

## 7 SEPTEMBER 2021 PLANNING COMMITTEE

6e PLAN/2017/0146

WARD: C

**LOCATION:** 29-31 Walton Road, Woking, Surrey, GU21 5DL

**PROPOSAL:** Demolition of existing building and erection of a 4 storey building comprising 14 apartments with associated parking (Amended Description).

**APPLICANT:** Surrey Hills Development Ltd

**OFFICER:** Barry Curran

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### Update Background

This application was heard at the Planning Committee Meeting on the 12<sup>th</sup> December 2017 and found to be acceptable with a resolution to grant planning permission subject to conditions and a Section 106 Legal Agreement to secure SAMM contribution for the monitoring and management of avoidance measures against the impact of the site on the SPA in accordance with the formula in the Avoidance Strategy. No affordable housing contribution was sought as the uplift in the number of units only amount to 10no (14no units proposed in place of the existing 4no units).

At the time of determination the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016) set out that there were specific circumstances where contributions for affordable housing planning obligations would not be sought from small scale and self-build development. This followed the order of the Court of Appeal judgment dated 13th May 2016, which again gave legal effect to the policy set out in the Written Ministerial Statement of 28th November 2014. These circumstances included that contributions should not be sought from developments of 10no-units or less, and which have a maximum combined gross floor space of no more than 1000sqm.

A significant amount of time has lapsed since this resolution and no legal agreement was entered into during this time. In the interim period, the most recent edition to the NPPF was introduced in July 2021. This represents the most up to date national planning policy for guiding planning decisions. The Council has already agreed as a matter of principle to apply the national policy on Affordable Housing in relation to the minimum threshold. In this regard, and based on the interpretation of Paragraph 64 of the NPPF, Affordable Housing contribution should be sought on schemes of 10no units or more. This is in line with the planning definition of 'major development' within the NPPF. There is no permission until the full decision has been issued. Considering the wording of the NPPF, affordable housing contribution is now sought given the uplift in the number of units (10no units).

Following this, the Council's Housing Department considers that a financial contribution (£278,519) in lieu of on-site affordable housing units would be acceptable in this instance. This is considered appropriate given the number of units (3no units) required under the NPPF, Policy CS12 of the Core Strategy 2012 and the Council's Supplementary Planning Document 'Affordable Housing' 2014.

The applicant has confirmed a willingness to enter into a S.106 to secure this financial contribution as well as the relevant SAMM payment.

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With respect to changes to policies and guidance since the initial resolution, the relevant policies that have changed relate to the NPPF and the Council's Supplementary Planning Document 'Parking Standards' which were updated between 2018 and 2019 and the local financial considerations including Community Infrastructure Levy which changes annually. All other policies and guidance remain extant. The relevant sections of the NPPF for the proposed development regarding design, building a strong economy along with quality homes and ensuring vitality within the town centre are considered to largely echo the provisions of the superseded NPPF which were deemed to be adhered to under the initial determination. As such, it is considered that the development complies with the current provisions of the NPPF.

Additionally, the description of the development has been amended to omit the reference to the mix of residential units proposed following the outcome of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 ("Finney case").

### Impact on Parking

The Council's Supplementary Planning Document 'Parking Standards' 2018 sets minimum on-site parking provision as opposed to the maximum standards set by the superseded SPD. The proposed development included 8no on-site parking spaces towards the rear of the building which falls short of the 11no spaces required considering the proposed mix of units. Whilst the on-site provision falls short of the minimum standards, Table 3 of the 'Parking Standards' 2018 SPD notes that "*On site provision below minimum standards will be considered for developments within Woking town centre.*" Located within the Woking Town Centre, the application site is in a highly sustainable location with access to a range of modes of transport including bus and train with the Woking Train Station approximately 500 metres to the south-west.

It is a significant material consideration that the application site is located within a sustainable location within Woking Town Centre within only 500 metres to 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, it is considered unlikely that the proposed development would exacerbate any existing on-street parking problems due to the availability of various transport modes and existing parking control within the locality.

Under the amended floor plans there are 28no cycle spaces provided for in a secure cycle store which amounts to 2 spaces per unit which satisfies the provisions outlined in the 'Parking Standards' SPD.

### S106 Legal Agreement – Affordable Housing contribution

Policy CS12 of the Core Strategy states that all new residential development on previously developed land will be expected to contribute to the provision of affordable housing. On sites providing between 10 and 14 new dwellings, the Council will require 30% of dwellings to be affordable. The policy also states that the proportion of affordable housing to be provided by a particular site will take into account a number of factors, including the costs relating to the development, in particular the financial viability of developing the site (using an approved viability model).

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As set out above, a significant amount of time has lapsed since the initial resolution which did not include affordable housing contribution and no legal agreement was entered into during this time. In the interim period, the most recent edition to the NPPF was introduced in July 2021. This represents the most up to date national planning policy for guiding planning decisions. The Council has already agreed as a matter of principle to apply the national policy on Affordable Housing in relation to the minimum threshold. In this regard, and based on the interpretation of Paragraph 64 of the NPPF, Affordable Housing contribution should be sought on schemes of 10no units or more. This is in line with the planning definition of 'major development' within the NPPF. There is no permission until the full decision has been issued. Considering the wording of the NPPF, affordable housing contribution is now sought given the uplift in the number of units (10no units). The applicant has agreed, in connection with the Council's Housing Team, to provide a financial contribution in lieu of on-site units considering the relatively low number of units due to management /maintenance arrangements and in this case the off-site affordable housing financial contribution would be acceptable. As a result, an off-site contribution of £278,519 has been calculated by the Council's Housing Team and can be provided in this instance.

The applicant has agreed to enter into a S106 Legal Agreement to secure this financial contribution towards the provision of off-site affordable housing with an overage clause. The proposed development is therefore considered to comply with Policy CS12 of the Core Strategy.

### Local Finance Consideration

CIL is a mechanism adopted by the Woking Borough Council which came into force on 1<sup>st</sup> April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development will incur a cost of £75 per sq.metre on the additional floor area of 1,215 sq.m given its location within Maybury which equates to a contribution of **£73,382.14** (including 2021 Indexation) which would be payable upon commencement.

### S106 Legal Agreement - Thames Basin Heaths Special Protection Area - Appropriate Assessment and SAMM financial contribution

Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes of the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.

Policy CS8 of Woking Core Strategy 2012 requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure

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Levy (CIL), however the SMM element of the SPA tariff is required to be addressed outside of CIL.

The Planning Committee resolution secured a SMM contribution of £8,826 as avoidance and mitigation measures in relation to the Thames Basin Heaths Special Protection Area. However this contribution was based on the 2017 tariff. The SMM financial contribution is updated yearly based on the RPI annual inflation in the particular year. Currently the SMM financial contribution for this development is **£7,959** (due to an error in the calculations) and this is required to be secured to avoid any adverse effects on the integrity of the Thames Basin Heaths Special Protection Area. This financial contribution will require a further update if the S106 Legal Agreement is signed after 31<sup>st</sup> March 2022.

The Appropriate Assessment therefore concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. For the avoidance of doubt, sufficient SANG at White Rose Lane has been identified to mitigate the impacts of the development proposal.

Subject to securing the provision of the SMM tariff and in line with the conclusions of the Appropriate Assessment, the Local Planning Authority is able to determine that the development will not adversely 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.

### Revised Recommendation

It is recommended that planning permission be **GRANTED** subject to:

- i) the prior completion of a S106 Legal Agreement to secure:
  - a. an affordable housing contribution of £278,519 and overage clause; and
  - b. the required SMM financial contribution (currently £7,959 and any increase which may be required if the agreement is signed after 31<sup>st</sup> March 2022); and
- ii) the originally recommended planning conditions (1-22 including update to condition 3 to include revised floor plans)

The remainder of the report below is a copy of the Officer report to Planning Committee as originally submitted on 12.12.2017.

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

The application proposes the creation of 14no residential units which falls outside of the scheme of delegated powers.

### **SUMMARY OF PROPOSED DEVELOPMENT**

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This is an application for the erection of a 4 storey residential building following demolition of the existing building on the junction of Walton Road and Grove Road. The building will include 14no apartments (6no one bed, 5no two bed and 3no three bed) with 8no car parking spaces at ground floor level and 20no secure cycle parking spaces.

|                           |                                |
|---------------------------|--------------------------------|
| Site area:                | 0.05 hectares (554 sq.m)       |
| No. of residential units: | 14                             |
| Existing Density          | 72 dph (dwellings per hectare) |
| Proposed site density:    | 253 dph                        |
| No. of parking spaces:    | 8                              |

### **PLANNING STATUS**

- Urban Area
- High Accessibility Zone
- High Density Residential Area
- Walton Road Neighbourhood Centre
- SPA Zone B

### **RECOMMENDATION**

GRANT planning permission subject to conditions and S.106 Agreement.

### **SITE DESCRIPTION**

The application site is located on the south-eastern side of Walton Road on the junction with Grove Road. The site is within the Walton Road Neighbourhood Centre and also within the High Accessibility Zone in close proximity to Woking Town Centre.

The site consists of mainly two storey buildings of a Victorian period that front onto Walton Road. These comprise of a vacant ground floor A1 unit within 31 Walton Road with B8 floor space to the rear, and a semi-detached residential property attached occupied by 4no residential units. This building has been extended previously with a collection of two storey and single storey additions on the rear elevation. The southern section of the site is put to hard-standing and is laid out as an informal parking area. A gated vehicular access is situated on the Grove Road elevation.

### **PLANNING HISTORY**

PLAN/2011/0813 - Change of use of ground floor showroom and office (A1 use) and warehouse (B8 use) to 2no self-contained studio apartments (C3 residential) with amenity space and parking to rear following demolition of existing store building – Refused 23.03.2012;

#### Reasons

1. *The proposed development, by reason of the unacceptable relationship between the kitchen/shower room of Flat 2 and the bedroom of Flat 1, will result in noise, disturbance and lack of amenity to the future occupiers of Flat 1 contrary to policies BE1 and HSG21 of the Local Plan 1999.*

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- 2. The proposed development, by reason of the lack of any spacing or screening between the habitable room windows of Flat 1 and the communal footpath and pavement of Grove Road, will result in an unacceptable level of outlook and privacy to the future occupiers of Flat 1 contrary to policies BE1 and HSG21 of the Local Plan 1999.*

PLAN/2009/0281 - Demolition of existing buildings and erection of a courtyard development comprising 10 x 2 bed flats and 4 x 1 bed flats over three and four storeys with car parking, relocated vehicular access, plant room, cycle and refuse stores and landscaping – Permitted subject to Legal Agreement 15.07.2009

### Working Men's Club (Liberal Club)

PLAN/2016/0105 – Construction of a new 4 storey building containing: 10 flats, a D1 unit at ground floor, associated car parking, refuse and cycle storage – Permitted 14.12.2016

### **PROPOSED DEVELOPMENT**

The application seeks permission to erect a 4 storey building of 14no residential apartments with 8no car and 20no cycle parking spaces allocated at ground floor level. The proposal is a new scheme which follows on from the previous approval on site (PLAN/2009/0281) with a scale stemming from this approval and the more recently approved 4 storey building at the adjoining site at the previous Working Liberal Club site (PLAN/2016/0105).

The building's footprint will occupy approximately 60% of the site with both the north-eastern and south-western side elevations sitting up against the boundaries on these sides. A vehicular access point will be provided off Grove Road to serve the car and cycle parking areas with bin storage in a secure space in close proximity to the entrance point. The front elevation will be kept in-line with the adjacent buildings and will be laid to landscaping with a projecting canopy at first floor level.

The building will comprise of four storeys above ground level, which will be designed in a contemporary style with areas of flat roof, balconies and terraces. The total height of the building will be 13.5 metres to the front and junction corner with a projecting feature balcony element with the main built element reducing to between 12-12.5 metres on the north-eastern elevation.

### **CONSULTATIONS**

**County Highway Authority:** No objection subject to conditions with a number of informatives recommended (Conditions 9, 10, 11 and 12) (27.02.17)

**Housing Services:** No affordable housing contribution required as the proposed number of dwellings would be below the threshold for affordable housing contributions (07.03.17)

**Neighbourhood Services:** No objection raised but an informative is attached (See informative 8) (08.06.17)

**Scientific Officer:** No objection raised subject to condition (Condition 18) (05.06.17)

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**Drainage Officer:** Submitted information is considered acceptable subject to conditions (Conditions 14, 15 and 16) (10.10.17)

**Surrey Wildlife Trust:** make a number of recommendations but raise no objection to the development (Condition 20) (15.05.17)

**Surrey Police:** Request a planning condition to achieve Secured by Design standards (06.03.17)

**Thames Water:** With regards to sewerage infrastructure capacity no objection is raised. Recommend that a piling method statement should be submitted to and approved in writing prior to any piling taking place (Condition 17).

### **REPRESENTATIONS**

None received

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework 2012

Section 1 – Building a Strong, Competitive Economy

Section 2 – Ensuring vitality of town centres

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

#### *National Planning Policy Framework 2021*

*Section 6 – Building a Strong, Competitive Economy*

*Section 7 – Ensuring vitality of town centres*

*Section 11 – Making effective use of land*

*Section 12 – Achieving well-designed places*

#### Core Strategy Publication Document 2012

CS1 – A spatial strategy for Woking Borough

CS4 – Local and Neighbourhood Centres and shopping parades

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

CS18 - Transport and accessibility

CS19 – Social and community Infrastructure

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)

DM2 – Trees and Landscaping

DM8 - Land Contamination and Hazards

#### Supplementary Planning Guidance

Supplementary Planning Document 'Parking Standards' 2006

*Supplementary Planning Document 'Parking Standards' 2018*

Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008

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Supplementary Planning Document 'Design' 2015  
Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

### PLANNING ISSUES

1. The main issues to consider in determining this application are; the principle of development, design considerations and the impact of the proposal on the streetscene and character of the area, layout and creation of acceptable residential development for proposed occupiers, impact on residential amenities, highways and parking implications, waste management, flood risk, contamination, sustainability, affordable housing, Community Infrastructure Levy (CIL), the impact on the Thames Basin Heaths Special Protection Area and other matters having regard to the relevant policies of the Development Plan.

#### Principle of Development

2. The National Planning Policy Framework and Policy CS25 of the Woking Core Strategy 2012 promote a presumption in favour of sustainable development. The application site is Previously Developed Land (PDL) within a sustainable location within the defined Urban Area just outside the Town Centre, in the Walton Road Neighbourhood Centre and in a defined High Density Residential Area.
3. Policy CS1 of the Woking Core Strategy 2012 states: *“Development located in the District, Local and Neighbourhood Centres to provide housing, jobs and convenient access to everyday shops, services and local community facilities will also be encouraged”*. This policy of the Core Strategy notes that developments located in Neighbourhood Centres will provide housing and convenient access to services and local community facilities. Policy CS10 makes provision for 250 dwellings as infill development in the Borough’s urban area between 2010 and 2027, at a density of 30-60dph (dwellings per hectare). The reasoned justification for the policy states that in Neighbourhood Centres *“infill and other forms of residential development within these centres will be permitted within the boundaries as shown on the Proposals Map”*. The Core Strategy implies that these density figures are only to be used as indicative, where it goes onto state that density levels will depend on the nature of the site and will be influenced by design with the aim to achieve the most efficient use of land. Higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of the area would not be compromised. This proposal would result in a density of 253dph which, although not in line with the indicative figures, is considered to be justified by the site’s sustainable location and its acceptable impact on the character of the area, which is discussed in further detail in the following section. Further to this, in order to make the most efficient use of land within High Density Residential Areas, developments at densities in excess of 200dph are encouraged.
4. The appropriate percentage of different housing types and sizes depends upon the established character and density of the neighbourhood and the viability of the scheme. Policy CS11 of the Core Strategy states that all residential proposals will be expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the latest SHMA

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(Strategic Housing Market Assessment) in order to create sustainable and balanced communities. The most recent (September 2015) Strategic Housing Market Assessment (SHMA) for the West Surrey area indicates an estimated size of (market housing) dwellings required between 2013 and 2033 of 10% 1 bed, 30% 2 bed, 39% 3 bed and 22% 4+ bed. In this instance whilst the proposed development does not wholly reflect the housing mix outlined within Policy CS11 and the SHMA (2015), it would provide a mixture of 1, 2 and 3 bedroom units, with 43% 1no bedroom units, 36% 2no bedroom units and 21% 3no bedroom units within an urban centre location where high density development is supported. The housing mix is also influenced by other material planning considerations such as the level of car parking. Overall it is considered that the proposed dwelling types and sizes are considered appropriate having regard to the site location in accordance with Policy CS11 of the Woking Core Strategy 2012 and the SHMA (2015).

5. The principle of the development needs to be considered in terms of the loss of a retail unit and associated employment. The application site is located within the Walton Road Local Centre, Policy CS4 of the Woking Core Strategy 2012 states that *“the change of use of A1 retail premises to other town centre uses will only be permitted where:*
  - *The floorspace is vacant*
  - *The unit is not an anchor store*
  - *The change of use is not considered harmful to the vitality and viability of the centre as a whole*
  - *Existing facilities which provide for people’s day-to-day needs are protected.”*

It is considered that this unit does not contribute to the vitality of the local centre and that it is not a key ‘anchor’ unit. It is understood that the unit stands vacant for lengthy periods of time with only short tenancies and no ‘anchor’ store established. It is considered that the loss of this unit to provide for residential housing will not result in a harmful or prejudicial impact on the future viability and vitality of the Walton Road Local Centre. Located just outside the boundary for the Woking Town Centre, Walton Road Local Centre is sited in close proximity to a number of services which provides for people’s day-to-day needs. The loss of a unit, which is understood to lay vacant for lengthy periods of time, is not seen to provide a stable facility and as such the objectives of Policy CS4 of the Woking Core Strategy 2012 are fulfilled.

6. Given that the proposal is to provide 14no units in a sustainable location in close proximity to Woking Town Centre and train station, it is considered that the scale of this proposal relates to the role and function of the existing neighbourhood centre and with the existing vacant unit not contributing to the vitality or viability of the centre. In contrast the development would help to revitalise the vitality and vitality of the neighbourhood centre which is set out as an aim in paragraph 23 of the NPPF by adding additional residential units.

### Design Considerations and the Impact of the Proposal on the Character and Appearance of the Surrounding Area

7. Policy CS21 requires new development to pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics

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of adjoining buildings and land; to achieve a satisfactory relationship to adjoining properties. One of the core principles of the National Planning Policy Framework is to seek to secure high quality design. Para 131 echoes the provisions of the Core Strategy Policy CS21 in that Local Planning Authorities should take account of the *“the desirability of new development making a positive contribution to local character and distinctiveness”*.

8. Paragraph 59 of the National Planning Policy Framework advises that the overall scale, density, layout, materials etc. of development should be guided by neighbouring buildings and the local area. The proposed building will stand at 13.5 metres in height at its highest point fronting onto Walton Road with a protruding corner element emphasising its prominence on the corner junction, measure approximately 36 metres in total depth and cover a width of 14.2 metres spanning the entire width of the site. Set along both side boundaries, the building corresponds to the tight knit nature of development along Walton Road and creates a strong corner building retaining a 1 metre gap with the adjacent notional building. Furthermore, the proposed building will correlate with the design of the aforementioned notional building on the former Liberal Club site. Its scale is typical of the immediate area forming a transition between the larger building towards the junction with Stanley Road and the more domestic scale buildings down Walton Road.
9. The application site is located within an area characterised by buildings of different sizes and architectural styles ranging from Victorian terraced properties to larger contemporary style buildings such as William Booth Place. The scale and mass, as previously noted, have been designed in line with the extant consent on the neighbouring former Liberal Club site and the previous consent on this site (PLAN/2009/0281). It is on this basis that a similar contemporary designed building is considered to be acceptable within the pattern of development in the street scene. The front elevation fronting onto Walton Road adopts its principal status while also addressing the junction with Grove Road. A punctuating balcony element with an almost double height 3<sup>rd</sup> floor section creates a pleasing canopy which projects some 1.5 metres forward of the main building line with a focal entrance situated below the overhanging building above. This elevation, similar to the front elevation on the Liberal Club development is considered to be a well-designed articulated frontage with balconies and horizontal fins adding interest to these prominent elevations.
10. The north-eastern elevation is a long spanning elevation stretching 29.5 metres at 4 storeys in height, where a series of stepped roof terraces alleviate the bulk and relieve potential monotony towards the rear terminus. Fenestration treatment along this elevation adopts a more vertical emphasis which is considered to ease the horizontal dominance with punctuations and recesses denoting the main pedestrian and vehicular access points. The staggered elements towards the rear of the building reduces the height to between 8.5-5.5 metres and signifies the transition from the more prominent front elevation addressing Walton Road to the more modest two storey terraced buildings within Sandgate Court.
11. The south-western side elevation, which will be sited adjacent to the flank elevation of the notional building within the former Liberal Club site, contains a muted design. While this side of the main building would be muted, it should be noted that this site along with the neighbouring site are in contextual transition where any building brought forward for the neighbouring site would

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be of a similar height and depth and would therefore provide a screen to this flank elevation. Towards the rear, however, this side elevation contains similar treatments to the north-eastern side elevation with vertical fenestration emphasis, built punctuations and the stepped terraces. Further to this, the rear elevation which backs onto the terraced dwellings and parking spaces of Sandgate Court contains a number of balconies and roof balconies along with a varied roof height adding articulation to this elevation.

12. The proposal's front building line would be staggered but would primarily follow a similar building line to the prevailing building line along this side of Walton Road. The corner element would be accentuated with the punctuating balcony element projecting at first floor level contributing to a strong corner on this junction. A landscaped frontage, similar to the extant neighbouring site, would allow for a defensible barrier between the ground floor residential units and the adjacent pedestrian highway. The proposed plans identify soft landscaping to the site frontage; there is an opportunity for some landscaping to the frontage which would serve to soften the appearance of the development and enhance the character of the street scene. A landscaping scheme, including details of hard landscaping and boundary treatments can be secured by Condition (Condition 4).
13. The scheme ensures that a fenestrated street frontage is maintained along Walton Road with a step back at ground floor level to allow the building to come to ground floor strongly creating an inviting, pedestrian friendly environment. The north-eastern elevation along Grove Road, will adopt a minimal fenestration at ground floor level but would contain the pedestrian and vehicular access points to the building. External materials would consist predominantly of facing-brick with grey aluminium panels and glazed balustrades dominating the elevation facing Walton Road and Grove Road. Window and door openings are proposed to be powder coated aluminium with a large recess adding visual interest. These external materials can be secured by way of Condition (Condition. 2)
14. For the above reasons, the design of the proposals is considered to have a positive impact on the character of the area. The proposal is therefore considered to comply with Section 7 of the National Planning Policy Framework, Policy CS21 and CS24 of the Woking Core Strategy 2012 and DM19 of the Development Management Policies DPD 2015 as well as the SPD on design.

### Layout and Creation of Acceptable Residential Development for Proposed Occupiers

15. The proposed residential units will be spread between the ground, first, second and third floors. The gross internal floor space of the proposed units would vary between 50m<sup>2</sup> and 98m<sup>2</sup> and it is considered the size of the proposed units are acceptable in terms of floor space with layouts which achieve a good standard of living space.
16. In terms of amenity space Supplementary Planning Document '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 would apply to one and two bedroom flats and any other forms of dwelling less than 65sq.m. floorspace (but that) all forms of dwelling should seek to incorporate some*

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*modest private sunlit area for sitting outside.*” All apartments with the exception of ‘Apartment 8’ and ‘Apartment 3’ on the ground and first floors respectively are provided with either balconies on the front or rear elevation or terraced areas on the rear elevation adhering to this provision. A small amenity area will be positioned outside the ground floor window on the front elevation outside the bedroom and living room of ‘Apartment 3’ which will provide a small buffer and acts as a defensive boundary from the public footpath and the primary living space of this unit. A window serving the primary living space on ‘Apartment 3’ will be located on the north-eastern side elevation at ground floor level, however, this window will serve as a secondary window with the principal window on the front elevation which would provide adequate daylight while allowing adequate privacy.

17. Walton Road serves as the primary arterial route along this section of Maybury serving the Town Centre and therefore would experience a higher level of both pedestrian and vehicular movement than Grove Road. Apartment 2 includes ground floor windows serving a living/dining room and a bedroom. While these windows open out onto Walton Road, a buffer is proposed between the windows and pedestrian footpath which acts as a defensive boundary from the wider public domain. It is acknowledged that one of the windows serving the ground floor ‘Apartment 3’ would be sited on the north-eastern elevation, it is not considered to result in a significant level of detriment to the amenities of the potential occupier of this unit.
18. Remaining units within the development will be adequately served by private balcony areas on either the north-west, south-east or south-west elevations providing good levels of daylight and dual aspect rooms. It is considered that these provide an acceptable and innovative solution to providing new dwellings within a constrained site on previously developed land within the Urban Area.
19. It should be bore in mind that the overall benefit of bringing this site forward for comprehensive redevelopment would contribute positively to the Maybury and Sheerwater region of the borough. On balance, therefore, it is considered that the proposal would provide a good standard of residential amenity to future occupiers.

### Impact on Residential Amenity

20. Policy CS21 of the Woking Core Strategy 2012 seeks to avoid significant harmful impacts in terms of loss of privacy, daylight or sunlight to adjoining properties. Guidance is also provided in the Supplementary Planning Document ‘Outlook, Amenity, Privacy and Daylight’ 2008. The proposed building will be set along Walton Road on a linear grain of development. The application building will be set opposite the Woking Youth Centre and Nos.14 and 16 Walton Road. The Council’s ‘Outlook, Amenity, Privacy and Daylight’ Supplementary Planning Document 2008 sets out recommended separation distances for different relationships and different building heights; for example 30m for rear-to-rear relationships and 15m for front to boundary/front relationships at three storey level and above. The separation distance between the front elevation of the proposed flats and Nos.14/16 Walton Road would be at least 14 metres which falls negligibly short of the recommended 15 metre indicating an acceptable relationship, on balance. Balconies and windows will provide views out over Walton Road and No.14 and 16 from the proposed development but given the relationship between the buildings and

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highway separating these, as well as the location close to the town centre, such a relationship is typical and not considered to infringe on the levels of privacy by which a recommendation for refusal could be substantiated.

21. Towards the rear a terraced row of two storey dwellings back onto the application site from within Burleigh Gardens. The proposed rear elevation is stepped in height with a section projecting back in an 'L' shaped layout. The separation of the proposed building from the kitchen windows at ground and first floor level on the rear elevation of Nos.2 and 3 Burleigh Gardens, is 6.5 metres. A number of roof balconies are proposed on this elevation set 5 and 8 metres from the rear elevations of these terraced dwellings respectively. The kitchens belonging to these properties are served by windows located in the northern elevation facing the application site and therefore the 25° test as per the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight 2008 has been applied at both ground and first floor level which fails on these windows. It is noted, however, that these kitchens are non-habitable in the sense that they are small and do not have a seating area with the living/dining areas served by windows in the side elevations which will not be detrimentally affected by the proposed development. Furthermore, the spaces between the rear elevation and site boundary are not considered to serve unusable amenity space but rather a storage space between the building and boundary and there is no objection on the impact of the development on these neighbours subject to the installation of appropriate privacy screening to rear balconies considering the close relationship (Condition 5).
22. The proposal will span for a depth of approximately 36 metres back along Grove Road, primarily at 4 storeys in height. No.33 Walton Road is located on the opposite side of Grove Road fronting onto Walton Road with a separation distance of approximately 9 metres between both side elevations. This dwelling benefits from a sizeable south-western flank elevation which spans approximately 14 metres in depth. There are a number of ground and first floor windows on this flank elevation with all windows at ground floor level including obscure glazing. In total there are 5no ground floor window and 2no first floor windows in this flank elevation. Of the 5no ground floor windows there are 2 located in, what is thought to be, the original side elevation which are considered to serve a hallway and a ground floor bathroom and contain obscure glazing. A two storey rear extension has been erected and appears to have been in place for many years (no planning history). The flank elevation of this addition contains a further 3no windows at ground floor where 1no of these is considered to serve as a secondary window to a utility room with the principle window located on the rear elevation. There are 2no windows on this elevation serving a kitchen. The 25° test as per the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight 2008 has been applied to these windows which fail. While this indicates a loss of light to this room, it is considered that light penetration to this room is compromised as existing given the existing windows contain obscure glazing. Notwithstanding the above, it has to be noted that the proposed site is located in a high density urban location where one would expect lower levels of daylight and where sites are required to be developed to their capacity which makes the most efficient use of land. Considering this and on balance, given the central location of the building the impact of the development is not considered to carry a level of detrimental weight by which a recommendation for refusal could be substantiated.

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23. At first floor level there are 2no windows on the south-western elevation of No.33 one of which serves a hallway. The other window is located close to the rear elevation and serves a bedroom with dual aspect outlook. The principal window is located on the rear elevation and while the proposal would increase the bulk and mass and may affect light to the side window, it is considered that the room would achieve an acceptable level of light from the principal rear elevation window and secondary side elevation window.
24. As previously acknowledged the application site is located in a central location just outside of the defined Woking Town Centre. The proposal would include a number of bedrooms and living rooms with fenestration along the proposed north-eastern side elevation which will provide views out over Grove Road and the amenity space of No.33 Walton Road. It is considered that, given the high density residential area, such layouts are unavoidable when making the most efficient use of land in these locations.
25. On this basis and on balance, the proposal is not considered to have a significant harmful impact on neighbouring properties by which a recommendation for refusal could be substantiated and therefore accords with Section 7 of the National Planning Policy Framework, Policy CS21 of the Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

### Highways and Parking Implications

26. Policy CS18 of the Woking Core Strategy 2012 sets out that the Council is committed to developing a well-integrated community connected by a sustainable transport system which connects people to jobs, services and community facilities and that this will be achieved by, among other measures *“implementing maximum car parking standards for all types of non-residential development, including consideration of zero parking in Woking Town Centre, providing it does not create new or exacerbate existing on-street car parking problems. Minimum standards will be set for residential development. However in applying these standards, the Council will seek to ensure that this will not undermine the overall sustainability objectives of the Core Strategy”*.
27. Located within the High Accessibility Zone (within 1250 metres of Woking rail station), the Council's Supplementary Planning Document 'Parking Standards' 2006 indicates a maximum standard for 1 car parking space per 1 or 2 bedroom unit and 1.5 car parking space per 3 bedroom unit would be applicable for the application site. The development proposes to include 8no rear parking spaces, which falls short of the recommended maximum of 15.5 as per the SPD. It should also be noted that the SPD 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 which cannot be resolved through the introduction or enforcement of on-street parking controls”*.
28. While the provision of 8no spaces falls below the maximum figure of 15.5, in consideration of the sustainable location of the site and the Controlled Parking Zone (8:30am-6:00pm Monday-Saturday) in operation along Walton Road and the surrounding streets, it is not considered to result in any on-

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street parking problems. Given the high accessibility location of the proposed development, these maximum standards may be relaxed in such cases. Further to this, there are 20 no cycle spaces provided for in a secure cycle store which amounts to 1.4 spaces per unit, satisfying the provisions outlined in the Parking SPD.

29. The County Highway Authority have been consulted on this application and raise no objection to the development given its highly accessible location so close to the Woking Town Centre. There is no objection raised to the modification to the car park entrance point on Grove Road with suitable visibility at the junction. There are a number of conditions recommended (Conditions 9-12) to ensure the development does not prejudice highway safety or inconvenience highway users.
30. It is therefore considered that the proposal, whilst not strictly in compliance with the Parking Standards SPD, has adequately demonstrated that it would not cause a detrimental impact to highway safety or the local highway network and therefore accords with Policy CS18 of the Woking Core Strategy and the SPD 'Parking Standards' 2008.

### Waste Management

31. Policy CS21 of the Woking Core Strategy 2012 states that new development should incorporate provisions for the storage of waste and recyclable materials to ensure they are of a high quality inclusive design for any prospective occupier. The proposed development includes waste and recycling storage facilities for the residential buildings at ground floor level separate from the residential apartments. The location of the bin store is conveniently positioned beside the vehicular entrance point off Grove Road with sufficient capacity as per the number and sizes of refuse bins required by the Council's waste practice guidance.
32. The Council's Neighbourhood Services team have responded to this development and raise no objection subject to adequate bin requirements and confirmation that the bins can be safely brought out onto the highway. An informative is attached to this effect (Informative 9).

### Flood Risk

33. The Government has strengthened planning policy on the provision of sustainable drainage for 'major' applications which was introduced from 6th April 2015. In line with Government guidance, all 'major' applications being determined, must consider sustainable drainage systems (SUDS) which is now a material consideration. The risk of flooding to the site from all sources of flooding is considered to be low with the site located within Flood Zone 1. The application has been supported by SuDS information and it has been demonstrated that the development satisfies the Sequential Test imposed under the National Planning Policy Framework.
34. The Council's Flooding and Drainage Engineer has assessed the submitted information and confirms that it is compliant with Policy CS9 of the Woking Core Strategy 2012, the NPPF and accompanying technical standards. A number of conditions are recommended on drainage and flood risk grounds in relation to the surface water drainage and a maintenance and management

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plan of the sustainable drainage scheme to ensure the proposed development achieves a high standard of sustainability (Conditions 14-16).

### Contamination

35. The site is previously developed land close to the centre of Woking and given the previous and current use of the land as a store and workshop, there is the possibility of a moderate risk of soil and/or groundwater contamination. In accordance with the provisions of the National Planning Policy Framework, local authorities must make sure that sites are suitable for development taking into account ground conditions, pollution arising from previous uses and any proposals for land remediation. The contamination of land can have adverse impacts on health and wellbeing.
36. The Council's Scientific Officer has been consulted on the proposed scheme and given the previous use of the land, it is considered necessary that a contaminated land condition is attached to ensure a way forward (Condition 18). Overall, subject to this recommended condition, it is considered the proposal accords with section 11 of the NPPF and Policy DM8 of the Development Management Policies DPD 2016.

### Sustainability

37. The application site is previously developed land. Following amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015 which is expected to happen alongside the introduction of Zero Carbon Homes policy in late 2016, the Government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4. In the interim period the Local Planning Authority can attach conditions which seek the equivalent water and energy improvements of the former Code Level 4 on new residential developments. A Sustainability and Energy Statement carried out by Bluesky Unlimited dated 2<sup>nd</sup> February 2017 has been submitted in support of the application. The report demonstrates an accurate assessment of carbon dioxide emissions arising from the proposed building as well as a water efficiency target in line with Building Regulations as per Code for Sustainable Homes Level 4. It is outlined that should the energy efficiency measures proposed as per this report and the design and specifications of the building be successful, a reduction of 19.34% would be achievable in terms of CO2 improvement. The report also confirms that the water consumption figures for the proposed development would not exceed the 105 litres per person per day maximum. Therefore, subject to compliance with the submitted Sustainability and Energy Statement (Conditions 6-8), the proposal is considered to meet the energy and water improvements requirements of the former Code for Sustainable Homes Level 4.

### Ecology

38. The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Circular 06/05 – Biodiversity Geological Conservation also requires the impact of a development on protected species to be established before planning permission is granted. This approach is reflected in Policy CS7 of the Woking Core Strategy 2012.

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39. The applicant has submitted an Extended Phase 1 Habitat Survey. The site is covered with hard surfacing and buildings. The ecological survey concluded that the site has the potential to support nesting birds, however it was highly unlikely that any other Protected Species would be supported on site, including but not limited to roosting bats. The report recommends avoidance and mitigation measures to ensure the proposal complies in full with wildlife legislation.
40. There are two statutory (TBHSPA and Basingstoke Canal SSSI) sites within 2km of the application site. Any impact from residential disturbance on the TBHSPA can be avoided by securing the SAMM payment (see paragraphs 48-50). The Basingstoke Canal SSSI lies within 2km from the application site, although the SSSI designation only starts beyond Monument Road and extends along the canal in an eastwards direction. The applicant has offered to make a one-off financial contribution of £50.00 per flat to the Basingstoke Canal due to the potential for residents to visit the canal on occasion. The NPPF is clear in that planning obligations should only be sought where they meet the tests set out in paragraph 204. In this case, it is considered that this financial contribution is not necessary to make the development acceptable in planning terms and therefore the tests would not be met. For this reason, whilst the applicant is still able to make a financial contribution to the Basingstoke Canal, this is considered to carry no weight in the assessment of this application and as such this aspect is not included in the planning obligations section below. In addition given the separation distance between the application site and these designated ecological sites and the residential nature of the proposed development it is not considered that any adverse impacts would result to these designated sites from the construction/operation of the development.
41. Some recommendations are included within the Extended Phase 1 Habitat Survey relating to the demolition/construction process and also to enhance biodiversity on the site and these matters are secured by Condition 20. Furthermore, the proposed building includes 2no bat boxes on the north-eastern elevation providing ecological enhancements as per national and local policies. These are secured by Conditions 3 and 20.
42. The Surrey Wildlife Trust has raised no objections subject to Condition 20. Subject to the recommended conditions the proposal is considered to be acceptable in terms of ecological impact and would comply with Policy CS7 of the Core Strategy and the policies in the National Planning Policy Framework relating to ecology and biodiversity and the guidance in Circular 06/05.

### Affordable Housing

43. 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 between five and nine new dwellings, the Council will require 20% of dwellings to be affordable, or a financial contribution equivalent to the cost to the developer of providing 20% of the number of dwellings to be affordable on site.
44. 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),

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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.

45. 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. As this scheme is for the demolition of a building which includes 4no existing units and the proposed scheme is for 14no units, the net increase of 10no units would not be subject to affordable housing contributions.
46. 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 additional units (4 existing units on site) 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

47. CIL is a mechanism adopted by the Woking Borough Council which came into force on 1<sup>st</sup> April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development will incur a cost of £75 per sq.metre on an floor area of 1,215 sq.m given its location within Maybury which equates to a contribution of **£63,221.54** (including 2017 Indexation) which would be payable upon commencement.

### Impact on the Thames Basin Heaths Special Protection Area

48. The Thames Basin Heaths Special Protection Area (SPA) is classified for its internationally important bird breeding populations. The designation is made under the Habitats Regulations 2010. It is necessary to ensure that planning applications for new residential developments include sufficient measures to ensure avoidance of any potential impacts on the SPA.
49. The applicant has agreed to make a SAMM contribution of £8,826 (£487 per 1 bed unit, £660 per 2 bed unit and £868 per 3 bed unit) in line with the

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Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the uplift of 10no 2-bedroom units that would arise from the proposal. The applicant is prepared to enter into a S106 Legal Agreement to secure this financial contribution.

50. 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 Policy CS8 of the Woking Core Strategy 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015.

### Other Matters

51. The Police Crime Prevention Design advisor has requested that a planning condition be imposed on any permission granted requiring the development to achieve a Secured by Design award. Whilst the NPPF requires planning decisions to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion (paragraphs 58 and 69) there is no absolute national or local planning policy which requires new developments to achieve a Secured by Design award. In this regard such a condition would not meet the tests for planning conditions and a planning condition is not included within the recommendation.

### Conclusion

52. The proposal is considered to be acceptable development, it will provide an acceptable residential environment for its proposed occupiers and is considered to enhance the visual amenity of the area. The principle of development has been established on the previous application in 2009 which allowed for a similar residential development with units across 4 floors. The proposal will not result in material harm on the amenities enjoyed by the occupiers of surrounding properties and a good standard of residential amenity would be provided to future occupiers. In addition the proposal will have an acceptable impact on highway safety and waste management. Sustainable drainage issues are capable of being addressed via planning condition and a legal agreement would address Thames Basin Heaths Special Protection Area (TBH SPA) mitigation. Sustainable construction can be addressed via planning condition.
53. The proposal is considered to be an acceptable form of development that complies with policies CS1, CS4, CS7, CS8, CS10, CS11, CS12, CS15, CS18, CS19, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008, 'Parking Standards' 2006 and 'Design' 2015, Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015, Sections 1, 2, 6 and 7 of the National Planning Policy Framework as well as Policies DM2 and DM8 of the Development Management Policies DPD 2016. Approval is accordingly recommended subject to the recommended conditions and the applicant entering into a legal agreement.

### **BACKGROUND PAPERS**

1. Site visit photographs.
2. Response from Highways Authority (27.02.17)

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3. Response from Affordable Housing Officer (07.03.17)
4. Response from Scientific Officer (05.06.17)
5. Response from Neighbourhood Services (08.06.17)
6. Response from Thameswater (07.03.17)
7. Response from Drainage Officer (10.10.17)
8. Response from Surrey Wildlife Trust (15.05.17)
9. Response from Surrey Police (06.03.17)
10. Site Notice (Major Development) (03.03.17)

### PLANNING OBLIGATIONS

|    | <b>Obligation</b>   | <b>Reason for Agreeing Obligation</b>   |
|----|---|---|
| 1. | Provision of <b>£8,826</b> SAMM contribution to monitoring and management of avoidance measures against the impact of the site on the SPA in accordance with the formula in the Avoidance Strategy. | 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 following Conditions and securing a S.106 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. ++ Prior to the commencement of the development hereby approved samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area.

3. The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice:

Drawing No. P101 Rev B  
Drawing No. P103  
Drawing No. P104 Rev A

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Drawing No. P102 Rev B (received by LPA 04.08.21)

Reason:

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

4. ++ The development hereby permitted shall not commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. 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:

In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality in accordance with Policies CS7, CS17, CS21 and CS24 of the Woking Core Strategy 2012.

5. ++ Prior to the commencement of the development, hereby approved, details of the screening features and positioning of such features to the first, second and third balconies on the front and rear elevations shall be submitted to and approved in writing by the Local Planning Authority. Once installed the screening and their positioning shall be permanently retained as agreed unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy of the occupiers of the adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

6. The development hereby approved shall be carried out in accordance with the Sustainability and Energy Statement carried out by Bluesky Unlimited dated 2nd February 2017. The details shall be installed prior to the first occupation of the development and maintained and operated in perpetuity, unless otherwise 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 and to comply with Policies CS21 and CS22 of the Woking Core Strategy 2012

7. ++Prior to the commencement of the development hereby approved, written evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will:

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- A. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
- B. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with Policy CS22 of the Woking Core Strategy 2012 and the policies in the NPPF.

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

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with Policy CS22 of the Woking Core Strategy 2012 and the policies in the NPPF.

- 9. The development hereby approved shall not be first occupied unless and until the proposed modified access to Grove Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

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Reason:

The above condition is required in order that the development should not prejudice highway safety nor should it inconvenience other highway users

10. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Drawing No. P101 Rev B) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason:

The above condition is required in order that the development should not prejudice highway safety nor should it inconvenience other highway users

11. No development shall commence until a Construction Transport Management Plan, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials

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:

The above condition is required in order that the development should not prejudice highway safety nor should it inconvenience other highway users

12. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:
  - (a) The secure parking of bicycles within the development site

and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

The above condition is required in order that the development should not prejudice highway safety nor should it inconvenience other highway users

13. ++ Notwithstanding the information submitted as part of this application, the development (or each phase of the development) hereby permitted (including any clearance works and demolition) shall not commence until a Construction Method Statement has been submitted to and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Deliveries of construction materials, plant and machinery and any removal of spoil from the site shall only take place between the hours of 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays. No deliveries shall take place on Sundays or public holidays.

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

Reason:

To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity in accordance with Policies CS18 and CS21 of the Woking Core Strategy 2012.

14. No development shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason:

To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF.

15. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme

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for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation,
- ii. Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
- iii. A table to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues; and
- iv. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason:

To ensure that the development achieves a high standard of sustainability, continues to be maintained as agreed for the lifetime of the development and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012 and policies in the NPPF.

16. No unit shall be first occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason:

To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF.

17. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

18. ++ The development hereby permitted shall not commence until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

- (i) The above scheme shall include :-

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- (a) a contaminated land desk study and suggested site assessment methodology;
  - (b) a site investigation report based upon (a);
  - (c) a remediation action plan based upon (a) and (b);
  - (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;and
  - (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d)
  - (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out
- (ii) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details and timescales as may be agreed.

Reason:

To ensure that a satisfactory strategy is put in place for addressing contaminated land before development commences and to make the land suitable for the development without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CS9 and CS21 of the Woking Core Strategy 2012.

19. 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

20. The development hereby permitted shall be undertaken in accordance with the requirements as specified in sections 6.4, 6.5 and 6.6 of Section 6 – Requirements, Recommendations and Enhancements of the submitted Extended Phase 1 Habitat Survey report dated 17th October 2016 and submitted with the application and the guidance as provided in the letter from the Surrey Wildlife Trust dated 15<sup>th</sup> May 2017 in relation to bats, unless otherwise first approved in writing by the Local Planning Authority.

Reason:

To mitigate the potential impact of the proposal on ecology and to comply with Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

21. Prior to the first occupation of the development hereby permitted the photovoltaic panels shall be installed in accordance with the Sustainability & Energy Statement submitted with the application and the approved plans. The photovoltaic panels shall thereafter be maintained operational in perpetuity unless otherwise first approved in writing by the Local Planning Authority.

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Reason:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with Policy CS22 of the Woking Core Strategy 2012 and the policies in the NPPF.

22. No areas of roof shall be used as a balcony, roof terrace, sitting out area or similar amenity area, 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.

### 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. 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. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.
4. 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.
5. For the avoidance of doubt, the following definitions apply to Condition.17 relating to contaminated land:

Desk study- This will include: -

- (i) a detailed assessment of the history of the site and its uses based upon all available information including the historic Ordnance Survey and any ownership records associated with the deeds.
- (ii) a detailed methodology for assessing and investigating the site for the existence of any form of contamination which is considered likely to be present on or under the land based upon the desk study.

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Site Investigation Report: This will include: -

- (i) a relevant site investigation including the results of all sub-surface soil, gas and groundwater sampling taken at such points and to such depth as the Local Planning Authority may stipulate.
- (ii) a risk assessment based upon any contamination discovered and any receptors.

Remediation action plan: This plan shall include details of: -

- (i) all contamination on the site which might impact upon construction workers, future occupiers and the surrounding environment;
- (ii) appropriate works to neutralise and make harmless any risk from contamination identified in (i)

Discovery strategy: Care should be taken during excavation or working of the site to investigate any soils which appear by eye or odour to be contaminated or of different character to those analysed. The strategy shall include details of: -

- (i) supervision and documentation of the remediation and construction works to ensure that they are carried out in accordance with the agreed details;
- (ii) a procedure for identifying, assessing and neutralising any unforeseen contamination discovered during the course of construction
- (iii) a procedure for reporting to the Local Planning Authority any unforeseen contamination discovered during the course of construction

Validation strategy: This shall include : -

- (i) documentary evidence that all investigation, sampling and remediation has been carried out to a standard suitable for the purpose; and
- (ii) confirmation that the works have been executed to a standard to satisfy the planning condition (closure report).

All of the above documents, investigations and operations should be carried out by a qualified, accredited consultant/contractor in accordance with a quality assured sampling, analysis and recording methodology.

6. Where windows are required by planning condition to be fitted with obscure glazing the glass should have a sufficient degree of obscuration so that a person looking through the glass cannot clearly see the objects on the other side. 'Patterned' glass or obscured plastic adhesive are not acceptable. If in doubt, further advice should be sought from the Local Planning Authority before work is commenced.
7. 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.

The applicant is advised that an application will need to be made under the Control of Pollution Act 1974 to Woking Borough Council's Environmental Health Team for consent for any proposed additional working hours outside of

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the normal working hours of 08.00 to 18.00 Monday-Friday and 08.00 to 13.00 on Saturdays.

8. Please note that developers are responsible for the purchasing of all waste receptacles required for developments. At least 12 weeks is required for bin orders via the Council. The developer will need to refer to the Waste and Recycling Provisions for developers to ensure the development is compliant with our requirements. This is available online at [www.woking.gov.uk/recycling](http://www.woking.gov.uk/recycling)
9. The applicant 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).
10. The applicant is advised that Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
11. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
12. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
13. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
14. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's

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ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email Thames water a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

15. The development hereby permitted is subject to CIL. The charge becomes due when development commences. A commencement notice, which is available from the Planning Portal website (Form 6: Commencement Notice: [http://www.planningportal.gov.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf)) must be issued to the Local Planning Authority and all owners of the relevant land to notify them of the intended commencement date of the development. The Local Planning Authority will then send a Demand Notice to the person or persons who have assumed liability.
16. The application will not be formally approved until the applicant has entered into a legal agreement with the council to secure a provision of £8,826 to provide avoidance measures against the impact of the site on the TBH SPA in accordance with the formula in the Avoidance Strategy and pay £63,221.54 towards CIL.