

5 February 2019 PLANNING COMMITTEE

6b 18/0648 Reg'd: 20.06.2018 Expires: 26.09.18 Ward: SJS
Nei. 21.08.18 BVPI Minor Number >8 On No
Con. Target dwellings - 13 of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: D W Burns, Roydon House, Triggs Lane, Woking, Surrey, GU21 7PL

PROPOSAL: Erection of 2 x two storey semi detached dwellings (2 x two bed) to the rear of Roydon House, following demolition of existing storage and garage. Change of use of first floor of Roydon House from retail (Class A1) to 2x self-contained flats (Class C3) (2x one bed) and external alterations to Roydon House, ancillary facilities and new vehicular access from Triggs Lane and Royal Oak Road (amended plans).

TYPE: Full Application

APPLICANT: Mr Toby Burns

OFFICER: Brooke
Bougnagu
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REASON FOR REFERRAL TO COMMITTEE

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

PROPOSED DEVELOPMENT

Erection of 2 x two storey semi detached dwellings (2 x two bed) to the rear of Roydon House, following demolition of existing storage and garage. Change of use of first floor of Roydon House from retail (Class A1) to 2x self-contained flats (Class C3) (2x one bed) and external alterations to Roydon House. The proposed dwellings would have vehicular access from Royal Oak Road and the proposed flats would have vehicular access from Triggs Lane.

Site Area: 0.063ha (631.40sq.m)
Existing units: 0
Proposed units: 4
Existing density: 0 dph (dwellings per hectare)
Proposed density: 63 dph

PLANNING STATUS

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

RECOMMENDATION

Grant planning permission subject to conditions and Section 106 Agreement.

5 February 2019 PLANNING COMMITTEE

SITE DESCRIPTION

The proposal relates to Roydons House which is currently occupied by D W Burns, a plumbers merchant. The site is located on a corner plot bounded by Triggs Lane to the west and Royal Oak Road to the south. The main building occupying the site is a two storey detached building. To the rear of the site are single storey structures that appear to be used as storage in association with the plumbers merchant. To the western side of the site there is a small yard also used in association with the plumbers merchant. The immediate surrounding area is characterised by detached and semi detached dwellings.

PLANNING HISTORY

PLAN/2018/0364: Certificate of Proposed Lawful Development for change of use of first floor from retail (A1) to 2 x 1 bed flats (C3). Permitted 30.05.2018

PLAN/2017/0666: Demolition of existing two storey retail building and ancillary buildings (A1) and erection of a two storey building comprising 7x self contained flats (C3) (3x one bed and 4x two bed) with ancillary facilities and new vehicular access (amended plans). Refused 08.02.2018

Refusal reason 01:

The proposed development would, by reason of its excessive size, mass and bulk, represent an unacceptable form of development which would represent an insensitive addition to the street scene, adversely affecting the character and appearance of the area contrary to Policy CS21 of the Woking Core Strategy 2012.

Dismissed at appeal 05.09.2018 (appeal ref: APP/A3655/W/18/3199069)

The Planning Inspector identified a number of benefits that the development would deliver. The Planning Inspector considered that the removal of flat roofed garages and tall fence besides the footway and reintroducing a front garden in place of a materials yard and car park would improve the character and quality of the area. The Planning Inspector also considered the development would deliver 7 dwellings, optimise the use of a brownfield site, create construction jobs and future occupiers would contribute to the local economy. However, the development was dismissed as the Planning Inspector considered that *'the continuous length of the building along Royal Oak Road and the incompatibility of its mass with the more compact pattern of development there, the proposed development would harm the architectural character and the appearance of the area'*.

CONSULTATIONS

Environmental Health: No objection

County Highway Authority: No objection subject to conditions 7, 9, 10, 11, 12 and 13

Waste Services: No objection

Contamination Officer: No objection subject to condition 17

Flood Risk and Drainage Team: No objection subject to conditions 15 and 16

REPRESENTATIONS

5 February 2019 PLANNING COMMITTEE

4x objections (2x letters received from 1 person) were received in response to the original proposal raising the following concerns:

- Impact on parking
- Impact on traffic
- Impact on road safety
- Already on street parking problems in the evening and at weekends when more residents are home.
- Seem more sensible development if other concerns are addressed
- All market housing
- Some inconsistencies in application
- Concerned the 2 houses could be converted into flats and the ground floor shop turned into a flat
- Result in loss of current on street parking
- The loss of the plumber's merchant will not significantly reduce this traffic flow in the area and any suggestion that it will cannot be evidenced.
- Increase congestion
- Not enough parking provided

1x letter of support was received in response to the original proposal raising the following points:

- Support the retention of the original shop in its original form
- The two houses are in keeping with the rest of Royal Oak Road
- Decent size
- Provides parking
- If the time has come for the site to be altered, this looks to be the best option in terms of scale, character and parking.

Neighbours were re-consulted on the amended plans on 06.11.2018 and a further 1x objections was received objecting to the proposal raising points already summarised above.

COMMENTARY

Amended plans have been received over the course of the application incorporating the following:

- Reduction in width of proposed dwellings
- Setting the proposed dwellings further back from Royal Oak Road
- Increasing the first floor separation distance to rear boundary

The above amendments resulted in a reduction in the number of bedrooms provided in the proposed dwellings. The proposed dwellings now have two bedrooms not three.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2018)

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS5 - Priority Places

5 February 2019 PLANNING COMMITTEE

CS7 - Biodiversity and nature conservation
CS8 - Thames Basin Heaths Special Protection Areas
CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

Development Management Policies Development Plan Document (DMP DPD) (2016)
DM15 - Shops outside designated centres

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

Background:

Planning application PLAN/2017/0666 was refused on 08.02.2018 for the following reason:

Refusal reason 01:

The proposed development would, by reason of its excessive size, mass and bulk, represent an unacceptable form of development which would represent an insensitive addition to the street scene, adversely affecting the character and appearance of the area contrary to Policy CS21 of the Woking Core Strategy 2012.

Dismissed at appeal 05.09.2018

The development was dismissed at appeal as the Planning Inspector considered that *'the continuous length of the building along Royal Oak Road and the incompatibility of its mass with the more compact pattern of development there, the proposed development would harm the architectural character and the appearance of the area'*.

The current planning has made the following amendments:

- Retained Roydon House
- Retained ground floor Class A1 retail use at Roydon House
- Proposes to change the first floor of Roydon House to 2x1 bed flats

5 February 2019 PLANNING COMMITTEE

- Proposes 2 x 3 bed two storey semi detached dwellings to the rear of Roydon House, following demolition of existing storage and garage
- Proposes two dropped kerbs one assessed from Triggs Lane and one assessed from Royal Oak Road

The proposal has been assessed based on its own merits with the key material considerations outlined below.

Principle of Development:

1. The site is currently occupied by a plumbers merchant which is considered to constitute a Class A1 (retail) use. The application site is not within a designated shopping frontage or shopping parade and would be sited over 400m from the nearest shopping parade. The existing A1 premises is therefore considered to constitute an 'isolated shop unit'. Policy DM15 of the DM Policies DPD (2016) states *'the change of use of isolated shops to residential will be permitted provided that they comply with policies of the Development Plan'*. The proposal includes the demolition of the single storey structures to the rear of the site that appear to be used as storage in association with the plumbers merchant. However, the ground floor of Roydon House would be retained in Class A1 (retail) use. The ground floor retail unit at Roydon House would have a floorspace of approximately 107sqm. It is considered that a floorspace of 107sqm is of a sufficient size to support a viable retail (Class A1) use. The proposal would therefore comply with Policy DM15 of the DM Policies DPD (2016).
2. The NPPF (2018) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development. The site lies within the designated Urban Area and within the 400m-5km (Zone B) Thames Basin Heaths Special Protection Area (SPA) buffer zone. Policy CS10 of the Woking Core Strategy (2012) seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place. The development of previously developed land for additional dwellings can be acceptable provided that the proposal respects the overall grain and character of development in the area. Core Strategy (2012) Policy CS10 seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place. The provision of a residential development is therefore considered acceptable subject to further material planning considerations discussed below.

Impact on Character:

3. The proposal is for the conversion of the first floor of Roydon House to 2x1 bed self-contained flats including external alterations. The proposal also includes the erection of 2x2 bed two storey semi detached dwellings to the rear of Roydon House, following demolition of two existing single storey buildings and solid enclosure fronting Royal Oak Road. Parking and landscaping would also be provided within the site.
4. Roydon House sited to the south west of the application site would be retained, it is proposed to block up three ground floor doors in the north east (rear) elevation. No other external alterations are proposed to Roydon House. It is considered that the proposed alterations to Roydon House would have an acceptable impact on the character of the area.
5. The proposed semi detached dwellings to the north east (rear) of the site would front Royal Oak Road. The proposed plots would be rectangular in shape with a width of approximately 7.7m. Plot widths along the west end of Royal Oak Road in the immediate area surrounding the application site vary from approximately 4.2m to 9.4m. No.1 and No.3 Royal Oak Road sited to the east of the application are approximately 7m and 8.8m in width. No.5, No.6, No.7 and No.11 sited further east vary in width between 4m to 5m. No.2 and No.4 Royal Oak Road sited to the south of the application site are approximately 8.9m and 9.3m in

5 February 2019 PLANNING COMMITTEE

width. It is considered the proposed plot widths and sizes are generally consistent with the grain and pattern of development in the surrounding area. The principle of the proposed plot sub-division is therefore considered acceptable.

6. The surrounding area is characterised by detached and semi detached two storey dwellings finished in brick, render and timber detailing. The proposed semi detached dwellings would be two storeys in height with a hipped roof, no accommodation is proposed in the roofspace. The proposed dwellings would incorporate brick detailing and front bay windows to reflect the character of the existing dwellings along Royal Oak Road. It is proposed to finish the dwellings in brick under a tile roof. Details of external materials can be secured by condition (**Condition 3**). The proposed dwellings would have a ridge height of approximately 8.1m. Roydon House sited to the west of the proposed dwellings has a maximum height of approximately 7.5m and No.1 Royal Oak Road sited to the east has a maximum height of approximately 8.4m. In terms of building heights, the proposed difference in ridge heights in the streetscene is not considered to result in an unacceptably detrimental impact on the character of the area. The roof form of the proposed dwelling has been designed to reduce the overall bulk and scale of the dwelling in the streetscene and reduce the impact on neighbouring properties.
7. The proposed dwellings would retain an approximate 1.1m separation distance to No.1 Royal Oak Road sited to the north east and Roydon House to the north west. An approximate 8m separation distance would be maintained to the north (rear) boundary with Woodfield, Triggs Lane. The proposed dwellings would be set back approximately 3m (approximately 2.3m including front bay window) from Royal Oak Road. These separation distances are considered acceptable and would retain sufficient spacing between dwellings.
8. Overall the proposed dwellings are therefore considered to have an acceptable impact on 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 (2018).

Impact on Neighbours:

9. 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.
10. The north east elevation of the proposed dwelling would be sited approximately 1.1m from the north east boundary with No.1 Royal Oak Road. This separation distance complies with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' Supplementary Planning Document (2008) for two storey development (1m for side to boundary relationships). There are two ground floor windows believed to be serving non habitable rooms in the side elevation of a rear outrigger at No.1 Royal Oak Road. Due to the separation distance and relationship with No.1 Royal Oak Road it is considered the proposed building would not have an overbearing, overlooking or loss of daylight or privacy impact on No.1 Royal Oak Road. No windows are proposed in the north east side elevation oriented towards No.1 Royal Oak Road, **condition 4** is recommended to restrict the insertion of first floor windows in the east side elevation of the proposed dwellings.
11. The proposed dwellings would retain an approximate 1.1m to the north west boundary with Roydon House. This separation distance complies with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' Supplementary Planning Documents (2008) for two storey development (1m for side to boundary

5 February 2019 PLANNING COMMITTEE

relationships). There is one ground floor window in the north east elevation of Roydon House serving an office associated with the Class A1 retail use at Roydon House. No windows are proposed in the north west side elevation oriented towards Roydon House, there would not be a significant loss of privacy or overlooking impact to Roydon House.

12. Woodfield, Triggs Lane is sited to the north (rear) of the proposed dwellings. The proposed dwellings would retain an approximate 8m separation distance at ground floor and an approximate 10m separation distance at first floor to the north (rear) boundary. These separation distances comply with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' Supplementary Planning Document (2008) (10m for front or back to boundary/flank relationships for two storey development and 6m for front or back to boundary/flank relationships for one storey development). A total of 4 first floor windows serving 2x bedrooms and 2x stairwells are proposed in the rear elevation orientated towards Woodfield, Triggs Lane. Due to the separation distance it is considered there would not be a significant loss of privacy or overlooking to Woodfield, Triggs Lane.
13. An approximate 12m separation distance would be maintained to Flat 1 and Flat 2 Alpine Cottage, Triggs Lane and No.2 Royal Oak Road sited to the south of the proposed dwellings. Royal Oak Road would separate the properties. Due to the separation distance it is considered there would not be an impact on the amenities of these properties in terms of loss of privacy, loss of daylight or overbearing impact.
14. It is considered that the removal of three ground floor doors in the north east (rear) elevation of Roydon House would not have a detrimental impact on the amenities of neighbouring properties.
15. 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 (2018).

Standard of Accommodation:

16. The proposal would deliver 2 x one bedroom flats measuring 39.6m² and 37.6m² and 2 x two bedroom houses measuring 83m² which is consistent with the recommended minimum standards set out in the National Technical Housing Standards (2015). The proposed flats and houses are considered of an acceptable size with acceptable outlooks from habitable rooms.
17. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) states '*dwellings specifically designed not to be used for family accommodation do not require any specific area to be set aside for each as private amenity space. This would apply to one and two bedroom flats and any other forms of dwelling less than 65sq.m floorspace*'. The proposed flats would have one bedroom and be less than 65sq.m floorspace. However, as the proposed dwellings are not family accommodation no objection is raised to the lack of private amenity space to serve the proposed first floor flats.
18. 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. The proposed dwellings would both have a footprint of approximately 56sqm with a private amenity area of approximately 70sqm. It is considered that the proposed dwellings would have a rear amenity space of an acceptable size and quality.

5 February 2019 PLANNING COMMITTEE

19. 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 (2018).
20. The proposed 2 x dwellings would have capacity within the curtilage to store the required number of general waste and recycling bins. The 2x proposed flats and retail use to be retained within Roydon House would be served by an external bin store. **Condition 5** is recommended to secure details of the proposed enclosure.

Transportation Impacts:

21. Policy CS18 states *'the Council is committed to developing a well integrated community connected by a sustainable transport system'* this can be achieved by *'implementing maximum car parking standards for all types of non-residential development, including consideration of zero parking in Woking Town Centre, providing it does not create new or exacerbate existing on-street car parking problems. Minimum standards will be set for residential development. However in applying these standards, the Council will seek to ensure that this will not undermine the overall sustainability objectives of the Core Strategy...'*
22. The proposed dwellings would have pedestrian and vehicular access from Royal Oak Road. One additional dropped kerb is proposed off Royal Oak Road to serve one of the proposed dwellings. The proposed first floor flats and ground floor retail space within Roydon House would be served by parking spaces accessed from Royal Oak Road using an existing dropped kerb and parking accessed from Triggs Lane utilising a new dropped kerb. It is noted that concerns have been raised over highway safety and increased on street parking pressure.
23. Supplementary Planning Document 'Parking Standards' (2018) requires a flat with 1 bedroom to provide a minimum of 0.5 onsite parking spaces and a house with 2 bedrooms to provide a minimum of one onsite parking spaces. To comply with minimum parking standards a minimum of one onsite parking space would be required to serve the proposed flats. One onsite parking space is proposed to serve the proposed flats. Each house would be served by one onsite parking space. Supplementary Planning Document 'Parking Standards' (2018) requires a retail unit with a floorspace of upto 500m² to provide a maximum of 1 on site car space per 30m². A maximum of 3.5 onsite parking spaces would be required to serve the retail unit. A total of 3 onsite parking spaces would be provided to serve the retail unit. Therefore the proposal would comply with onsite parking standards within Supplementary Planning Document 'Parking Standards' (2018).
24. Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per residential dwelling and 1 cycle space per 125m² of food retail (town/local centre) and 1 cycle space per 300m² for non food retail. The proposed dwellings would have space within the curtilage to provide storage for the required number of cycle spaces. A condition (**condition 6**) is recommended to secure the 4x cycle spaces for the proposed flats and 1 x cycle space for retail unit.
25. The parking area serving the retail unit accessed from Royal Oak Road would be provided close to the Royal Oak Road and Triggs Lane junction. There is an existing dropped kerb sited in this position that has been there since at least 2008 and is currently used in conjunction with the existing plumbers merchant. It is considered that continuing to use this parking area for the ground floor retail unit would not have an impact on highway safety over and above the existing situation. The proposed dropped kerbs accessed from Royal Oak Road and Triggs Lane, would both be sited further away from the Royal Oak Road

5 February 2019 PLANNING COMMITTEE

and Triggs Lane junction. Consequently, it is considered the proposed dropped kerbs would not have an impact on highway safety over and above the existing situation.

26. The proposed flats and houses would be sited within walking distance of Woking Town Centre (1m/1.6km) and bus stops (0.1m/0.16km) with direct routes to Knaphill, Goldsworth Park, Camberley and Woking Station. Royal Oak Road is sited within a Controlled Parking Zone restricting on-street parking between 9.30 and 11.30 Monday to Friday. The majority of residents along Royal Oak Road are reliant on on-street unallocated parking bays and parking on single yellow lines outside of controlled hours. The proposal dropped kerb off Royal Oak Road would result in the removal of a kerb side marked with a single yellow line reducing the amount of on-street parking outside of controlled hours by approximately one space. However, the proposed dropped kerb would create one satisfactory off-street parking space to serve one of the proposed houses.
27. A Construction Transport Management Plan condition is recommended (**Condition 7**) to minimise disruption to local residents during the build period should planning permission be granted. There is also potential storage space for materials on site during any build period
28. The County Highway Authority have been consulted and raised no objections to the proposal on highway safety or capacity grounds subject to **conditions 9, 10, 11, 12 and 13**.
29. **Condition 8** is recommended to secure 1 passive charging point for each proposed house in accordance with Supplementary Planning Document 'Climate Change' (2013).
30. Overall therefore the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with Policies CS13 and CS18 of the Woking Core Strategy (2012), Supplementary Planning Document 'Parking Standards' (2018) and the National Planning Policy Framework (2018).

Impact on Trees:

31. There are no significant trees on the site which would require protection during construction however a landscaping scheme can be secured by condition (**Condition 14**).

Flood Risk:

32. Part of the application site is within an area at a low risk surface water flooding and is adjacent to areas at high and medium risk of surface water flooding. The Flood Risk and Drainage Team have been consulted a recommended **Conditions 15 and 16** to secure the submission of a scheme for disposing of surface water by means of a sustainable drainage system and minimum finished ground floor level.

Contamination:

33. Given the historic uses of the site, there is potential for ground contamination. The Council's Scientific Officer has been consulted and raises no objection subject to a condition requiring investigation and remediation of potential contamination (**Condition 17**).

Sustainability:

34. 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

5 February 2019 PLANNING COMMITTEE

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.

35. 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 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 (**Conditions 18 and 19**).

Thames Basin Heaths Special Protection Area (TBH SPA)

36. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Core Strategy (2012) policy CS8 requires new residential development beyond a 400m threshold, but within 5km of the SPA boundary, to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
37. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of **£2,370.00** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the uplift of 2x one bedroom dwellings and 2 x two bedroom dwellings that would arise from the proposal.
38. Subject to the applicant entering a legal agreement to secure the above sum, the Local Planning Authority is able to determine that the development would have no significant effect upon the SPA and therefore accords with Core Strategy (2012) policy CS8 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015'.

Affordable housing

39. Following the Court of Appeal's judgment of 11th May 2016, wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31st July 2015 (West Berkshire and Reading Borough Council v Secretary of State for Communities and Local Government), officers accept that, subsequent to the Court of Appeal's judgment, the policies in the Written Ministerial Statement of 28th November 2014 by the Minister of State for Housing and Planning which sets out specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must once again be treated as a material consideration in development management decisions.
40. Additionally the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal judgment dated 13th May 2016, which again give legal effect to the policy set out in the Written Ministerial Statement of 28th November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10 units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm.
41. Whilst weight should still be afforded to Policy CS12 'Affordable housing' of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016). No affordable housing contribution is therefore sought for this application.

5 February 2019 PLANNING COMMITTEE

Community Infrastructure Levy (CIL):

42. The proposal would be liable for Community Infrastructure Levy (CIL) to the sum of £25,618.27.

CONCLUSION

43. The proposal is considered an appropriate form of development which would result in the efficient use of a sustainably located site and would have an acceptable impact on the amenities of neighbours and on the character of the surrounding area. The proposal therefore accords with Policies CS1, CS7, CS8, CS10, CS11, CS13, CS18, CS20, CS21 of the Woking Core Strategy (2012), Policies DM2 and DM15 of the DM Policies DPD (2016), Supplementary Planning Documents 'Parking Standards' (2006), 'Outlook, Amenity, Privacy and Daylight' (2008), 'Woking Design' (2015) and the NPPF (2012) and is recommended for approval subject to conditions and subject to Section 106 Agreement.

BACKGROUND PAPERS

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

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	SAMM (SPA) contribution of £2,370.00	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:

643_01_001 Rev A dated 06.06.2017 and received by the Local Planning Authority on 20.06.2018

643_03_301 Rev D dated 18.04.2018 and received by the Local Planning Authority on 23.10.2018

643_03_302 Rev D dated 18.04.2018 and received by the Local Planning Authority on 23.10.2018

5 February 2019 PLANNING COMMITTEE

643_03_303 Rev C dated 18.04.2018 and received by the Local Planning Authority on 23.10.2018

643_03_304 Rev A dated 14.05.2018 and received by the Local Planning Authority on 23.10.2018

643_04_301 Rev G dated 18.04.2018 and received by the Local Planning Authority on 05.11.2018

643_04_302 Rev D dated 18.04.2018 and received by the Local Planning Authority on 05.11.2018

643_04_303 Rev C dated 18.04.2018 and received by the Local Planning Authority on 23.10.2018

643_04_304 dated 30.07.2018 and received by the Local Planning Authority on 31.07.2018

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

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

Reason: In the interests of the visual amenities of the area.

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

Reason: To protect the amenity and privacy of the occupiers of adjoining properties.

5. No above ground development associated with the development hereby permitted shall commence until a scheme for the storage of refuse and recycling (including details regarding location and means of enclosure of bin stores) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full prior to the first occupation of the development and the refuse and recycling storage facilities shall be retained thereafter 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 from nuisance by reason of smell, insects or rodent pests.

6. No above ground development associated with the development hereby permitted shall commence until details of secure cycle parking and any associated facilities for the occupants of and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and

5 February 2019 PLANNING COMMITTEE

made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use 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

7. ++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 materials
 - (d) HGV deliveries and hours of operation
 - (e) measures to prevent the deposit of materials on the highway
 - (f) on-site turning for construction vehicles

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

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

8. No above ground development associated with the development hereby permitted shall commence until details of no.2 of passive electric vehicle charging points to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.

Reason: In the interests of achieving a high standard of sustainability with regards to electric vehicle charging infrastructure requirements.

9. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Triggs Lane has been constructed in accordance with the approved plans and thereafter shall be kept permanently maintained.

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

10. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Royal Oak Road has been constructed in accordance with the approved plans and thereafter shall be kept permanently maintained.

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

11. 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 turn so that they may enter and leave the site in forward gear from the Triggs Lane access. Thereafter the turning area shall be retained and maintained for its designated purpose.

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

12. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be

5 February 2019 PLANNING COMMITTEE

parked. Thereafter the parking areas shall be retained and maintained for their designated purpose.

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

13. The existing vehicle parking area at the premises (as shown on plan 643_03_301 Rev D dated 18.04.2018) shall be permanently retained and maintained for its designated purpose.

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

14. Notwithstanding any details shown on the approved plans listed within condition 02, prior to any above ground works associated with the development hereby approved, a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted and details of materials for areas of hardstanding, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. 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.

15. ++No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development achieves a high standard of sustainability.

16. The Finished Floor Level (FFL) of the ground floor will be set no lower than the proposed level shown in the Elevation plans (643_04_302 Rev D dated 18.04.2018 and 643_04_303 Rev C dated 18.04.2018) unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability.

17. If, prior to or during development, ground contamination is suspected or manifests itself then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted an appropriate remediation strategy to the Local Planning Authority and the written approval of the Local Planning Authority has been received. The strategy should detail how the contamination shall be managed.

The remediation strategy shall be implemented in accordance with such details as may be approved and a remediation validation report shall be required to be submitted to Local Planning Authority to demonstrate the agreed strategy has been complied with.

5 February 2019 PLANNING COMMITTEE

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

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 (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.

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 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.

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 2018.
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

5 February 2019 PLANNING COMMITTEE

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. The planning 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. Please see: www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
6. The developer is advised that as part of the detailed design of the highway works required by the above conditions, 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.
7. 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).
8. This decision notice should be read in conjunction with the related S106 Legal Agreement.
9. 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:

5 February 2019 PLANNING COMMITTEE

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).

10. In seeking to address and discharge the "contamination remediation" condition above, the applicant's attention is drawn to the fact that the application site is situated on or in close proximity to land that could be potentially contaminated by virtue of previous historical uses of the land.

Visual and olfactory evidence of contamination can take many forms including hydrocarbon or solvent odours, ash and clinker, buried wastes, burnt wastes/objects, metallic objects, staining and discolouration of soils, oily sheen on ground water and fragments of asbestos containing materials (ACMs) (Note: this list is intended to be used as a guide to some common types of contamination and is not exhaustive).

In seeking to address the condition a photographic record of works should be incorporated within the validation report. Should no ground contamination be identified then a brief comment to this effect shall be required to be provided in writing to the Local Planning Authority.

The Local Planning Authority cannot confirm that the condition has been fully discharged until any validation report has been agreed.