101/E02, As existing first floor plan, received 25.11.2019

7101/E02, As existing ground floor plan, received 25.11.2019

7101/E04, As existing elevations (North & South), received 25.11.2019

7101/E05, As existing elevations (East & West), received 25.11.2019

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

- 2 ++ The development hereby approved shall not be first occupied unless and until the secure cycle hook shown on drawing '1872/10, Rev A, As built plans and elevations, received 19.11.2019' has been provided. The cycle parking hook shall thereafter be retained and maintained for use by the occupiers of the approved flat.

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).

- 3 ++ The development hereby approved shall not be first occupied unless and until the waste and recycling storage arrangements, as shown on '1872/10, Rev A, As built plans and elevations, received 19.11.2019' have been provided for the approved flat. Space shall thereafter be retained for the storage of the approved flats waste and recycling receptacles in the area shown on '1872/10, Rev A, As built plans and elevations, received 19.11.2019', unless otherwise first agreed in writing by the Local Planning Authority.

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)

Informatives:

25 FEBRUARY 2020 PLANNING COMMITTEE

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.

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>

25 FEBRUARY 2020 PLANNING COMMITTEE

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.