

5th FEBRUARY 2019 PLANNING COMMITTEE

6c 18/1050 Reg'd: 15.10.18 Expires: 10.12.18 Ward: MH
Nei. 09.11.18 BVPI 20 - Change Number 16/8 On No
Con. Target of use of Weeks Target?
Exp: on Cttee'
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LOCATION: 8 - 9 Fairview Avenue, Woking, Surrey, GU22 7NU

PROPOSAL: Change of use from a residential institution (C2 use class) into 2 4-bedroom dwellings (C3 use class).

TYPE: Full

APPLICANT: Ms Gemma Maskey

OFFICER: Tanveer
Rahman

REASON FOR REFERRAL TO COMMITTEE

The proposal involves the uplift of an additional residential unit and is recommended for permission which falls outside of the scheme of delegated powers.

RECOMMENDATION

GRANT planning permission subject to conditions and legal agreement.

PLANNING STATUS

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

SITE DESCRIPTION

The application site relates to two 3-storey, mid-terrace, post-war properties. According to the planning history for these properties they were previously converted into a single 7-bedroom care facility (C2 use class) for 6 individuals with learning difficulties and 1 carer as part of planning permission 85/0325. Both properties have internal garage structures accessed from their front and first floor amenity space to the rear which are located above garages that appear to serve other properties.

The application site is part of a wider post-war housing development within the Mount Hermon ward that consists of a mixture of houses and flats.

PLANNING HISTORY

- 85/0325: Conversion 2 flat - Permitted 01.05.1985.
- 85/0030: Change-of-use to n home full-detached - Permitted 01.02.1985.
- 0016607: Erection of 24 terraced houses in four blocks - Permitted 18.04.1963.

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PROPOSED DEVELOPMENT

The application proposes a change of use of the C2 unit back into 2 independent C3 units. Each dwelling would have 4 bedrooms. In order to facilitate this change of use a blocked up window in the rear elevation of no.8 is proposed to be re-instated and a new door is also proposed in this elevation. The application also proposes to fill in an existing low level wall on the first floor patios to create separate areas of amenity space for each of the proposed dwellings. Internal alterations are also proposed in order to facilitate the change of use.

(Case Officer's note: it was noted during the Case Officer's site visit that some of the proposed works had already commenced at the applicant's own risk.)

SUMMARY INFORMATION

Site area	0.015ha
Existing units	1 unit
Proposed units	2 units
Existing site density	66.67 dwellings/hectare
Proposed site density	133.33 dwellings/hectare

CONSULTATIONS

LPA Senior Planning Officer: No objection subject to marketing evidence to justify the loss of specialist accommodation in line with Policy CS13 of the Core Strategy.

County Highway Authority (SCC): No objection.

NEIGHBOUR REPRESENTATIONS

No representations were received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2018):

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

Woking Core Strategy (2012):

CS1 - A Spatial Strategy for Woking
CS7 - Biodiversity and nature conservation
CS8 - Thames Basin Heaths Special Protection Area
CS10 - Housing provision and distribution
CS11 - Housing mix
CS12 - Affordable housing
CS13 - Older people and vulnerable groups
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable Design and Construction
CS24 - Woking's Landscape and Townscape

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CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD (2016):

DM11 - Sub-divisions, Specialist Housing, Conversions and Loss of Housing

Supplementary Planning Documents:

Woking Design SPD (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

Climate Change (2013)

Affordable Housing Delivery (2014)

PLANNING ISSUES

The main issues to consider in determining this application are the principle of development, impact on character, impact on neighbours, quality of accommodation, impact on car parking provision and highway safety, impact on refuse and recycling, affordable housing and the impact on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan.

Principle of Development

1. Policy CS13 of the Core Strategy states that “*Existing specialist accommodation will be protected unless it can be demonstrated that there is insufficient need/demand for that type of accommodation*”.
2. According to the planning history for both properties their last lawful use was as a singular C2 unit however they have been unoccupied for over 3 years. Furthermore, the agent has provided marketing evidence stating that the properties were marketed by an estate agent from early May 2018 to mid-October 2018 on a number of property websites as well as direct marketing to a range of private, commercial, voluntary sector organisations, specialist housing providers and care organisations. The agent provided evidence that there was no substantial interest in the properties being used for specialist accommodation.
3. On balance, it is considered that there is insufficient demand for specialist accommodation in this location and that the proposal would therefore comply with Policy CS13.
4. The NPPF and Policy CS25 of the Core Strategy promote a presumption in favour of sustainable development. The application site is located within an established residential area with good train, bus and road links. For these reasons the site location is considered to be suitably sustainable in the defined urban area of Woking. The principle of creating two C3 units is acceptable subject to further material considerations set out in this report.

Impact on character

5. The only external changes proposed are the alterations to the first floor fenestration of no.8's rear elevation and the infilling of the low-level wall separating the first floor rear patios of no.8 and no.9

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6. It is considered that these changes are relatively minor and would in fact make the properties more in keeping with the rhythm and character of other properties within the row of terraces in which they are located.

Impact on neighbours

7. The neighbours potentially most affected by the proposal are 7 Fairview Avenue and 10 Fairview Avenue.
8. Given the nature of the proposal it is considered that it would not create unacceptable overlooking issues, it would not unacceptably impact sunlight/daylight levels and would not appear unacceptably overbearing towards neighbouring properties.
9. Furthermore, it is considered that two 4-bedroom C3 units are unlikely to create any more of a noise impact than the existing lawful use of one 7-bedroom C2 unit.

Quality of accommodation and private amenity space

10. The two proposed dwellings are considered to achieve an acceptable size and standard of accommodation with habitable rooms having an acceptable quality of outlook
11. *Outlook, Amenity, Privacy and Daylight* (2008) recommends that houses should have private amenity space that is at least equal in area to the footprint of the house and also in scale with the house. The 2 proposed dwellings would each have a footprint of 48.4sqm and each first floor rear patio would have an area of 24.3sqm. While this level of private amenity space would fall below guidelines in the SPD it is noted that they would be similar in size to that of other dwellings within the row of terraces. It is therefore considered that the 2 proposed dwellings would have acceptable levels of private amenity space.

Impact on car parking provision & highway safety

12. *Parking Standards* (2018) recommends that a dwelling with 4 bedrooms should have parking provision for at least 3 cars. It also goes on to state that where a garage contributes to this provision it should be at least 6m x 3m. Each property would have an integral garage with internal dimensions of 3.9m x 2.4m which are considered to be too small to park a car. It is therefore considered that each property would have no parking provision which falls below guidelines in the SPD. It is noted however that there is unrestricted and undesignated parking within the wider estate in which the site is located.
13. Furthermore, it is noted that the County Highway Authority (SCC) has raised no objection.
14. For these reasons it is considered that the proposed development would have an acceptable impact on car parking provision and highway safety.

Impact on refuse and recycling

15. Both units would have an alcove-like area recess by their front entrance which could accommodate refuse and recycling receptacles. This would re-instate the situation to when the properties were previously C3 units and would also make the

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properties similar to other neighbouring properties within the row of terraces in which they are located.

16. For these reasons it is considered that the proposed development would have an acceptable impact on refuse and recycling.

Affordable Housing

17. Policy CS12 of the *Woking Core Strategy* (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.
18. However, Paragraph 63 of the NPPF (2018) sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
19. Whilst it is considered that weight should still be afforded to Policy CS12 of the *Woking Core Strategy* (2012) it is considered that more significant weight should be afforded to the policies within the NPPF (2018). The proposal is not major development and therefore no affordable housing contribution is sought.

Local finance consideration

20. According to the Council's records the application site has not been occupied for its current lawful use for 6 continuous months of the previous 36 months. Furthermore, while it is noted that the site is owned by a charity the Council has not adopted CIL relief for charities. CIL would therefore be liable on the total gross internal area of 260sqm outside of the designated town centre. It will therefore be liable to a contribution to the Community Infrastructure Levy (CIL) of **£40,125** according to the current financial year's price index.

Impact on the Thames Basin Heaths Special Protection Area

21. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Policy CS8 of the Core Strategy requires new residential development beyond a 400m threshold but within 5 kilometers 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).
22. Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. A SAMM contribution of **£2,082** in line with the *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015* (April 2018 update) as a result of the uplift of two 4-bedroom dwellings that would arise from the proposal would be required.
23. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a

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full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.

24. Policy CS8 of the Core Strategy requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of **£2,082** in line with the Thames Basin Heaths SPA Avoidance Strategy. This would need to be secured through a S106 Legal Agreement. For the avoidance of doubt, sufficient SANG at **Brookwood Park** has been identified to mitigate the impacts of the development proposal.
25. Subject to securing the provision of the SAMM tariff and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with Policy CS8 of the Core Strategy, the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

CONCLUSION

Overall the principle of development is considered to be acceptable and it is considered that it would have an acceptable impact on character, impact on neighbours, quality of accommodation, impact on car parking provision and highway safety, refuse and recycling, affordable housing and the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan. The proposal therefore accords with sections 5, 8, 9, 11, 12 and 15 of the *National Planning Policy Framework* (2018), policies CS1, CS7, CS8, CS10, CS11, CS12, CS13, CS18, CS21, CS22, CS24 and CS25 of the *Woking Core Strategy* (2012), Policies DM11 the *Development Management Policies DPD* (2016), *Woking Design SPD* (2015), *Outlook, Amenity, Privacy and Daylight* (2008), *Parking Standards* (2018), *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015*, *Climate Change* (2013) and *Affordable Housing Delivery* (2014).

BACKGROUND PAPERS

Site visit photographs (06.12.2018)

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	Provision of £2,082 contribution to provide SAMM.	To accord with the Habitat Regulations and associated Development Plan

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		policies and the Council's Adopted Avoidance Strategy.
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RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the above legal agreement and the following conditions:

1. The development hereby permitted shall be commenced not later than three years from 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 drawings listed below:

- 1:1250 location plan and Drwg no.1100 Rev.A (received by the LPA on 11.01.2019)
- 1:200 proposed block plan Drwg no.1150 Rev.A (received by the LPA on 11.01.2019)
- 1:50 proposed plans Drwg no.1400 Rev.P2 (received by the LPA on 01.10.2018)
- 1:50 proposed elevations Drwg no.1500 Rev.P1 (received by the LPA on 01.10.2018)

Reason:

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

3. The external finishes of the development hereby permitted shall match those used in the existing building in material, colour, style, bonding and texture.

Reason:

In the interests of the character and appearance of the building and the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy (2012).

Informatives

01. Proactive Working:

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). The application was considered acceptable upon receipt.

02. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all

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planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.

03. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.