

18 JANUARY 2022 PLANNING COMMITTEE

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PLAN/2021/0755

WARD: Hoe Valley

LOCATION: 1 Claremont Avenue, Woking, Surrey, GU22 7SF

PROPOSAL: Erection of a part four storey, part three storey building including accommodation in the roof space, comprising 9x self-contained flats and associated access, parking, landscaping, bin and cycle storage following demolition of existing building.

APPLICANT: Ashill Land Ltd

OFFICER: Brooke Bournague

REASON FOR REFERRAL TO COMMITTEE

The proposal is of a development type which falls outside the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

Erection of a part four storey, part three storey building including accommodation in the roof space, comprising 9x self-contained flats and associated access, parking, landscaping, bin and cycle storage following demolition of existing building.

Site Area:	0.09ha (900sq.m)
Existing units:	0
Proposed units:	9
Existing density:	0dph (dwellings per hectare)
Proposed density:	100dph

PLANNING STATUS

- Urban Area
- Thames Basin Heaths SPA ZoneB (400m-5km)
- High Density Residential Area

RECOMMENDATION

Grant planning permission subject to conditions and Section 106 Agreement.

SITE DESCRIPTION

The application site is located on a prominent corner plot and is accessed via Claremont Avenue and is bounded by Guildford Road to the north west. The site is occupied by a two storey detached building that is currently vacant, but was last occupied by an orthodontist. The trees to the north boundary of the site are protected by an area TPO. There is a large area of hardstanding to the north east and north west of the site and an area of soft landscaping to the south west of the site. The application site is surrounded by residential properties. Moorholme to the north west of the application site is characterised by three storey terrace dwellings. The section of Guildford Road to the west is characterised by detached and semi-detached dwellings. A four storey block of flats is sited to the north east of the site bounded by Guildford Road, Constitution Hill and Blackness Lane. Claremont Avenue is characterised by large detached dwellings and blocks of flats.

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PLANNING HISTORY

PLAN/2021/0926: Prior Approval under the Class MA provision for change of use of class E into class C3 (residential dwelling). Permitted 12.10.2021

PLAN/2021/0029: Lawful Development Certificate (Existing Use) to establish whether the use of the building as an orthodontist began more than 10 years before the date of this application. Permitted 04.03.2021

PLAN/1992/0345: Use of first floor as general practitioners with associated parking. Permitted 06.08.1992

83/0820: Change of use of ground floor from residential to school for Greenfield School. Permitted 01.09.1983

0023560: Block of 4 flats and 4 garages. Permitted 01.09.1968

0023353: Block of 4 flats and 4 garages. Permitted 01.08.1968

CONSULTATIONS

SCC Highways: No objection subject to conditions

Arboricultural Officer: No objection subject to condition

Surrey Wildlife Trust: No objection subject to condition

Waste Services: No objection

Contaminated Land Officer: No objection subject to condition

Environmental Health: No objection subject to conditions

Flood Risk and Drainage Team: No objection subject to conditions

REPRESENTATIONS

2 letters raising the following points:

- Loss of trees resulting increased noise levels from Guildford Road
- Loss of wildlife
- Lack of amenity space
- Highway safety
- No visitor parking
- Overlooking
- Loss of daylight
- Impact during construction
- Loss of privacy
- Noise from vehicles parking and residents

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

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Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough
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
CS19 - Social and community infrastructure
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

Development Management Policies DPD (DM Policies DPD) (2016)

DM2 - Trees and Landscaping
DM5 - Environmental pollution
DM7 - Noise and light pollution
DM8 - Land Contamination & Hazards

Supplementary Planning Documents (SPD's)

Design (2015)
Parking Standards (2018)
Outlook, Amenity, Privacy and Daylight (2008)
Climate Change (2013)
Affordable Housing Delivery (2014)

Other Material Considerations

Planning Practice Guidance (PPG)
South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area
Thames Basin Heaths Special Protection Area Avoidance Strategy
Woking Borough Council Strategic Flood Risk Assessment (November 2015)
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Waste and recycling provisions for new residential developments
Technical Housing Standards - Nationally Described Space Standard (March 2015)

PLANNING ISSUES

Principle of Development:

1. The use of the proposal site is as an Orthodontist Class E (Commercial Business and Service). The use is understood to have operated until 01.04.2021 and the premises has been vacant since. The proposal is to demolish the existing building and to erect a building with 9x flats which would result in the loss of the use of the building as an orthodontist.
2. Policy CS19 (Social and Community Infrastructure) of the Woking Core Strategy (2012) sets out that *"the loss of existing social and community facilities or sites will be resisted unless the Council is satisfied that:*
 - *there is no identified need for the facility for its original purpose and that it is not viable for any other social or community use, or*
 - *adequate alternative facilities will be provided in a location with equal (or greater) accessibility for the community it is intended to serve*

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- *there is no requirement from any other public service provider for an alternative social or community facility that could be met through change of use or redevelopment.”*
3. Section 5.175 of the Woking Core Strategy (2021) states that ‘*social and community infrastructure includes: schools, higher education facilities, health centres, GP surgeries, dentists, child care premises, supported accommodation, libraries, museums, community halls, places of worship, church halls, day centres, children’s centres, indoor and outdoor recreation and sports facilities and any other facility owned by a publicly funded body to provide front line services’.*
 4. Policy CS19 of the Woking Core Strategy needs to be considered as a whole including the Reasoned Justification. Paragraph 5.181 of the Reasoned Justification for the policy states ‘*the Council will...resist the loss of any facility that does, or has the potential to, meet a current or identified need, unless the proposal replaces the facility in an equally accessible or improved location’.* The word “unless” is of importance. This reasoning deals specifically with points 1 and 2. With regards to bullet point 3, this states – ‘*there is no requirement from any other public service provider for an alternative social or community facility that could be met through change of use or development’.*
 5. The applicant has submitted a lack of marketing information and provided no evidence that there is no need for the facility or that it would not be viable for another social or community use. The applicant has advised that the orthodontist on the site has moved to Bupa Dental Care Woking at No. 1 Westfield Avenue, however the planning history for the site has shown that the site has been in use as a dental facility for over 20 years. It is considered that moving the orthodontist to an existing well established dental practice has not provided an additional alternative facility. With regards to using the site for an alternative social or community facility the applicant has advised that the site has been marketed towards potential occupiers within the social and community sectors but there was no interest and advise that the building is not modern or large enough for medical or community occupiers. The proposed loss of the orthodontist use does therefore not comply with Policy CS19 of the Woking Core Strategy (2012).
 6. The use of an orthodontist falls under Class E (Commercial, Business and Service) which includes a range of uses covering retail, the sale of food and drink, indoor sport, health services, day nursery and any industrial process which can be carried out without detriment to the amenity of the residential area. A change of use within a single use class is not considered to be development and does not require planning permission. Therefore the orthodontist use could be lost without planning permission.
 7. A Prior approval under Class MA (ref: PLAN/2021/0926) granted the change of use of the Class E (Commercial, Business and Service) building into a Class C3 use (residential dwelling) on 12.10.2021. Implementing the prior approval would result in the loss of the use of the site as an orthodontist. This prior approval has not been implemented, but expires on 11.09.2024 and therefore provides the applicant with enough time to implement the prior approval.
 8. There are a number of recent appeal decision that consider the loss of a use without the need for planning permission. In appeal from September 2020 (ref: APP/V5570/W/19/3243073) which considers the change of use from a shop to restaurant the Inspector states ‘*the proposed change no longer constitutes a change of use or an act of development, so the retail use could be lost without planning permission..... I am satisfied that there is a greater than theoretical possibility of the retail premises being replaced, even if this appeal were to fail. I give this fallback position*

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considerable weight as a material consideration that outweighs the conflict with the development plan'. The Inspector concludes 'the proposal would result in a conflict with some of the criteria set out in Policies DM4.2, DM4.3, DM4.4 and DM4.5 of the DMPLP due to the loss of an A1 use,However, the change of use no longer constitutes an act of development so the retail use can be lost without the need for planning permission. The changes to the use classes order outweigh the conflict with the development plan'.

9. Another appeal decision from August 2021 (ref: APP/L5810/W/20/3259537) considered the change of use of an office to residential use. The Inspector states *'A change of use within a single use class is not considered to be development and does not require planning permission. Therefore, under this Order, the office use here could be lost without planning permission..... I appreciate that residential use, as sought here, does not fall within Class E. However, the real prospect of an alternative use in Class E which would result in the loss of the office use and without the need for planning permission, together with the potential for harm to the surrounding residential occupiers, is a fallback which limits the weight I can give to the loss of the office use and the conflict with LP policy LP41'.*
10. The proposal would result in the loss of an orthodontist which is contrary to policy CS19 of the Woking Core Strategy (2012). However, the recent appeal decisions and fallback position are material considerations which in this instance are considered to outweigh the loss of the orthodontist.
11. 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

12. Section 12 of the NPPF (2021) states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"* and that *"Good design is a key aspect of sustainable development..."* and requires proposals to *"add to the overall quality of the area..."*, to be *"visually attractive as a result of good architecture..."* and *"sympathetic to local character and history, including the surrounding built environment and landscape setting..."*
13. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to *'respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land'.*
14. The application site is located on a corner plot bounded by Guildford Road and Claremont Avenue. Claremont Avenue is a residential road, which is characterised by detached two storey dwellings dating from the Edwardian era and modern blocks of flatted developments (Northfleet Lodge, Claremont Court, Wey Court, Hoe Court and No.23 Claremont Avenue) that have adopted an Edwardian style which vary in height from two storeys with accommodation in the roof to three storeys with accommodation in the roof.
15. The proposed building would be part four storey, part three storey with the fourth floor of accommodation sited within the roofspace served by dormer windows. The proposed building would have a ridge height ranging from approximately 10.3m to 12.8m, which is approximately 0.4m to 2.9m taller than the existing building and No.3 Claremont Avenue sited to the south of the site. The three storey element would be sited approximately 1.5m from the side boundary with No.3 Claremont Avenue with the taller

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element set in approximately 8.1m from the side boundary with No.3 Claremont Avenue. Ockenden Constitution Hill which is located on a prominent corner plot to the north east of the application site has a ridge height ranging from 12.5m to 13.5m (the tower element has a height of 15m). It is considered that proposed height and scale is acceptable for the corner plot location.

16. The proposed building adopts a varied roof, staggered building line and projecting gable feature which helps to break-up the bulk and massing of the building. The proposed building adopts a traditional design approach, picking up on the Edwardian architecture of the surrounding area through the use of timber detailing, roof finals, contrasting soldier and string courses and bay windows balconies which all add visual interest and design quality of the building. The north elevation which fronts Guildford Road includes a projecting gable feature, bay window balconies with brick detailing and decorative wooden balcony which adds interest to the prominent corner position. A condition is recommended to secure details of materials.
17. It is considered that the proposed building is well-proportioned and sympathetic to the character of the surrounding area and accord with Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2021).

Impact on Neighbours

18. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
19. In terms of potential overlooking and loss of privacy, 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 three storey development and above the SPD recommends the following minimum separation distances to avoid undue overlooking:
 - Front-to-front elevation – 15m
 - Rear-to-rear elevation – 30m
 - Front or rear to boundary/flank – 15m
20. These standards are however advisory and the Supplementary Planning Document makes clear that the context of development proposals will be of overriding importance.
21. In terms of potential impact on daylight and sunlight, the Building Research Establishment (BRE) have set out guidelines for assessing such impacts ('Site Layout Planning for Daylight & Sunlight. A Guide to Good Practice' 2011). The BRE guidance states that *'If, for any part of the new development, the angle from the centre of the lowest affected window to the head of the new development is more than 25°, then a more detailed check is needed to find the loss of skylight to the existing buildings'*. The BRE Guide is, however, a guide and compliance is not mandatory, since the actual effect can be influenced by other factors.
22. The BRE guidelines set out several methods for calculating loss of daylight. The two methods predominantly used are those involving the measurement of the total amount of skylight available (the Vertical Sky Component (VSC)) and its distribution within the building (No Sky Line). VSC is the ratio, expressed as a percentage, of the direct sky illuminance falling on a reference point (usually the centre of the window) to the simultaneous horizontal illuminance under an unobstructed sky (overcast sky

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conditions). According to the BRE guidance, if the VSC measured at the centre of a window, is at least 27% then enough daylight should still reach the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8x its former value, occupants of the existing building will notice the reduction in the amount of light.

23. The application is supported by a detailed Daylight and Sunlight Report which assesses the loss of light impact on surrounding neighbours in detail.
24. No.7-18 Moorholme are sited to the north west of the application site. A minimum separation distance of approximately 24.1m would be maintained to front elevations of the properties at No.7-18 Moorholme. This separation distance complies with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' SPD (2008) for three storey development (15m for front or back to boundary/flank relationships). The submitted Daylight and Sunlight Report concludes that the impact on No.7-18 Moorholme would be within the BRE target criteria for both daylight and sunlight. Due to the separation distance, it is considered the proposed balconies would not result in a significant loss of privacy to No.7-18 Moorholme. Overall, it is considered that the proposed development would not result in a significant overbearing, overlooking or loss of light impact on No.7-18 Moorholme.
25. Ockenden Constitution Hill, No.1 Blackness Lane and No.4 Claremont Avenue are sited to the north east of the application site. A minimum separation distance of approximately 29.7m would be maintained to front elevations of the properties at Ockenden Constitution Hill, No.1 Blackness Lane and No.4 Claremont Avenue. This separation distance complies with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' SPD (2008) for three storey development (15m for front or front relationships). The submitted Daylight and Sunlight Report concludes that the impact on Ockenden Constitution Hill, No.1 Blackness Lane and No.4 Claremont Avenue would be within the BRE target criteria for both daylight and sunlight. Due to the separation distance, it is considered the proposed balconies would not result in a significant loss of privacy to Ockenden Constitution Hill, No.1 Blackness Lane and No.4 Claremont Avenue. Overall, it is considered that the proposed development would not result in a significant overbearing, overlooking or loss of light impact on Ockenden Constitution Hill, No.1 Blackness Lane and No.4 Claremont Avenue.
26. Northfleet Lodge, Claremont Avenue is sited to the south east of the application site. A minimum separation distance of approximately 29.7m would be maintained to front elevations of the properties at Northfleet Lodge, Claremont Avenue. This separation distance complies with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' SPD (2008) for three storey development (15m for front or front relationships). The submitted Daylight and Sunlight Report concludes that the impact on Northfleet Lodge, Claremont Avenue would be within the BRE target criteria for both daylight and sunlight. Due to the separation distance and relationship with Northfleet Lodge, Claremont Avenue, it is considered the proposed balconies would not result in a significant loss of privacy to Northfleet Lodge, Claremont Avenue. Overall, it is considered that the proposed development would not result in a significant overbearing, overlooking or loss of light impact on Northfleet Lodge, Claremont Avenue.
27. No.3 Claremont Avenue is a two storey dwelling sited to the south of the application site. The proposed building would be sited approximately 3m from the side elevation of No.3 Claremont Avenue. The submitted Daylight and Sunlight Report identifies that four windows and two doors would fall below the recommended BRE Target criteria of 27% VSC. Two of the windows and one door would serve a dual aspect living room which would also be served by an unaffected window in the east (front) elevation. It is

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considered that the living room would have sufficient daylight. One window is currently obscured by a cupboard which serves a dual aspect room which would also be served by an unaffected window in the west (rear) elevation. It is considered that this room would have sufficient daylight. One window and door which already fail VSC serve a dining room. The existing building is sited approximately 3m from the side elevation of No.3 Claremont Avenue with an eaves height of approximately 5.7m and ridge height of approximately 10m and already has an impact on the daylight to the dining room at No.3 Claremont Avenue. The proposed building would be sited approximately 3m from the side elevation of No.3 Claremont Avenue with an eaves height of approximately 7.9m and ridge height of approximately 10.2m. Whilst there would be further harm to this window from the proposed building, having regard to the relationship with the existing building, the harm would not be so significant to warrant refusal.

28. A set of glazed doors are proposed in the third floor south elevation orientated towards No.3 Claremont Avenue which would provide access to a terrace sited in the pitched roof of the three storey element of the building. The terrace would be screened by the pitch roof of the building which would have a height of 1.8m, it is considered this would provide sufficient screening to protect the privacy of No.3 Claremont Avenue. Two balconies are proposed in the east elevation of the building fronting Claremont Avenue, it is considered these balconies would not result in a significant loss of privacy to No.3 Claremont Avenue.
29. Lunedale, Guildford Road is sited to the west of the application site. A minimum separation distance of approximately 16.5m increasing to 21.2m would be maintained to side elevation of the Lunedale, Guildford Road. This separation distance complies with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' SPD (2008) for three storey development (15m for front or back to boundary/flank relationships). Due to the separation distance and relationship, it is considered that the proposed development would not result in an undue loss of privacy to Lunedale, Guildford Road. There is a ground (believed to be serving a dining room) and first floor (believed to be serving a bedroom) window in the side elevation of Lunedale, Guildford Road orientated towards the application site. The submitted Daylight and Sunlight Report concludes that the impact on Lunedale, Guildford Road would be within the BRE target criteria for both daylight and sunlight.
30. One first and second floor window serving the stairwell are proposed in the west elevation. A separation distance of approximately 21.2m would be maintained between the rear elevation of the proposed building containing the windows and side elevation of Lunedale, Guildford Road. A condition is recommended to require the stairwell windows in the first and second floor to be obscure glazed and top opening only to retain the privacy of Lunedale, Guildford Road. Four oriel windows serving bedrooms are proposed in the west elevation to reduce the overlooking impact to Lunedale, Guildford Road. Overall, it is considered that the proposed development would not result in a significant overbearing, overlooking or loss of light impact on Lunedale, Guildford Road.
31. 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 and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2021).

Standard of Accommodation

32. The proposal would deliver 9x 2 bed flats with a floor area which is consistent with the recommended minimum standards set out in the National Technical Housing Standards

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(2015). The proposed flats are considered of an acceptable size with acceptable quality outlook provided to habitable rooms.

33. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) sets out recommended minimum garden amenity areas for family dwellinghouses with two bedrooms or more and over 65 sq.m. gross floorspace (but below 150 sq.m. gross floorspace), as in this instance, as a suitable area of garden amenity in scale with the building but always greater than the building footprint.
34. The ground floor flats would have direct access to a small area of amenity space and the flats on the upper floors would either have a balcony or roof terrace. A shared area of amenity space is proposed to the north and east of the proposed building which is considered to offer good amenity value to future residents.
35. Overall the proposal is therefore considered capable of achieving an acceptable standard of accommodation for future residents in accordance with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2021).
36. The proposal would provide 2x1100ltr refuse bins, 1x140ltr food waste bin and 9x240ltr recycling bins in an external bin store and within the undercroft which meets the minimum capacity standards set out in the Council's 'Waste and recycling provisions for new residential developments' guidance document. Waste Services have been consulted and raised no objection to the proposed waste provision.

Transportation Impacts:

37. Supplementary Planning Document 'Parking Standards' (2018) states a minimum parking standard of 1 on-site parking space to be provided for a two bedroom flat. To comply with minimum parking standards the proposal would be required to provide a minimum of nine on-site parking spaces. Nine parking spaces would be provided within the application site. The proposal would comply with on-site parking standards within Supplementary Planning Document 'Parking Standards' (2018).
38. Supplementary Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per residential dwelling. 18 cycle spaces are proposed within a cycle store and undercroft. The proposal would comply with on cycle parking standards within Supplementary Planning Document 'Parking Standards' (2018).
39. The application is supported by a Transport Statement, which concludes that there would be an overall reduction in vehicle movements to and from the site in the morning peak hour and evening peak hour. It is considered the proposed would not have an impact on the operation of the local highway network.
40. The proposal would use the existing vehicular access onto Claremont Avenue. The County Highway Authority raises no objection on highway safety, capacity or policy grounds subject to conditions.
41. Overall therefore the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with Policy CS18 of the Woking Core Strategy (2012), Supplementary Planning Document 'Parking Standards' (2018) and the National Planning Policy Framework (2021).

Impact on Trees

42. The group of trees to the north and east boundary are protected by an area TPO. Policy DM2 of DM Policies DPD (2016) states the Council will *'require any trees which are to*

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be retained to be adequately protected to avoid damage during construction' and Policy CS21 of the Woking Core Strategy (2012) requires new development to include the retention of trees and landscape features of amenity value. The applicant has advised that all trees within the application site including those protected by the area TPO will be removed. A detailed landscaping plan has been submitted with the application, which includes 10 extra heavy standard trees with heights varying from 425-600cm along the north and east boundary. These trees would replace the trees within the area TPO. The Council's Arboricultural Officer has been consulted and raised no objection to the replacement of the area TPO trees with the 10 extra heavy standard trees. Subject to a condition to ensure compliance with the submitted landscaping plan, the proposal is considered to have an acceptable impact on trees and the character of the area.

Impact on Drainage and Flood Risk

43. The application site is in and adjacent to areas at medium, high and very high risk surface water flooding. A flood Risk Assessment and SuDS report have been submitted with the planning application. The Flood Risk and Drainage Team have reviewed the submitted information and raised no objection subject to conditions requiring the submission of details of the proposed surface water control devices, details of the maintenance and management of the sustainable drainage scheme and a verification report. Subject to conditions to ensure the submission of additional information the proposal is considered to have an acceptable impact surface water flooding in the area.

Impact on wildlife

44. The planning application has been supported by a bat survey, which has concluded that the demolition of the existing building is unlikely to impact on bats or their roosts. Surrey Wildlife Trust have reviewed the Bat Report and raise no objection subject to the proposal being implemented in accordance with the impact avoidance and mitigation measures specified in the bat report. Surrey Wildlife Trust have also recommended that activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive. Subject to a condition to ensure compliance with the submitted information, the proposal is considered to have an acceptable impact on wildlife.

Housing Mix

45. Policy CS11 of the Woking Core Strategy (2012) requires proposals to address local needs as evidenced in the Strategic Housing Market Assessment (SHMA) which identifies a need for accommodation of two bedrooms or more. The proposal would result in a net gain of 9x 2 bedroom flats which is considered an appropriate and acceptable housing mix.

Energy and water consumption

46. Following a Ministerial Written Statement to Parliament on 25 March 2015, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. 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.
47. Until the amendment is commenced, Local Planning Authorities are expected to take this statement of the Government's intention into account in applying existing policies and setting planning conditions. The Council has therefore amended its approach and

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an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4.

Thames Basin Heaths Special Protection Area (TBH SPA)

48. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the 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.
49. 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 Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The proposed development would require a SAMM financial contribution of **£6,732** based on a net gain of 9x two bedroom dwellings which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM 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 Horsell Common has been identified to mitigate the impacts of the development proposal.
50. Subject to securing the provision of the SAMM tariff and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

Affordable Housing

51. The NPPF (2019) establishes that affordable housing should not be sought for developments which are not 'major' developments. The NPPF definition of 'major' development is the same as that in the Development Management Procedure Order (2015) which is defined as 10x units or more. Affordable housing contributions are not therefore sought under this application.

Community Infrastructure Levy (CIL):

52. The proposal would be liable for Community Infrastructure Levy (CIL) to the sum of £53,839.29.

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CONCLUSION

53. Considering the points discussed above, overall the proposal is considered an acceptable form of development which would respect the character of the surrounding area and would have an acceptable impact on the amenities of neighbours and in transportation terms. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions and a Legal Agreement to secure a SAMM contribution.

BACKGROUND PAPERS

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

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	SAMM (SPA) contribution of £6,732.00.	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

It is recommended that planning permission be Granted 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:

3005 PL Rev A received by the Local Planning Authority on 05.07.2021
3010 PL Rev A received by the Local Planning Authority on 05.07.2021
1000 PL Rev A received by the Local Planning Authority on 05.07.2021
3001 PL Rev B received by the Local Planning Authority on 05.07.2021
1200 PL Rev B received by the Local Planning Authority on 05.07.2021
3002 PL Rev C received by the Local Planning Authority on 05.07.2021
Unnumbered plan showing a location plan received by the Local Planning Authority on 22.07.2021
3000 PL Rev E received by the Local Planning Authority on 04.10.2021
1005 PL Rev C received by the Local Planning Authority on 04.10.2021

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

3. Notwithstanding the material details outlined on the approved plans, No above ground development associated with the development hereby permitted shall commence until details and/or samples and a written specification of the materials to be used in the

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external elevations, hard surfaced areas and boundary walls have been 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 agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

4. The landscaping shall be carried out in accordance with plan CSA/5187/100 Rev E received by the Local Planning Authority on 26.10.2021. 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.

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

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.

7. 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 LPA.

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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.

8. No part of the development shall be first occupied unless and until the proposed modified vehicular access to Claremont Avenue has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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

9. 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 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: 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

10. 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
 - (c) storage of plant and materialshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity

11. Prior to the occupation of the development hereby permitted, the cycle parking and any associated facilities shown on the approved plans shall be fully implemented and made available for use. The cycle parking and any associated facilities shall thereafter be retained for use by the occupants of and visitors to the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

12. Prior to the commencement of development evidence that the building was built post 2000 or an intrusive predemolition asbestos survey in accordance with HSG264 shall be submitted to and approved in writing by the Local Planning Authority. The survey shall be undertaken and a report produced by a suitably qualified person and shall include any recommendations deemed necessary. The development shall then be undertaken in accordance with the approved details. Upon completion of demolition works, the applicant shall provide in writing to the Local Planning Authority suitably detailed confirmation that demolition works were carried out with regard to the aforementioned pre-demolition asbestos survey and recommendations contained therein.

Reason: To order to safeguard the environment, the surrounding areas and prospective occupiers of the site. This condition is required to be addressed prior to commencement

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in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

13. No development shall commence until details of the proposed surface water control devices to ensure discharge rates do not increase from the proposed 1 l/s contained within the Flood Risk assessment and SuDS Report dated June 2021 by EAS and the risk of Blockage to the control devices has been reduced. The development shall be implemented in full in accordance with the approved details contained with the Flood Risk assessment and SuDS report and the amended surface water control devices prior to the first occupation of the development.

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.

14. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first commercial 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 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 the policies in the NPPF

15. No dwelling 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.

16. No above ground development associated with the development hereby permitted shall commence until a fully detailed scheme for protecting the proposed development (including where appropriate any garden) from traffic noise from Guildford Road and Claremont Avenue has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise noise mounds and/or barriers and/or acoustic double glazing with ventilation and any other means to protect the building from noise.

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The approved scheme shall be carried out concurrently with the development of the site and shall then be implemented in full as agreed in writing by the Local Planning Authority before each dwelling is occupied and shall be retained thereafter.

Reason: To protect the occupants of the new development from noise disturbance.

17. No external lighting including floodlighting shall be installed until details (demonstrating compliance with the recommendations of the Institute of Lighting Engineers "Guidance Notes for Reduction of Light Pollution" and the provisions of BS 5489 Part 9) have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of residential amenity.

18. 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

19. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or addition to the development hereby permitted, shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development.

20. The first and second floor windows (serving stairwell) in the west facing elevation of the development hereby permitted at first floor level and above 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 protect the amenity and privacy of the occupiers of adjoining properties.

21. The development shall take place in accordance with the Bat Survey Report ref: CSA/5187/01 dated October 2020. Any deviation from the works prescribed or methods agreed in the reports will require prior written approval from the Local Planning Authority.

Reason: In the interests of the natural environmental and conservation of protected species.

Informatives

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2021.

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2. 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.
3. The applicants 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 RELEVANT TRIGGER POINT. 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.
4. 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.
5. This decision notice should be read in conjunction with the related S106 Legal Agreement.
6. The applicant is reminded that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive. If this is not possible and only small areas of dense vegetation are affected, the site could be inspected for active nests by an ecologist within 24 hours of any clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.
7. 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/permits-and-licences/vehicle-crossovers-or-dropped-kerbs
8. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
10. 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).

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11. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), **it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development.** The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from: http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available on the Council's website at: <https://www.woking.gov.uk/planning/service/contributions>

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

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

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

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

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).