

5 SEPTEMBER 2017 PLANNING COMMITTEE

6f 13/0574 Reg'd: 19.06.13 Expires: 30.09.17 Ward: MAS
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LOCATION: 26 & 28 Monument Road, Woking, Surrey, GU21 5LT.

PROPOSAL: Demolition of existing properties and erection of a 3 storey mixed use scheme comprising ground floor commercial (Class A1 or A2) and parking with 2 floors of residential above (3 x 2 beds and 5 x 1 beds flats)

TYPE: FULL

APPLICANT: Mr T Karim

OFFICER: Joanne Hollingdale

BACKGROUND

This application was considered by the Planning Committee on 22 April 2014 where it was resolved to grant planning permission for the above development subject to the applicant entering into a S106 legal agreement to secure the financial contribution in relation to the TBHSPA and also a commuted sum towards the provision of affordable housing. Since this time the applicant has not progressed the legal agreement and the application has remained outstanding.

The applicant has subsequently requested that the application is not 'disposed of' by the Local Planning Authority and wishes for the application to be progressed. However in order to progress the application and given the significant amount of time which has lapsed since the resolution was made in 2014 it is considered necessary that the application be re-considered by the Planning Committee to take account of any changes to local and national planning policies which have been made in the interim and also any changes in site circumstances.

At the time of making the resolution to grant planning permission the Planning Committee raised concern regarding the proposed Class A3 (restaurant and café) use at ground floor level which was included in the application. The Planning Committee resolved to exclude the proposed Class A3 use from the application and accordingly the description of development was changed when issuing the draft decision. The description of development for the purpose of this report reflects the previous resolution of the Planning Committee.

The updated report therefore follows below:

REASON FOR REFERRAL TO COMMITTEE

The application is for the creation of a ground floor commercial unit with the erection of eight units of residential accommodation above and is recommended for approval.

SUMMARY OF PROPOSED DEVELOPMENT

This is a full planning application for the demolition of the existing properties and the erection of a 3 storey mixed use scheme comprising ground floor commercial (Class A1 or A2) and parking with 2 floors of residential above (3no. x 2 beds and 5no. x 1 beds flats)

PLANNING STATUS

- Urban area
- TBH Special Protection Area Zone B (400m-5km)
- Priority Place (Maybury and Sheerwater)
- High Density Residential Area

RECOMMENDATION

GRANT planning permission subject to the prior completion of a legal agreement to secure the SAMM (SPA) contribution and the recommended conditions.

SITE DESCRIPTION

The application site relates to 26-28 Monument Road which sits at the end of Walton Road where it joins with Monument Road. The site is currently occupied by two terraced properties which have commercial uses on the ground floor fronting Monument Road and Walton Road with further commercial and residential above in the form of 5 bedsits. The surrounding area is marked by properties of varying ages with traditional properties, interwar development and more recent flatted development.

PLANNING HISTORY

Most recent:

PLAN/2014/0762 - Demolition of existing properties and erection of a 3 storey mixed use scheme comprising ground floor commercial (A1, A2 or A3) and parking with 2 floors of residential above (3 x 2 beds and 5 x 1 beds flats) (amendment to PLAN/2013/0574 to allow the ground floor to be used for A3 use). Granted 28.04.15

PLAN/2010/0198 - Demolition of existing properties and erection of a mixed use scheme comprising ground floor commercial and parking with residential above. Withdrawn 29.09.10

PLAN/2003/1456 - Conversion of existing storage area to a self contained flat and erection of a first floor side extension. Refused 12.02.04

PLAN/2003/0771 – Proposed change of use from storage to 4 No. bedsits and first floor side extension. Withdrawn 20.08.03

PLAN/2001/0869 – Rebuilding of existing storage area. Permitted 04.10.01

PROPOSED DEVELOPMENT

This is a full planning application for the demolition of the existing properties and the erection of a mixed use scheme comprising ground floor commercial (Class A1 or A2) and parking with 3no. x 2 bed and 5no. x 1 bed flats above.

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The proposed building would have a contemporary appearance set over 2/3 floors. The commercial unit is proposed on the ground floor with the residential units set above. Seven of the flats would have a balcony with a communal roof terrace accessed from the second floor. The plans include 6 parking spaces for the residential development to be accessed off Walton Road.

SUMMARY INFORMATION

For Commercial:

Site Area	0.04 ha
Previous land use(s) and floorspace(s)	unknown (retail/sui generis)
Proposed floorspace of each use(s)	180 sqm (A1 or A2)
Change in floorspace (+/-)	not known
Number of jobs created/lost	Not specified
Existing parking spaces	Not specified
Proposed parking spaces	0 parking spaces

For Residential:

Site Area	0.04 ha
Existing units	5 bedsits at first floor
Proposed units	8 flats
Number of bedrooms per unit	5 x 1 bed, 3 x 2 bed
Proposed density - dwellings/hectare	200dph
Proposed density- habitable rooms/hectare	550
Existing density – dwellings/hectare	125dph
Existing density of area – dwellings/hectare	
Humberstone Court, Monument Road	122dph
36 and 38 Monument Road	66dph
1-6 Walton Terrace	100dph
Number of affordable units proposed	contribution proposed
Previous land use	commercial/residential
Existing parking spaces	2 parking spaces
Proposed parking spaces	6 parking spaces

CONSULTATIONS

County Highway Authority: No objections subject to conditions (conditions 7, 8 and 9).

WBC Environmental Health Officer: No objections subject to conditions (conditions 10, 11, 12, 13, 14 and 15).

WBC Scientific Officer: No objections.

WBC Housing Officer: Following consideration of viability appraisal they are offering half of the required contribution however can take an overage agreement [*Officer note: Please see paragraphs 34-37*]

WBC Drainage and Flood Risk Engineer: Recommend conditions be included in any permission granted to ensure the proposal complies with Policy CS9 and the NPPF as the proposed development is in an area that was affected by surface water flood events in May 2016 and September 2016 (conditions 21 and 22).

Thames Water: Public sewers cross or are close to the development. Approval will be required from Thames Water. Surface water drainage is the responsibility of the developer

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to make proper provision for drainage to ground, water courses or a suitable sewer (informatives 1 and 2).

REPRESENTATIONS

1 x letter of objection received raising the following issues:

- Generation of noise.
- Overdevelopment of site.
- Parking concerns.
- Out of character with surrounding area.
- Overlooking.

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2012

South East Plan 2009

Saved Policy NRM6 – Thames Basin Heaths Special Protection Area

Woking Core Strategy 2012

CS1 - A spatial strategy for Woking Borough

CS5 - Priority Places

CS8 - Thames Basin Heaths Special Protection Areas

CS9 – Flooding and Water Management

CS10 - Housing Provision and Distribution

CS11 - Housing mix

CS12 - Affordable Housing

CS16 – Infrastructure Delivery

CS18 - Transport and Accessibility

CS21 - Design

CS22 - Sustainable Construction

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management (DM) Policies DPD 2016

DM16 – Servicing Development

DM19 – Shopfronts

Supplementary Planning Documents (SPD)

Parking Standards July 2006

Outlook, Amenity, Privacy and Daylight 2008

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

Climate Change December 2013

Affordable Housing Delivery 2014

Design February 2015

Waste and recycling provisions for new residential developments

Other Material Considerations

National Planning Practice Guidance (NPPG)

PLANNING ISSUES

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1. The main issues to consider with this application are the principle of the development, design and layout of the development, impact on neighbour amenity, standard of accommodation, affordable housing, highways and parking implications, sustainable construction, surface water drainage and flood risk, impact on the Thames Basin Heaths Special Protection Areas, conditions and local finance considerations. Since the previous resolution to grant planning permission was made in April 2014 the DM Policies DPD was adopted in October 2016. The policies in this plan relate to detailed development considerations and where necessary these aspects will be highlighted below.

Principle of the development

2. The application proposes the demolition of the existing buildings on the site which contain a mixture of retail and commercial uses at the ground floor level and residential (C3) at the first floor. It is noted that planning permission has already been granted for residential development and Class A1, A2 and A3 uses at the site under PLAN/2014/0762 and this application is almost identical to that previous permission.
3. Policy CS1 and Policy CS10 of the Woking Core Strategy 2012 identify that the Council will make provision for 4,964 net additional dwellings in the Borough between 2010 and 2027. The reasoned justification for Policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling. Housing provision is integral to the creation of sustainable communities and Policy CS10 seeks to ensure that sufficient homes are built in sustainable locations. The site constitutes previously developed land and is located within the urban area of Maybury where the principle of providing additional residential development is acceptable subject to detailed considerations.
4. The application site falls within a High Density Residential Area where the reasoned justification for Policy CS10 advises that development proposals in these areas will be permitted at densities generally in excess of 70dph in order to make the most efficient use of land. The proposal would result in 8 new flats replacing two residential units divided into 5 bedsits. The proposed development equates to 200dph which is considered appropriate to a site within a High Density Residential Area and considering the character of the application site and the surrounding local area.
5. Policy CS11 seeks to secure a mix of dwelling types and sizes across the Borough. It is also acknowledged that not every development site will deliver the complete mix. In this case 5no. 1 bed flats and 3no. 2 beds would be provided and given the position of the site this mix of units is considered appropriate. It is also noted that this same mix of dwellings was granted planning permission on the same site under PLAN/2014/0762 in April 2015, which remains extant.
6. The site also falls within the Maybury and Sheerwater Priority Place where Policy CS5 advises that the Council will enable the provision of around an additional 250 new homes in Maybury and Sheerwater between 2010 and 2017. The policy advises that in Maybury these homes will primarily be provided through the redevelopment of poor quality housing stock and outmoded and outdated employment floorspace. The policy further advises that the loss of existing retail units will be resisted in both Maybury and Sheerwater.
7. The site is currently occupied by a bed shop, beauty salon and vacant unit boarded up at the ground floor level with a further commercial use at the first floor. On 22 April 2014 the Planning Committee resolved to grant planning permission for the

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application subject to the exclusion of the proposed Class A3 (food and drink) use at ground floor level. The proposed unit below the residential use would now therefore be a flexible Class A1 (retail) or A2 (financial and professional services) use which is considered to maintain a commercial mix of uses at the ground floor level. The proposed commercial use of the ground floor level will add vitality and viability to this area of Maybury which along with the proposed residential development above would assist in meeting the objectives of Policy CS5 to support the regeneration of the area.

8. The proposed development would create 8no. new flats with a Class A1 or A2 use below. In principle subject to the detailed considerations below, the application is considered acceptable and would accord with Policies CS1, CS5, CS10 and CS11 of the Core Strategy and the policies in the NPPF.

Design and layout of the development

9. There has been no change to the proposed built structure since the application was considered by the Planning Committee on 22 April 2014. In addition there have been no changes in physical site circumstances since this time. The paragraphs below from the previous officer report therefore remain relevant to the consideration of this matter:
10. *The surrounding area is characterised by a variety of building styles, with traditional terraces of housing and more recent flatted developments all built in traditional brick materials. The terraced properties are generally two storeys in scale with some of the newer buildings displaying heights of three storeys. Commercial units are located in some of the ground floor units.*
11. *The application site sits on the corner of Walton Road where it joins with Monument Road. The site currently comprises part of a terrace of white-rendered two-storey Victorian buildings oriented to front onto Monument Road. The buildings cover the majority of the site.*
12. *The proposed development would comprise a two to three storey building with a ground floor commercial use and two floors of residential accommodation above. The building has a contemporary appearance which has been architecturally designed to address the corner of the site providing active frontages to both Monument Road and Walton Road at the ground floor level.*
13. *The line of the building follows the existing building line of Monument Road turning the corner with Walton Road following the position of the existing building. The ground floor is recessed with a colonnade providing a walkway under the building with the first floor receiving recessed balconies and the second floor created within a glazed element and set in from the edge of the building. Where the building attaches to No.30 Monument Road it respects the height of the existing terrace with a glass spine where the building turns the corner. The elevations of the building are formed by simple vertical planes of render which are punctuated by the window openings and glass balconies. The colour of the render is proposed to be controlled by condition 3. The second floor/roof is constructed of glass with glazing used in the building to reduce its overall visual impact.*
14. *Seven of the flats have balconies which punctuate the elevations at the first floor level or are provided within the margin of the roof at the second floor level. A roof terrace is proposed to the area of flat roof fronting Walton Road which has the potential for greenery/landscaping.*

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15. *Indicative 3D visualisations have been provided to show how the proposed development would appear within the context of the street scene. The overall height and appearance of the proposed building positively responds to the development along Monument Road and Walton Road but has a distinct contemporary appearance. The building would create an active street and commercial frontage at ground level with full height glazing proposed, creating visual interest.*
16. *The proposed parking area has been located under the building with access from an existing track to the side of the building thereby reducing its impact on the street scene.*
17. *For the above reasons, the design of the proposed contemporary building is considered to have a positive impact on the character of the area. It will provide a building that would address the corner of the site regenerating a run down and tired section of Maybury and Sheerwater offering an attractive modern solution to the street scene. The proposal complies with Policies CS21 and CS24 of the Core Strategy 2012 and the policies in the NPPF.*
18. It should also be noted that planning permission was granted under PLAN/2014/0762 for an almost identical building.
19. Since the proposal was last considered by the Planning Committee, the site has been subject to a surface water flood event in May 2016 and September 2016. As a result the Council's Drainage and Flood Risk Engineer has recommended condition 22 which requires the finished floor level of the building to be raised by 150mm to mitigate the potential surface water flooding risk. The applicant's agent has advised that this requirement can be accommodated without the need to raise the overall height of the building and has provided a revised section plan which is included as an approved plan (condition 2).
20. Since the previous resolution was made, the DM Policies DPD has been adopted and this plan includes a policy relating to shopfronts. It is noted that a shopfront is proposed for the ground floor unit. The glazed elements of the shopfronts would be fully integrated into the overall structure of the building and although the glazing elements would extend to the floor, the design rationale for the building is a contemporary approach. In addition the shopfronts remain as approved under PLAN/2014/0762. Therefore it is considered that the shopfronts would form an acceptable modern approach to reflect the overall appearance of the building and would therefore comply with Policy DM19 of the DM Policies DPD.
21. Overall it is considered that the proposed development would still result in a building which would have an acceptable impact on the visual amenity of the area and would comply with Policies CS21 and CS24 of the Core Strategy 2012, Policy DM19 of the DM Policies DPD and the policies in the NPPF.

Impact on neighbour amenity

22. There has been no change to the built structure proposed since the application was considered by the Planning Committee on 22 April 2014. In addition there have been no changes in site circumstances since this time. The paragraphs below from the previous officer report therefore remain relevant to the consideration of this matter:
23. *In relation to the potential impact on the neighbouring dwellings; the proposed building would result in a three storey fenestrated façade with balconies facing towards Monument Road and Walton Road. A separation distance of 15m is achieved to the*

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properties on the opposite side of Monument Road and 10m to the side of the Monument Road properties fronting Walton Road. The SPD 'Outlook, Amenity, Privacy and Daylight' advises that a 15m separation distance front to front would prevent a significant level of overlooking at three storeys. This distance has been met in relation to the front of Monument Road however to the side of Walton Road a distance of 10m is achieved. This is not considered to result in a significant level of overlooking in view of the fact that the windows and balconies would look to a largely blank façade in the closest property 24 Monument Road. The amenity areas of 18-24 (even) Monument Road are already overlooked.

24. *In relation to the rear of the properties along Monument Road, the ground floors are generally in commercial uses with residential at the first floor. The proposed building would extend past the rear of the closest property 30 Monument Road with the rear of the building set 11-15m from the rear of a first floor window in this property. The building has been set off the boundary by 1m at the ground floor and by 2 - 4.5m at the first and second floors. Whilst it is acknowledged that the first floor rear habitable window at no. 30 may receive some loss of light, the existing relationship of buildings is already causing a loss of light to this window. The glazed second floor and windows at the first floor facing the rear of the properties in Monument Road, which serve walkways, can be conditioned (condition 16) to be obscure glazed to prevent a significant level of overlooking. A significant overbearing impact is not considered to occur in view of the existing situation on the site.*
25. *A roof terrace is proposed facing the rear amenity areas of properties in Monument Road and Walton Road/Walton Terrace. However, a screen is proposed to be conditioned around the edge of the roof terrace to prevent a significant level of overlooking to surrounding properties (condition 6).*
26. *The proposed building would be separated some 30m from the properties within Walton Terrace to the rear of the site thereby not resulting in a material impact on their amenity.*
27. *A condition can be attached to any permission restricting the opening hours and the delivery hours of the commercial ground floor unit so as not to cause undue noise and disturbance to the neighbouring residential properties (condition 15).*
28. *The proposed development will not result in a significant impact on the amenities of the neighbouring dwellings such as to warrant refusal. The application complies with Policy CS21 of the Core Strategy 2012, SPD Outlook, Amenity, Privacy and Daylight and the policies in the NPPF.*
29. *Given the need to increase the finished floor level of the building by 150mm and that this can be accommodated within the overall height of the proposed building, it is not considered that this requirement would alter the assessment of the application in terms of neighbour impact. The proposal is therefore still considered to comply with Policy CS21 of the Woking Core Strategy, SPD Outlook, Amenity, Privacy and Daylight and the policies in the NPPF.*

Standard of Accommodation

30. *Each of the proposed flats is provided with good sized living accommodation and would be afforded reasonable levels of light and outlook. All of the 1 bed flats exceed the minimum space standard in the Housing Technical Standards for 1 bed units. For the 2 bed units, two of the flats exceed the minimum space standard and the other 2 bed flat is 3sqm lower than the standard. This is considered acceptable as it would*

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only be marginally below the standard, given the previous resolution and also the extant permission under PLAN/2014/0762. At first floor level four of five flats would have a balcony recessed within the building providing a small sitting out area. At the second floor level, the three flats would have a balcony providing a small sitting out area. The balconies measure between 3sq.m and 14sq.m in size. At the second floor level a roof terrace is proposed for all the residents to use.

31. Conditions are proposed in relation to noise breakout, noise insulation, hours of use/deliveries to protect the amenity for future occupiers from the ground floor commercial unit and traffic noise (conditions 10, 11, 12, 13, 14 and 15). Previously an odour control planning condition was also recommended but as the proposed Class A3 use was excluded from the application by the previous Planning Committee resolution, the odour control condition is not longer included in the recommendation.
32. Located within the ground floor of the proposed new building are separate refuse stores for the commercial premises and for the upper floor flats, as well as a secure cycle store. Condition 17 is recommended that the development is built in accordance with these approved details and that the refuse/recycling stores are retained in perpetuity.
33. It is therefore considered that a satisfactory residential environment will be provided for the occupiers of the development in accordance with Policy CS21 of the Core Strategy 2012 and the policies in the NPPF.

Affordable Housing

34. Policy CS12 of the Woking Core Strategy requires 20% of new dwellings to be affordable on sites that would yield between 5 and 9 dwellings. Previously an affordable housing commuted sum contribution was agreed and this was to be secured by obligation in the S106 legal agreement, along with an overage clause.
35. However, following the Court of Appeal's judgment of 11th May 2016 (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441), wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31st July 2015 (West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government [2015] EWHC 2222 (Admin)), it is acknowledged that the policies within the Written Ministerial Statement of 28th November 2014, as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must once again be treated as a material consideration in development management decisions.
36. 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 floorspace of no more than 1000sqm.
37. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that greater weight should be afforded to the policies within the Written

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Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). As the proposal represents a development of 10-units or less and has a maximum combined gross floorspace of no more than 1000sqm, it is considered that no affordable housing financial contribution should now be sought from the application scheme.

Highway and parking implications

38. The application proposes 6no. parking spaces and a secure cycle store to provide 8no. cycle parking spaces for the residential element of the development. The car parking area will be accessed off Walton Road in a similar access arrangement to the existing site. The site is located outside of the High Accessibility Zone as defined in the Parking Standards SPD. The applicant has tracked all of the six parking spaces and they can be accessed with the vehicle being able to leave the site in forward gear.
39. The site falls within a sustainable location within the High Density Residential Area. Woking train station is located 1.3km away and the site is within easy walking distance of the Lion retail park. As such the site is considered to be in a sustainable location. The proposed car parking provision is 2 spaces below the maximum parking standard as stated in the SPD, but as the standard is a maximum standard, a resolution has been previously made for this proposal and a similar scheme under PLAN/2014/0762 remains extant, this provision is considered acceptable (condition 7). Secure cycle parking is to be provided within the site in accordance with the SPD standard which can be conditioned (condition 9).
40. As is the existing case at the site, no parking is proposed for the ground floor Class A1 or A2 use. The existing units at the site do not have any parking for the commercial uses and in view that this is the existing situation objection could not be raised. The servicing of the site is currently carried out from the street and this is proposed under the current application. Mindful of these factors it is considered that the proposed servicing arrangements are acceptable and would comply with Policy DM16 of the DM Policies DPD. Conditions are proposed to restrict the opening hours/deliveries to the ground floor unit (condition 15).
41. For the reasons given above it is considered that the proposal would not result in any highway safety issues and the County Highway Authority has no raised any objections to the application subject to conditions (conditions 7, 8 and 9). The proposal complies with Policy CS18 of the Core Strategy, Policy DM16 of the DM Policies DPD and the policies in the NPPF.

Sustainable construction

42. Since the application was last considered by the Planning Committee on 22 April 2014, a Written Ministerial Statement dated 25th March 2015 delivered to Parliament effectively repealed the Code for Sustainable Homes. However the Local Planning Authority is still able to require that new development achieves a commensurate level of sustainable construction to that of Code Level 4 with regard to water, energy and carbon dioxide emissions.
43. Subject to conditions (18 and 19) it is considered the development could reasonably achieve the required sustainability measures in accordance with Policy CS22 of the Core Strategy and the policies in the NPPF.

Surface Water Drainage and Flood Risk

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44. The site is located within Flood Zone 1 (low risk) and no issues relating to fluvial flood risk are raised. In respect of surface water drainage, this site is located in an area which flooded as a result of surface water in May and September 2016. The Council's Drainage and Flood Risk Engineer has been consulted on the application and recommends that conditions 21 and 22 be imposed on any permission granted. Condition 22 requires the finished floor level of the building to be set no lower than 150mm above the floor level of the surrounding finished ground level. In this regard the applicant's agent has advised that this requirement can be accommodated within the building without increasing the overall height of the proposed building. Subject to conditions the proposal is considered to comply with Policy CS9 of the Core Strategy and the policies in the NPPF.
45. Thames Water was consulted on the original application and raised no objection to the application. It is however noted that they recommend informatives on any permission granted and these are included in informatives 1 and 2. However given the lapse in time since the consideration of the previous application and the surface water flooding in 2016, Thames Water has been re-consulted on the application and has advised that their original comments are still relevant.

Thames Basin Heaths Special Protection Area

46. The Thames Basin Heaths Special Protection Area are internationally important and designated for their interest as habitats for ground nesting birds. Policy CS8 of the Woking Core Strategy requires all new residential development within the 400m-5km zone to make a financial contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM) to avoid adverse effects.
47. Since the application was last considered by the Planning Committee the Council has adopted a CIL Charging Schedule. The SANG contribution is now encompassed within the Community Infrastructure Levy (CIL) but the SAMM element of the contribution is required to be secured outside of CIL. The applicant has agreed to make a SAMM contribution of **£4,415.00** in accordance with the adopted Avoidance Strategy 2010-2015 for the provision of 5no. 1-bed flats and 3no. 2-bed flats. This contribution will be secured by S106 legal agreement.
48. In view of the above, the proposed development is not therefore considered to have an adverse effect on the integrity of the SPA and the proposal therefore accords with saved Policy NRM6 of the South East Plan 2009, Policy CS8 of the Woking Core Strategy 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015. The SAMM contribution is index linked based on the RPI annual inflation in the relevant year.

Conditions

49. Since the consideration of the application by the Planning Committee in April 2014, the recommended planning conditions have been updated to reflect current requirements e.g. the conditions relating to sustainable construction have been updated and any condition relating to the previously proposed A3 use has been removed from the recommendation in accordance with the previous Planning Committee resolution. A condition was also previously included relating to level threshold access to the building but this has now been deleted as such matters are controlled under the Building Regulations. However new conditions have been added as recommended by the Council's Drainage and Flood Risk Engineer.

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Local Finance Considerations

50. The application proposes additional retail and residential accommodation and would therefore be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the GIFA increase for the proposed retail use would be 45.5sqm and the GIFA increase in residential floorspace would be 378.5sqm. This would result in a total CIL tariff payable for this development of approximately £35,224.61, although the CIL tariff is index linked.

CONCLUSION

51. The proposed development is considered to make effective and efficient use of this previously developed site in Maybury which will contribute towards the sustainable economic growth of Maybury and Sheerwater. It will have a positive impact on the visual amenities of the area and would not impact significantly on the amenities of the neighbouring dwellings. It will provide an improved level of accommodation compared to the existing accommodation, will not result in any adverse highway and parking implications, embraces principles of sustainable design and construction and will not adversely affect the Thames Basin Heaths Special Protection Area. Having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance the proposal is considered to be an acceptable form of development that complies with Policy NRM6 of the South East Plan 2009, Policies CS5, CS8, CS9, CS12, CS16, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012, Policies DM16 and DM19 of the DM Policies DPD 2016, the guidance in the relevant SPDs and the policies within the NPPF. It is therefore recommended that planning permission is granted subject to the prior completion of a legal agreement and the conditions as set out below.

BACKGROUND PAPERS

Planning file PLAN/2013/0574

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	Provision of £5,039.00 SAMP contribution (index linked) in accordance with the adopted avoidance strategy.	To accord with the Habitat Regulations, Core Strategy (2012) Policy CS8 and the Council's Adopted Avoidance Strategy.

RECOMMENDATION

It is recommended that planning permission be **GRANTED** subject to the prior completion of a S106 legal agreement to secure the above stated obligations and the following conditions:

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 the following approved plans:

Site Location Plan rec 18.06.13

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Existing ground floor plan (PL02) rec 18.06.13
Existing first floor plan (PL03a) rec 18.06.13
Existing elevations (PL04a) rec 18.06.13
Existing sections (PL05a) rec 18.06.13
Proposed ground floor plan (PL12d) rec 26.02.14
Proposed first floor plan (PL13c) rec 31.01.14
Proposed second floor plan (PL14d) rec 31.01.14
Proposed roof plan (PL15c) 31.01.14
Proposed elevations (PL17b) rec 11.03.14
Proposed elevations (PL18b) rec 25.02.14
Proposed Section rec 09.08.17 (the scale bar on this plan is incorrect – the scale of the plan is 1:50 to accord with the stated dimensions on the plan)

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

3. ++Prior to the commencement of the development hereby approved, samples of the materials to be used for the external elevations and external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained permanently as such.

Reason: To protect the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy 2012 and the policies of the NPPF.

4. ++Prior to the commencement of development, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and shall be in place prior to the first occupation of the dwellings hereby approved and permanently maintained thereafter in accordance with the approved details.

Reason: To ensure adequate security and a satisfactory appearance of the completed development, in accordance with the Policy CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

5. ++Details of hard and soft landscaping to the second floor roof terrace (including a schedule of materials to be used; samples and species/planting schedule) shall be submitted to and improved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority. 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, CS21 and CS24 of the Woking Core Strategy 2012 and the policies in the NPPF.

6. ++Prior to the commencement of the development hereby approved full details of the screening around the edges of the roof terrace and details of the screening to protect the privacy of flat 1 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented in the proposals prior to the occupation of the building and permanently retained as such.

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Reason: To ensure that the roof terrace does not result in a significant level of overlooking and to protect the amenity of flat 1 in accordance with the Policy CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

7. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

Reason: To ensure the development does not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with Policy CS18 of the Woking Core Strategy and the policies in the NPPF.

8. No development shall start until a Method of Construction Statement, 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 materials
 - (d) programme of works (including measures for traffic and pedestrian management)
 - (e) provision of boundary hoarding behind any visibility zones

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: To ensure the development does not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with Policy CS18 of the Woking Core Strategy and the policies in the NPPF.

9. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans to provide secure and covered cycle parking which shall thereafter be permanently maintained.

Reason: In order that the development should reduce reliance upon the private car and to accord with Policy CS18 of the Woking Core Strategy 2012 and policies in the NPPF.

10. ++Before any works take place, details of measures to be taken to upgrade the acoustic performance of the party ceilings/floors and walls shall be submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.

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

11. ++Prior to the commencement of the development hereby approved details of the measures to be undertaken to acoustically insulate and ventilate the building for the containment of internally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and maintained as such.

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

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12. ++Prior to the installation of any fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment to be installed in connection with the development hereby approved details, including acoustic specifications shall be submitted to and approved in writing by the Local Planning Authority. The plant and equipment shall not be installed otherwise than in accordance with the approved details and be maintained as approved.

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

13. ++No sound reproduction equipment which conveys messages, music or other sound by voice or otherwise which is audible outside the premises shall be installed on the site without the prior written consent of the Local Planning Authority.

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

14. ++No development shall take place until a fully detailed scheme for protecting the proposed development (including where appropriate any garden) from traffic noise from Monument Road/Walton Road and the railway has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise acoustic double glazing with ventilation and any other means to protect the building from noise. 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 in accordance with Policy CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

15. The ground floor premises hereby approved shall not be open to customers and have no deliveries between the hours of 8pm - 8am Mondays to Saturdays inclusive, shall only be open to customers between the hours of 10am - 4pm Sundays and have no deliveries on Sundays unless otherwise agreed in writing by the Local Planning Authority.

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

16. The windows/glazing in the northern elevation of the building hereby approved shall be glazed entirely with obscure glass and shall be non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

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

17. Prior to the first occupation of the ground floor unit and the first occupation of the residential development, the refuse/recycling bin stores as shown on the plans hereby approved shall be made available for their designated use at all times and shall thereafter be retained in perpetuity and available for use for their stated purpose.

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Reason: In the interests of amenity and to ensure the provision of satisfactory facilities for the storage and recycling of refuse in accordance with Policy CS21 of the Woking Core Strategy 2012 and policies in the NPPF.

18. ++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:
- 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.

19. 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.

20. The ground floor unit hereby approved shall not be subdivided into separate units without the prior written approval of the Local Planning Authority.

Reason: To avoid the over-intensive use of the site and to comply with Policies CS18, CS21 and CS24 of the Woking Core Strategy 2012.

21. No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the

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surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event.

The drainage scheme details to be submitted for approval shall also include:

- I. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.
- II. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.
- III. Detail drainage plans showing where surface water will be accommodated on site,
- 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.

The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter it shall be managed and maintained in accordance with the approved details in perpetuity.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of these in accordance with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF.

22. The Finished Floor Levels (FFL) of the proposed development shall be set no lower than 150mm above the surrounding finished ground level.

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

Informatives

1. **Thames Water** - There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning works should be over the line of, or would come within 3 metres of a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings but approval may be granted in some cases for the extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
2. **Thames Water** - 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 0845 850 2777.

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3. 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.
4. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.
5. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council.
6. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highway Service Group.
6. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a licence must be obtained from the Highway Authority Local Highway Service Group before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
7. The applicant 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.
8. The applicant is advised that Part 2, Class E of the General Permitted Development Order effectively enforces that, notwithstanding the flexible use hereby granted for the ground floor commercial unit, the use in place 10 years after the grant of this permission will become the lawful use. (Note: this would not prejudice any changes of use which would be permitted by the Permitted Development Order or other such regulations in force at the time).
9. The development hereby permitted would be CIL liable. 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) 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.

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10. This decision notice should be read in conjunction with the related Legal Agreement.