

27 FEBRUARY 2018 PLANNING COMMITTEE

5e 17/1001 Reg'd: 14.09.17 Expires: 07.07.16 Ward: C
Nei. 13.12.16 BVPI Minor Number 24/8 On No
Con. Target dwellings -13 of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: 183 Boundary Road, Woking, GU21 5BU

PROPOSAL: Erection of a two storey rear extension and change of use and subdivision of building, including existing shop unit (A2 Use Class), to form 3x self-contained flats (1x two bedroom & 2x one bedroom), removal of shop front and erection of front canopy plus associated external alterations and provision of parking and bin storage following demolition of existing garages

TYPE: Full Planning Application

APPLICANT: DiMe Limited

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The proposal includes the creation 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 and subdivision of the existing property, including a ground floor shop unit, into 3x self-contained flats (1x two bedroom & 2x one bedroom). This would be facilitated by the erection of a two storey rear extension and external alterations following the demolition of existing single storey structures. Off-street parking for two vehicles would be provided to the rear accessed from Delta Road

Site Area: 0.022 ha (220 sq.m)
Existing units: 1
Proposed units: 3
Existing density: 45.5 dph (dwellings per hectare)
Proposed density: 136 dph

PLANNING STATUS

- Urban Area
- High Density Residential Area
- Priority Place
- High Accessibility Zone
- Surface Water Flood Risk Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

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

SITE DESCRIPTION

The proposal relates to a two storey end-of-terrace property with a vacant commercial (A2 use) unit at ground floor level with ancillary office space at first floor level and a garage and storage buildings to the rear. The property also features a flat at first floor level. The property forms a prominent corner plot. The surrounding area is characterised predominately by two storey terraced dwellings and is in a relatively high density area. The proposal site faces Boundary Park with the Basingstoke Canal beyond.

PLANNING HISTORY

- 81/0907 – Continued use of first floor as offices for electrical business – Refused 06.10.1981 but allowed at appeal
- 78/0672 – Two storey extension – Refused 01.12.1978
- 76/0759 - Erection of new shop front – Permitted 27.07.1976

CONSULTATIONS

County Highway Authority: No objection subject to conditions.

Drainage and Flood Risk Engineer: No objection subject to conditions.

Scientific Officer: No objection subject to conditions.

REPRESENTATIONS

A total of 6x representations have been received objecting to the proposal raising the following concerns:

- Proposal would cause loss of light and an overbearing impact
- Proposal would place further pressure on parking and provides insufficient parking
- Proposal would be an over-intensification of use of the site and increased noise disturbance
- The area is already congested
- Proposal would be out of character with the area
- The construction phase would cause disruption
- The property is poorly maintained

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012):

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

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

Section 11 - Conserving and enhancing the natural environment

Development Management Policies DPD (2016):

DM2 – Trees and Landscaping

DM8 – Land Contamination and Hazards

DM15 – Shops Outside Designated Centres

27 FEBRUARY 2018 PLANNING COMMITTEE

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough
CS5 - Priority Places
CS7 - Biodiversity and nature conservation
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
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

Supplementary Planning Documents (SPDs):

Woking Design (2015)
Affordable Housing Delivery (2014)
Climate Change (2013)
Outlook, Amenity, Privacy and Daylight (2008)
Parking Standards (2006)

BACKGROUND

Amended plans were received on 21/12/2017 which reduced the scale of the proposed two storey extension and reduced the number of proposed dwellings from five to three. A Flood Risk Assessment was also received on 16/01/2018. Neighbours were re-consulted on the amended plans and the proposal has been assessed based on these plans and information.

PLANNING ISSUES

Principle of Development:

1. The proposal relates to a building which includes a vacant commercial unit which is understood to have previously been in A2 use (financial and professional services). The loss of the existing use is therefore a material consideration however the proposal site is not within a designated shopping frontage. Woking DPD (2016) policy DM15 establishes a presumption against the loss of 'isolated' shop units except in certain circumstances; the proposal site is however located within 321m of the Walton Road Local Centre to the south (approximately a 5 minute walk) which contains a variety of A1 and A2 uses. The loss of the existing A2 use is not therefore considered to limit access to shops serving the day-to-day needs of local residents as there is alternative provision within the local area. The principle of the change of use of the existing commercial unit is therefore considered acceptable.
2. The NPPF (2012) and Core Strategy policy CS25 (2012) promote a presumption in favour of sustainable development. The site lies within the designated Urban Area, within the 'High Accessibility Zone' of Woking Town Centre and within the 400m-5km (Zone B) Thames Basin Heaths Special Protection Area (SPA) buffer zone. Core Strategy (2012) policy CS10 seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place and the proposal is considered to constitute the efficient use of previously developed land within the urban area.

27 FEBRUARY 2018 PLANNING COMMITTEE

3. The principle of residential development is therefore considered acceptable subject to further material planning considerations, specific development plan policies and national planning policy and guidance as discussed below.

Impact on Character:

4. The proposal relates to a two storey end-of-terrace property dating from the Victorian/Edwardian era which is typical of surrounding development and includes a two storey rear projection on the boundary with Delta Road. The proposed development includes a two storey rear extension and alterations to window and door openings including alterations to the existing shop front. The two storey rear extension would be attached to the existing rear projecting element following the demolition of the existing single storey garage and storage structures. The extension would match the ridge height of the existing rear projecting element and would be 2.4m in depth with a hipped roof design. Although the existing flank elevation is relatively large, the proposal is not considered to result in a disproportionate or incongruous addition to the host building and is considered a relatively modest addition. A separation distance of 6.4m would remain to the rear boundary and is considered to result in an acceptable level of visual separation between buildings.
5. The existing property forms a prominent corner plot and features a relatively large and blank flank elevation facing Delta Road. The proposal includes the insertion of 10x additional windows on this elevation which is considered to break-up and add visual interest to this elevation. The window openings generally align with each other at ground and first floor level and respect the window proportions of the Edwardian/Victorian architecture of the area. The existing shop front would be removed and replaced by a front projecting bay window and canopy which reflects the design features typical of the adjoining terraced dwellings and is considered a visually acceptable alteration.
6. The proposal site is positioned opposite the Basingstoke Canal Conservation Area however the scale and siting of the proposed development is not considered to materially impact on the special character or setting of the Conservation Area.
7. Overall the proposed development is considered to result in an acceptable impact on the character of the host building and surrounding area. The proposal therefore accords with Core Strategy (2012) policies CS21, CS24 and CS25, Supplementary Planning Document 'Woking Design' (2015) and the National Planning Policy Framework (2012).

Impact on Neighbours:

8. The closest neighbour to the proposal site is the adjoining neighbour at No.185 Boundary Road to the north-east which is a two storey mid-terrace property and features habitable room windows on the rear elevation and on the side elevation facing the proposal site.
9. The proposal includes the demolition of the existing single storey garage and storage buildings to the rear and the erection of a two storey rear extension. The two storey extension would extend a maximum of 2.6m from the existing rear projection and would extend 1.2m closer to the side boundary with No.183. The extension would be sited a minimum of 2m from the boundary and 12.5m from the windows on the rear elevation of No.185 and the proposal would not be positioned directly opposite the ground floor side-facing windows of this neighbour. The proposed extension is considered a relatively modest addition and the hipped roof further limits the bulk and

27 FEBRUARY 2018 PLANNING COMMITTEE

scale of the extension. It is also borne in mind that the proposal would result in the removal of the existing single storey structures which measure 2.5m high and 13m deep and positioned directly on the boundary with this neighbour. The proposal would therefore alleviate any existing overbearing impact created by the existing structure. Overall the proposal is considered to have an acceptable impact on this neighbour in terms of loss of light and overbearing impacts.

10. The two storey extension would be positioned 7.5m from the boundary with No.187 further to the north-east and 10.5m from the neighbour on the opposite side of Delta Road to the south-west. Given the relatively modest scale of the proposed extension and the separation distances involved, the proposal is not considered to impact unacceptably on these neighbours or neighbours beyond in terms of loss of light and overbearing impacts.
11. The proposed two storey rear extension would be positioned 6.4m from the boundary with No.7 Delta Road which has a side-to-rear relationship with the proposal site. The proposal would pass the '45° test' in plan and elevation form with this neighbour and is not considered to result in an undue loss of light or overbearing impact on this neighbour. This neighbour does feature side-facing windows facing the proposal site however these are understood to serve non-habitable rooms or as secondary windows.
12. The existing property features several first floor side-facing windows facing north-east towards the neighbour at No.185 and there are is a mixture of clearly glazed and obscurely glazed windows. These would all be blocked-up and replaced and there would be 2x additional first floor windows on this elevation. All the first floor windows however would serve non-habitable rooms or as secondary windows and so these can be required to be obscurely glazed with restricted opening by condition in order to avoid undue overlooking. The proposal would also include ground floor side-facing windows however these would be positioned a minimum of 2m from the boundary which itself is proposed to be 2m high fencing; this is considered an acceptable relationship.
13. The windows on the south-west flank elevation would have a separation distance of 10.7m from the flank elevation of No.181 Boundary Road. This separation distance accords with the recommended minimum of 10m set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008). There would be no additional windows facing No.7 Delta Road to the south-east of the site.
14. Overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts compared to the existing situation and accords with Core Strategy (2012) policy CS21, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the National Planning Policy Framework (2012).

Standard of Accommodation:

15. The proposal would create 2x one bedroom dwellings and 1x one bedroom dwelling and all would be split-level with bedrooms at first floor level. Whilst some of the ground floor windows would front directly onto the adjacent pavement, these would serve rooms which have secondary windows opening onto the rear courtyard area. Ground floor rooms are therefore considered to achieve an acceptable overall quality of outlook. First floor habitable rooms would face to the front side and rear. Some of the windows which face towards No.183 Boundary Road would be required to be obscurely glazed with restricted opening however these all serve rooms which are

27 FEBRUARY 2018 PLANNING COMMITTEE

dual aspect with windows facing towards Delta Road which are considered to achieve an acceptable outlook. The proposed units would range from 55m² to 70m² which are considered to offer an acceptable size of accommodation. The proposed units would not achieve conventional areas of private amenity space however amenity space standards can be relaxed for flats and in high density areas. In any case there would be a courtyard space to the rear of each unit providing an area of outside space.

16. Overall the proposal is considered capable of achieving an acceptable standard of accommodation for future residents.

Transportation Impact:

17. The maximum parking requirement for the proposed development under the Council's Parking Standards (2006) would be three spaces. The proposed development would utilise the existing vehicular crossover onto Delta Road and would provide two off-street parking spaces. The proposal site is within the High Accessibility Zone of Woking Town Centre and is close to local shops and services; the proposal site is therefore in a sustainable location and the proposed parking provision is considered appropriate. There is space to the rear of the site in a fenced-off area for adequate bin and cycle storage within easy reach of Delta Road. The County Highway Authority has reviewed the proposal and raises no objection subject to conditions.
18. Overall the proposal is considered to result in an acceptable transportation impact.

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

19. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Core Strategy (2012) policy CS8 requires new residential development beyond a 400m threshold, but within 5km of the SPA boundary, to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
20. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of **£1,147** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the net gain of 1x one bedroom and 1x two bedroom dwelling which would arise from the proposal.
21. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the SPA and therefore accords with Core Strategy (2012) policy CS8 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015'.

Impact on Flood Risk:

22. The proposal site is not within a designated Flood Zone however the surrounding area is at high risk from surface water flooding. The applicant has provided a Flood Risk Assessment during the course of the application which the Council's Drainage and Flood Risk Engineer has reviewed and considers acceptable. The proposal is therefore considered to have an acceptable impact on flood risk.

27 FEBRUARY 2018 PLANNING COMMITTEE

Affordable Housing:

23. Following the Court of Appeal's judgment of 11th May 2016, 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 and Reading Borough Council v Secretary of State for Communities and Local Government), officers accept that, subsequent to the Court of Appeal's judgment, the policies in the Written Ministerial Statement of 28th November 2014 by the Minister of State for Housing and Planning which sets out 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.
24. 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 give 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 fewer, and which have a maximum combined gross floorspace of no more than 1000sqm.
25. Whilst weight should still be afforded to Policy CS12 'Affordable housing' of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016). No affordable housing contribution is therefore sought for this application.

Contamination:

26. The proposal site is located opposite the site of a former timber treatment works and there is potential for contamination on the site. The Council's Scientific Officer raises no objection to the proposal subject to a condition securing a Remediation Strategy should any contamination be discovered during construction.

Community Infrastructure Levy:

27. The proposal would not be CIL liable as there would be no net increase in floor area compared to the existing development on the site.

CONCLUSION

28. Considering the points discussed above, the proposal is considered an acceptable form of development which would have an acceptable impact on the amenities of neighbours, on the character of the surrounding area and in transportation terms. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions and subject to Section 106 Agreement.

BACKGROUND PAPERS

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

PLANNING OBLIGATIONS

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

	Obligation	Reason for Agreeing Obligation
1.	SAMM (SPA) contribution of £1,147	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2010-2015.

RECOMMENDATION

PERMIT subject to the following conditions and S106 Agreement:

1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

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

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

- 17061[S]01 (Existing Site Plan & Location Plan) received by the LPA on 29/08/2017
- 17061[S]02 (Existing Plans, Elevations & Section) received by the LPA on 29/08/2017
- 10761[PL]01 Rev.C (Proposed Site & Block Plans) received by the LPA on 12/02/2018
- 10761[PL]02 Rev.D (Proposed Floor & Roof Plans) received by the LPA on 12/02/2018
- 10761[PL]03 Rev.C (Proposed Elevations) received by the LPA on 12/02/2018

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

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

Reason: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. Prior to the first occupation of the development hereby approved, a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted, details of materials for areas of hardstanding and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

27 FEBRUARY 2018 PLANNING COMMITTEE

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. The first floor windows in the north-east facing side elevation of the development hereby approved shall be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor levels of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

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

6. Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with the approved plans for vehicles and bicycles to be parked. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no window, rooflight, door or other additional openings at first floor level or above, other than those expressly authorised by this permission, shall be formed in the north-east facing side elevation of the development hereby approved without planning permission being first obtained from the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

8. Prior to the first occupation of the development hereby approved, details of the proposed waste and recycling storage and management arrangements for the development shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall then be implemented and retained thereafter for the lifetime of the development hereby approved.

Reason: In the interests of amenity and to ensure the appropriate provision of infrastructure in accordance with Policy CS16 of the Woking Core Strategy 2012.

9. If during development, contamination not previously identified is found present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this

27 FEBRUARY 2018 PLANNING COMMITTEE

unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

Reason: To comply with the National Planning Policy Framework (NPPF) which requires development to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution (paragraph 109) and to ensure that adequate site investigation information, prepared by a competent person, is presented (paragraph 12).

10. The development hereby approved shall be constructed in accordance with the submitted Flood Risk Statement Ref: 17068/PG dated 15/01/2018. As stated in the Flood Risk Statement there shall be no bedrooms located on the ground floor level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed not increased in with NPPF and policy CS9 of the Woking Core Strategy 2012 and the policies in the NPPF.

Informatives

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

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

8.00 a.m. - 6.00 p.m. Monday to Friday
8.00 a.m. - 1.00 p.m. Saturday
and not at all on Sundays and Bank Holidays.