

## 27 FEBRUARY 2018 PLANNING COMMITTEE

5c 17/1336 Reg'd: 12.12.2017 Expires: 06.02.18 Ward: C  
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**LOCATION:** 43a Chertsey Road, Woking, Surrey, GU21 5AJ

**PROPOSAL:** Erection of a rear dormer to facilitate the change of use of offices (B1a) on the first, second and third floors to three 1-bedroom flats (C3).

**TYPE:** Full

**APPLICANT:** Mr V Butler

**OFFICER:** Tanveer  
Rahman

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

The proposal involves the creation of new dwellings which falls outside of the scheme of delegated powers.

### **RECOMMENDATION**

GRANT planning permission subject to conditions and a SAMM (TBH SPA) contribution to be secured by a S106 legal agreement.

### **PLANNING STATUS**

- Urban Area
- Conservation Area
- Town Centre
- Primary Shopping Area
- Secondary Shopping Frontage
- Thames Basin Heaths SPA Zone B (400m-5km)

### **SITE DESCRIPTION**

The application site is located on the south east side of Chertsey Road within the Woking Town Centre Conservation Area and consists of office space spread over the first floor, second floor and roof space of a mid-terrace building. The three-storey building has a pitched roof, a two-storey rear outrigger and a three-storey front oriel window element. The ground floor of the building is a public house. The main access to 43a is actually within the front elevation of the adjoining property 41 Chertsey Road. 41 Chertsey Road which is part of the 35-41 Chertsey Road Locally Listed Building.

### **RELEVANT PLANNING HISTORY**

43 - 47 Chertsey Road

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PLAN/1999/0433: Relaxation of condition 3 (opening hours) of planning permission 82/815 to allow opening between 10:00 hours to 01:00 on Thursdays, 10:00 hours to 02:00 on Fridays, Saturdays and Bank holidays and 10:00 hours to 23:00 on all other occasions – permitted 17.06.1999.

PLAN/1999/0514: Installation of a new air conditioning unit and ducting on the existing single storey flat roof to the rear of the property - permitted 03.06.1999.

### 43a Chertsey Road

PLAN/1987/0463: Change Of Use Of 1st, 2nd & 3rd Floors From Residential To Offices – refused 07.07.1987.

87/0055: DISPLAY.ILLUMINATED.ADVERT.SIGNBOX SIGN - permitted 01.03.1987.

86/0277: CHANGE-OF-USE GROUND FLOOR LICENCE RESTAURANT - permitted 01.05.1986.

0017074: ALTERATION AND EXTENSION - refused 01.09.1963.

0016783: DISPLAY.ILLUMINATED.ADVERT.SIGN - permitted 01.06.1963.

0016751: SHOP FRONT- permitted 01.06.1963.

### **PROPOSED DEVELOPMENT**

The application is for a change of use of the first floor, second floor and roof space from offices (B1a) to residential (C3). Each floor is proposed to be converted to a 1-bedroom flat. A flat roof rear dormer is proposed to be erected in order to facilitate the flat in the roof space.

### **SUMMARY INFORMATION**

Site area (excluding dropped kerb area)	<b>0.0136ha</b>
Existing units	<b>0 unit</b>
Proposed units	<b>3 units</b>
Bedrooms/unit	<b>1 bedroom</b>
Existing site density	<b>0 dwellings/hectare</b>
Proposed site density	<b>73.53 dwellings/hectare</b>

### **CONSULTATIONS**

#### LPA Planning Policy

The LPA's Planning Policy team objected to this application however their comments stated that "a 'fallback' position of GDPO development can be given material planning consideration provided it is a clear possibility. As the possibility for GDPO development is restricted at this site, planning policy considers that limited weight should be given to this material consideration, and more weight given to the up-to-date policies of the Development Plan. However, this is ultimately for the case officer to decide".

#### LPA Heritage & Conservation Consultant

No objection.

#### County Highway Authority (SCC)

No objection.

LPA Waste & Recycling Team

No objection.

LPA Environmental Health Team

No comments received at the time of writing this report. The committee will be updated verbally with any response that is received.

**NEIGHBOUR REPRESENTATIONS**

No representations were received.

**RELEVANT PLANNING POLICIES**

National Planning Policy Framework (2012):

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy (2012):

CS1 - A Spatial Strategy for Woking

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Area

CS10 - Housing provision and distribution

CS11 - Housing mix

CS12 - Affordable housing

CS15 - Sustainable economic development

CS16 - Infrastructure Delivery

CS18 - Transport and accessibility

CS20 - Heritage and Conservation

CS21 - Design

CS22 - Sustainable Design and Construction

CS24 - Woking's Landscape and Townscape

CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD (2016):

DM7 - Noise and light pollution

DM9 - Flats Above Shops and Ancillary Accommodation

DM20 - Heritage Assets and their settings

Supplementary Planning Documents

*Woking Design SPD (2015)*

*Outlook, Amenity, Privacy and Daylight (2008)*

*Parking Standards (2006)*

*Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015*

*Climate Change* (2013)  
*Affordable Housing Delivery* (2014)

## **PLANNING ISSUES**

The main issues to consider in determining this application are the principle of development, impact on the character and appearance of the Town Centre Conservation Area, impact on neighbours, quality of accommodation, impact on car parking provision and highway safety, impact on sustainability and the impact on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan.

### Principle of Development

1. The application site is within the designated Urban Area, Woking Town Centre, outside of the 400m (Zone A buffer) of the Thames Basin Heaths Special Protection Area (TBH SPA) and outside of fluvial flood zones.
2. Policy CS10 of the *Woking Core Strategy* (2012) identifies that the Council will make provision for 4,964 net additional dwellings in the Borough between 2010 and 2027. The justification text for policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling.
3. Policy CS2 of the *Woking Core Strategy* (2012) states that the *“Town Centre is the preferred location for town centre uses and high density residential development”*. Policy CS2 sets an indicative amount of 2,180 net dwellings to be achieved within Woking Town Centre during the period 2010 – 2027 and that *“proposals will be achieved through mixed-use high density redevelopment of existing sites, refurbishment of outmoded sites and intensification of existing sites”* among others.
4. Policy CS10 of the *Woking Core Strategy* (2012) identifies an indicative density range for residential development within Woking Town Centre of in excess of 200 dph. The proposal would create a residential density of the application site of 73.53dph, falling significantly short of the indicative range set by policy CS10. However given the constraints of the existing building and its location in a Conservation Area it is considered unrealistic to achieve a significantly higher density at this site.
5. Policy CS2 also explicitly states that existing office floor space will be safeguarded where there is evidence to justify this. It places an emphasis on retaining office space in the Town Centre to cater for a range of business needs and if the space is considered to inadequately cater for modern business needs it should be redeveloped and refurbished to continue meeting business needs, rather than lost entirely.
6. With this being said it is noted that it is likely that the proposed change of use from B1(a) to C3 would be granted under Schedule 2, Part 3, Class O of *The Town and Country Planning (General Permitted Development) (England) Order 2015* (as amended). It is also considered that this it is likely that this would be implemented given the similarity between this current application and a potential prior approval application under the GPDO. It is therefore considered that this could a be realistic fall-back option.

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7. For these reasons it is considered that on balance the principle of development is acceptable.

### Impact on character of the Conservation Area

8. The property is located in the Woking Town Centre Conservation Area. Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that in considering applications within conservation areas, Local Planning Authorities shall pay “special attention...to the desirability of preserving or enhancing the character or appearance of that area”. Policy CS20 of the *Woking Core Strategy (2012)* and policy DM20 of the *Development Management Policies DPD (2016)* reflects this guidance. The principle significance of the host building in terms of character and heritage is derived from its frontage within the street scene of Chertsey Road. The proposed dormer would not be visible from Chertsey Road and would be mainly visible from Locke Way to the rear. It is noted that it would be set down from the main ridge of the host building and set in from its boundary with 41 Chertsey Road which is considered to make it appear subservient to the host building. As previously mentioned the LPA’s Heritage & Conservation Consultant has raised no objection. It is also noted that a resolution to grant planning permission was made by the Planning Committee on 16.01.2018 for PLAN/2017/0981 which proposed a similar rear dormer at the adjoining property 41 Chertsey Road.
9. For these reasons it is considered that the proposal would preserve the character and appearance of the Conservation Area.

### Impact on neighbouring amenity

10. It is considered that the massing, design and location of the dormer would not create unacceptable overlooking issues, would not unacceptably impact sunlight/daylight levels and would not appear unacceptably overbearing towards neighbouring properties.
11. For these reasons it is considered that the proposal would have an acceptable impact on neighbouring amenity.

### Quality of accommodation and private amenity space

12. The DCLG’s *Technical housing standards – nationally described space standard (2017)* recommends that 1 bedroom flats should have a minimum gross internal area (GIA) of 37sqm. The proposed first floor flat would have a GIA of 40.3sqm and therefore exceed this guideline. The proposed second floor flat would have a GIA of 40.3sqm and would therefore also exceed this guideline. The proposed third floor flat would have a GIA of 30.8sqm and would therefore fall below this guideline however this 6.2sqm shortfall is not considered to result in material harm to the residential amenity of future occupiers, particularly taking into account the central Woking Town Centre location.
13. In terms of the proposed flats it is considered, having regard to the locational characteristics of the application site within Woking Town Centre, that an acceptable standard of outlook, daylight and sunlight would be achieved to habitable rooms.
14. The Council’s SPD Outlook, Amenity, Privacy and Daylight (2008) states that “dwellings specifically designed not to be used for family accommodation do not require any specific area to be set aside for each as private amenity space. This

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would apply to one and two bedroom flats and other forms of dwelling less than 65sq.m. floorspace". The three proposed flats in would each have less than 65sqm of floorspace and therefore the SPD does not require any specific area of amenity space.

15. The agent submitted a block showing all proposed recycling and waste receptacles to be located at the rear of the site. As previously mentioned the LPA's Waste & Recycling Team considers that the proposed recycling and refuse arrangements would be acceptable.
16. It is considered that noise from the existing ground floor pub as well as from existing residential uses on the first, second and third floors of 45 and 47 Chertsey Road would not have an unacceptable impact on future occupiers of the proposed flats but only subject to a condition requiring noise mitigation details to be submitted and agreed by the LPA prior to commencement of development.
17. For these reasons it is considered that the proposal would not provide an unacceptable quality of accommodation and private amenity space.

### Impact on car parking provision & highway safety

18. The Council's SPD *Parking Standards* (2006) sets maximum parking standards, with the objective of promoting sustainable non-car travel. It advises that where car parking provision falls below the stated maximum standard the scheme needs to be examined to ensure it does not have an adverse impact on highway safety, the free flow of traffic or parking provision in the locality. Policy CS18 of *the Woking Core Strategy* (2012) highlights the Council's commitment to sustainable transport modes. With this in mind new development is steered to urban locations, such as Woking Town Centre, that are served by a range of sustainable transport options.
19. The *National Planning Policy Framework* (2012) states that in setting local parking standards local planning authorities should take into account the accessibility of the development; the type and mix of the development; the availability and opportunities for public transport; local car ownership levels; and the need to reduce the use of high emission vehicles.
20. While *Parking Standards* (2006) identifies a parking standard of one car parking space for every 1-bedroom flat it also states that "*for car parking the standards define the maximum acceptable provision for the most common forms of development. Provision above this level will not normally be permitted. A minimum requirement will not normally be imposed unless under provision would result in road safety implications*". Also paragraph 32 of the *National Planning Policy Framework* (2012) advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
21. The fact that the proposal would provide no on-site car parking which is below guidelines in the SPD is a significant material consideration. However, it is noted that the application site is located within a highly accessible and sustainable location within Woking Town Centre within only 185 metres of Woking railway station and within immediate proximity to the wide range of retail, business, leisure, arts, culture and community facilities and other public transport connections, such as bus, cycle and pedestrian facilities, available within Woking Town Centre. Furthermore Woking Town Centre and its wider area are covered by a number of Controlled Parking Zones (CPZs) which cover all kerbsides within Woking Town Centre, making them subject to waiting restriction and parking charges. For these reasons the proposed

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flats would likely be attractive to non-car owners and are thus consistent with the planning objective to reduce greenhouse gas emissions. The absence of on site car parking would likely be unattractive to persons who own or rely upon private vehicles for transport. The availability of on street parking and car parks in the locality would readily meet the needs of visitors to the flats. Residents of the flats could equally apply for permits enabling them to park vehicles within the Woking Town Centre public car parks.

22. It is also noted that no cycle storage is proposed as part of this application.
23. As previously mentioned the County Highway Authority (SCC) has raised no objection to this application.
24. For these reasons it is considered that the proposal would have an acceptable impact on car parking provision and highway safety.

### Impact on Thames Basin Heaths Special Protection Area

25. The site falls within the 400m -5km (Zone B) buffer of the Thames Basin Heaths Special Protection Area (TBH SPA). The TBH SPA is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended).
26. Policy CS8 of the Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres, of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
27. The Suitable Alternative Natural Greenspace (SANG) element of the TBH SPA avoidance tariff is encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the TBH SPA avoidance tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of **£1,461** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy as a result of the uplift of three 1-bedroom flats which would arise from the proposal.
28. A signed Unilateral Undertaking will be used to secure this financial contribution.
29. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the TBH SPA and therefore accords with policy CS8 of the *Woking Core Strategy* (2012) and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy'.

### Sustainability

30. Policy CS22 of the *Woking Core Strategy* (2012) relating to sustainable construction does not explicitly state that it relates to conversions of existing buildings. Therefore it is not considered reasonable or necessary to impose any conditions relating to sustainable construction.

### Affordable Housing

31. Policy CS12 of the *Woking Core Strategy* (2012) states that all new residential development will be expected to contribute towards the provision of affordable

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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.

32. However, following the Court of Appeal's judgment of 11th May 2016 (*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* [2016] EWCA Civ 441), wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31st July 2015 (*West Berkshire district Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin)), it is acknowledged that the policies within the Written Ministerial Statement of 28th November 2014, as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must once again be treated as a material consideration in development management decisions.
33. Additionally the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal judgment dated 13th May 2016, which again gives legal effect to the policy set out in the Written Ministerial Statement of 28th November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm.
34. 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 Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). As the proposal represents a development of 10-units or less, and has a maximum combined gross floor space of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

### Local finance consideration

35. The proposed development would increase the gross internal area by 4.5sqm of gross in the designated town centre. It therefore be liable to a contribution to the Community Infrastructure Levy (CIL) of **£373.85** according to the current financial year's price index however it is noted that a CIL self -exemption form has been submitted by the applicant.

### CONCLUSION

Overall the principle of development is considered to be acceptable and it is considered that it would have an acceptable impact on the character and appearance of the Conservation Area, impact on trees, impact on neighbours, quality of accommodation, impact on car parking provision and highway safety, impact on sustainability and the impact on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan. The proposal therefore accords with sections 6, 7, 10 and 11 of the *National Planning Policy Framework* (2012), policies CS1, CS7, CS8, CS10, CS11, CS12, CS15, CS16, CS18, CS21, CS22, CS24 and CS25 of the *Woking Core Strategy* (2012), policies DM9 of the *Development Management Policies DPD* (2016), *Woking Design SPD* (2015), *Outlook, Amenity, Privacy and Daylight* (2008), *Parking Standards* (2006), *Thames*

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*Basin Heaths Special Protection Area Avoidance Strategy 2010-2015, Climate Change (2013) and Affordable Housing Delivery (2014).*

### **BACKGROUND PAPERS**

Site visit photographs (30.01.2018)

Conservation Area site notice (displayed 20.12.2017)

### **PLANNING OBLIGATIONS**

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	Provision of <b>£1,461</b> contribution to provide SAMM.	To accord with the Habitat Regulations and associated Development Plan policies and the Council's Adopted Avoidance Strategy.

### **RECOMMENDATION**

It is recommended that planning permission be GRANTED subject to the above planning obligation and 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 drawings listed below:
  - 1:1250 location plan (received by the LPA on 27.11.2017)
  - 1:500 and 1:200 proposed block plan Drwg no.WOK/013 (received by the LPA on 01.12.2017)
  - 1:50 proposed first and second floor plans Drwg no.WOK/011 (received by the LPA on 27.11.2017)
  - 1:50 proposed roof space plan and proposed 1:50 proposed section Drwg no.WOK/012 (received by the LPA on 27.11.2017)
  - 1:100 proposed elevations Drwg no.WOK/014 (received by the LPA on 01.12.2017)
  - 1:200 proposed refuse and recycling plan Drwg No.WOK/012/A (received by the LPA on 01.12.2017)

Reason:

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

3. The external finishes of the development hereby permitted shall match those used in the existing building in material, colour, style, bonding and texture.

Reason:

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In the interests of the character and appearance of the building and the visual amenities of the area and in accordance with policy CS21 of the *Woking Core Strategy* (2012).

4. Prior to the first occupation of the development hereby permitted, the refuse and recycling facilities shown on the approved plans shall be made available and thereafter be retained for use at all times.

Reason:

To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the amenities of the area in accordance with policy CS21 of *the Woking Core Strategy* (2012).

5. The development hereby permitted shall not commence until details of the measures to be undertaken to upgrade the 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 neighbouring properties in accordance with policy CS21 of the *Woking Core Strategy* (2012).

### **Informatives**

01. Site Inspections:

You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.

02. The application will not be formally approved until the applicant has entered into a legal agreement with the council to secure a provision of **£1,461** to provide avoidance measures against the impact of the site on the TBH SPA in accordance with the formula in the Avoidance Strategy and the **£373.85** CIL contribution.

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