

21 JULY 2020 PLANNING COMMITTEE

6A PLAN/2020/0340

WARD: C

LOCATION: 12 Chertsey Road, Woking, Surrey, GU21 5AB

PROPOSAL: Proposed change of use from A4 (Drinking Establishment) to a mixed use of A3/A5 (Food and Drink/Hot Food Takeaway) at lower ground floor and ground floor level as well as the creation of 4no C3 units (Residential) at ground and first floor. External alterations to including additional fenestration proposed on rear elevation to facilitate the change of use (Amended Plans and Description).

APPLICANT: Nikhil Modhwadia

OFFICER: Barry Curran

REASON FOR REFERRAL TO COMMITTEE

The application seeks planning permission for the creation of residential units which falls outside of the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

This is an application for the change of use of the lower ground floor and part of the ground floor from A4 to A3/A5 Use Class with change of use of part of the ground floor and first floor from A4 to 4no C3 units. External changes are proposed on the rear elevation to facilitate these changes.

PLANNING STATUS

- Woking Town Centre
- Conservation Area
- Locally Listed Building
- Primary Shopping Area
- Secondary Shopping Frontage
- High Accessibility Zone
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

GRANT planning permission subject to recommended conditions and SAMM (TBH SPA) contribution secured by Legal Agreement.

SITE DESCRIPTION

The application site relates to a mid-terrace 3 storey locally listed building on the north-western side of Chertsey Road and within the Woking Town Centre Conservation Area. The building currently hosts a range of uses with a C3 residential units at 2nd floor and a vacant A4 unit across the basement and ground floor. Neighbouring buildings include typical town centre uses including A1, A3 and A5 units many with B1 offices and C3 residential units above.

21 JULY 2020 PLANNING COMMITTEE

PLANNING HISTORY

PLAN/2019/1074 - Change of use of the first floor floorspace from public house (A4) to 3x studio and 1-bedroom units (C3 dwellinghouse) – Refused 07.01.2020

Reason 1: By reason of existing ground floor uses which could lead to significance noise and disturbance to potential occupiers, inadequate access to daylight and sunlight due to the depth and awkward layout of the Flats 2 and 3 as well as inappropriate overlooking or lack of privacy, the development would cause harm to the living conditions of future residential occupiers through a severe restriction in terms of amenity, outlook and light and would therefore fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers. The development would fail to accord with the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight 2008.

Reason 2: In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwelling would not have a significant impact upon the Thames Basin Heaths Special Protection Area (TBH SPA) contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, Saved Policy NRM6 of the South East Plan 2009 and The Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations").

PLAN/2019/1072 –Change of use from public house (A4) to A3 (Food and Drink) at ground floor and basement level with 3x studio flats and 1x 1 bedroom flat (C3) towards the rear at basement and ground floor level with additional fenestration on rear elevation – Refused 15.01.2020

Reason 1: The development would cause harm to the living conditions of future residential occupiers through a severe restriction in terms of outlook and light to all of the proposed units and would therefore fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers. Furthermore, considering the restricted rear space, the adequate waste storage provision for both the proposed A3 and C3 uses have not been demonstrated and could lead to further significant detrimental impacts on the amenities of potential occupiers. The development would, therefore, fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers and would not accord with the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

Reason 2: In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwelling would not have a significant impact upon the Thames Basin

21 JULY 2020 PLANNING COMMITTEE

Heaths Special Protection Area (TBH SPA) contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, Saved Policy NRM6 of the South East Plan 2009 and The Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations").

PLAN/2019/0781 - Proposed change of use from public house (A4) to a flexible A3/A5 Use Class (Food and Drink/Hot Food Takeaway) – Permitted 21.11.2019

PLAN/2017/1244 - Alterations to external appearance of building (amended to PLAN/2015/0809) – Permitted 12.01.2018

PLAN/2017/0404 - Extension and internal alterations to second floor level (containing existing 1no. 4 bedroom apartment) to create 1no. 2 bedroom apartment and 2no. studio apartments (amended plans and description) – Permitted subject to legal agreement 06.11.2017

PLAN/2015/0817 - Proposed change of use on 1st floor from use class A4 to use class B1 – Permitted 21.09.2015

PROPOSED DEVELOPMENT

The application seeks permission to change the use of the existing ground floor and basement from A4 (Drinking Establishment) to a flexible A3/A5 Use Class (Food and Drink/Hot Food Takeaway) with the creation of 4no new residential units across ground and first floor. External changes are also proposed including additional fenestration on the rear elevation to facilitate the proposed changes.

CONSULTATIONS

County Highway Authority: No objection subject to condition to secure cycle parking (20.05.20)

Environmental Health Team: No objection subject to conditions (11.05.20)

Conservation Officer: No objection subject to condition (07.05.20)

REPRESENTATIONS

None received

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2019

Section 6 – Building a strong, competitive economy

Section 7 – Ensuring the vitality of town centres

Section 9 – Promoting sustainable transport

Section 11 – Achieving well designed places

Section 14 – Meeting the challenges of climate change, flooding and coastal change

Core Strategy Publication Document 2012

CS1 - A spatial strategy for Woking Borough

CS2 - Woking Town Centre

CS8 - Thames Basin Heaths Special Protection Areas

CS10 - Housing provision and distribution

21 JULY 2020 PLANNING COMMITTEE

CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS20 - Heritage and conservation
CS21 - Design
CS25 - Presumption in favour of sustainable development

Development Management Policies DPD 2016

DM20 - Heritage Assets and their Settings

Supplementary Planning Guidance

Supplementary Planning Document 'Design' 2015

Supplementary Planning Document 'Parking Standards' 2018

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

PLANNING ISSUES

1. The planning issues to consider in determining this application are; the principle of development, impact of the development on the character of the locally listed Building and Conservation Area, whether the proposed change of use would detrimentally impact neighbouring properties, amenities of future occupiers, impact on parking and highway safety, affordable housing and impact on Thames Basin Heaths Special Protection Area (TBH SPA).

Principle of Development

2. The National Planning Policy Framework, at Section 7, sets out that planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.
3. Part of the proposed development is to change the A4 use of the basement and ground floor at 12 Chertsey Road to a flexible use of A3/A5. Woking Town Centre is the primary centre for economic development and is referred to, in Policy CS2, as the preferred location for town centre uses. Town centre uses are defined in the Glossary of the Core Strategy 2012 as restaurants, drinking establishments and takeaways amongst others such as retail and leisure facilities. Providing sufficient and high quality evening time facilities such as restaurants is an objective of Policy CS2 and considering the level of development currently under way within the town centre, in particular Victoria Square, the need for additional high quality town centre uses is pertinent. It goes on to state that the Council will support the development of the town centres as the primary centre for economic development in the Borough and as a primary economic centre in the South East. While A1 retail uses will be protected in the primary frontages of the Primary Shopping Area, the Council will consider favourable change of use proposals to other A Class uses within secondary frontages, if it can be determined they would not have significant harmful effects on the frontage, crime and disorder and the vitality and viability of the town centre.
4. It is noted that the existing drinking establishment has been vacant for some time since losing its licence. In assessing whether the proposed change of use would have significant harmful effects on the frontage, crime and disorder and the vitality and viability of the Town Centre, Officers must have regard to

21 JULY 2020 PLANNING COMMITTEE

the current character and occupancy of properties along Chertsey Road and nearby planning permissions for changes of use.

5. The site is identified as a Secondary Shopping Frontage with the Primary Shopping Frontage to the north-west of the application site along Commercial Way. Neighbouring properties have a range of uses including a barber shop, A1 retail shops as well as many restaurants and hot food takeaways along Chertsey Road. While the proposal would result in the loss of an A4 unit, overall, given that it will be replaced by a flexible A3/A5 unit, it is considered that this would not have any significant harmful effects on the frontage, crime and disorder and the vitality and viability of the town centre. This is due to the Chertsey Road's location outside of the primary shopping frontage and with hot-food takeaways and restaurants emerging within this area.
6. In any case, the permitted use would benefit from permitted development rights for a change of use back to Class A1 (Shops) or Class A2 (Financial and Professional Services) if there were to be demand for retail units in this area (subject to meeting the requirements and conditions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 [as amended]). Accordingly, it is considered that the proposed change of use would not have any significant harmful effects on the frontage and the vitality and viability of the town centre and would therefore accord with provisions of the National Planning Policy Framework and Policy CS2 of the Woking Core Strategy 2012.
7. Policy CS2 of the Woking Core Strategy 2012 states that *"the Town Centre is the preferred location for town centre uses and high density residential development"*. Policy CS2 sets an indicative amount of 2,180 net dwellings to be achieved within Woking Town Centre during the period 2010 – 2027 and that *"proposals will be achieved through mixed-use high density redevelopment of existing sites, refurbishment of outmoded sites and intensification of existing sites"* among others.
8. Policy CS10 of the Woking Core Strategy 2012 identifies an indicative density range for residential development within Woking Town Centre of in excess of 200 dph. The existing residential density of the application site is 35 dph, falling significantly short of the indicative range set by Policy CS10. As a result of a previous application (PLAN/2017/0404) this density would increase to 105 dph given the uplift in the number of units. Under the current application to the density would rise to 255 dph with the rise in residential units within the application site to 7 (including the extant scheme approved under PLAN/2017/0404). Whilst this density is slightly above the indicative figure, it has to be noted that the application site is within the Town Centre where it is encouraged to make efficient use of land in a highly sustainable location.
9. The proposed development will make a more efficient use of land within a highly sustainable location in Woking Town Centre. Overall, therefore, the principle of development is considered to be acceptable subject to other material planning considerations as set out within this report.

Design Considerations and Impact on Listed Building and Conservation Area

10. The application property forms part of a wider terrace fronting Chertsey Road, which is Locally Listed. The site falls within the Woking Town Centre

21 JULY 2020 PLANNING COMMITTEE

Conservation Area which comprises the Victorian core of the Town Centre. This area is historically important as it largely comprises the original commercial developments of Woking Town Centre following the development of the railway station. The High Street, Broadway and Chertsey Road were originally the principal shopping and business streets in the Town Centre. Consequently the character of the area is predominantly that of late Victorian and Edwardian purpose-built shopping parades, mostly of three storey construction, interspersed with individually designed period buildings. With more recent Town Centre development since the 1970s the focus of the shopping centre has gradually moved away from this area with alternative town centre uses (such as A2, A3 and A5) subsequently occurring at ground floor level.

11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering applications within Conservation Areas, Local Planning Authorities shall pay *“special attention...to the desirability of preserving or enhancing the character or appearance of that area”*. This is reflected in Policy CS20 of the Woking Core Strategy 2012, Policy DM20 of the Development Management Policies DPD 2016 and Section 16 of the National Planning Policy Framework 2019. Policy CS20 advises that new development must respect and enhance the character and appearance of the area in which it is proposed.
12. Furthermore, as a Locally Listed building the application must be weighed against paragraph 197 of the NPPF; which states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
13. In terms of character and heritage, the principal significance of the host building is derived from its frontage and contribution to the wider street scene of Chertsey Road. The proposed change of use does not include any additional built elevations with the only external alterations proposed in the form of additional fenestration on the rear elevation. The rear of the building backs onto a service yard serving the building along Chertsey Road as well as Commercial Way and does not strictly reflect the building design or indeed architectural details adopted on the frontages. The fenestration proposed consists of glazed doors along with single, double and triple pane windows across the ground and first floors which would not appear out of character or alien in the context of the service yards. The fenestration pattern is typical to that of residential units and would, therefore, preserve the character of the Conservation Area.
14. Consequently, the proposal is considered to preserve the character and appearance of the Woking Town Centre Conservation Area. It is not considered that any harm or loss would occur to the Locally Listed host building and that the significance of the Locally Listed host building would therefore be preserved. The application is considered to accord with Policy CS20 of the Woking Core Strategy 2012, Policy DM20 of the Development Management Policies DPD 2016 and Section 16 of the National Planning Policy Framework 2019.

21 JULY 2020 PLANNING COMMITTEE

Impact on Neighbour Amenities

15. Policy CS21 of the Woking Core Strategy 2012, requires development proposals to “*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*”. While Supplementary Planning Document ‘Outlook, Amenity, Privacy & Daylight’ 2008 seeks to protect the amenities of neighbouring occupiers and to avoid loss of light, overlooking or overbearing impacts resulting from development proposals. Section 12 of the National Planning Policy Framework states that “*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.
16. As previously alluded to, the application site is within the Woking Town Centre and along a secondary shopping frontage on Chertsey Road, a street characterised by town centre uses, as defined in the Woking Core Strategy Glossary 2012. Furthermore, it was also noted that there are a mixed of B1 offices and C3 dwellings on the first and second floors of neighbouring buildings and buildings in the vicinity. It is, therefore, necessary to consider the impact on this change of use of the amenities of residential properties. The proposed development is for A3/A5 use at lower ground floor and ground floor level with residential units (C3) at first floor. The impact of these respective proposed uses will be addressed in turn.
17. The building to the north-east of the application site is somewhat of an anomaly along Chertsey Road, in that it does not form part of the prevailing terraced row in terms of scale or design. The building is a two storey flat roofed infill addition which contains an A1/B1 unit across both floors. In contrast, under a recent Prior Approval (PLAN/2019/0270 Prior Approval for a Proposed Change of Use of a building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3)) permission was granted for 6 residential apartments across the ground, first and second floors of No.10 Chertsey Road adjoining the application property on its south-western elevation.
18. It has to be borne in mind that this permission for prior approval was granted when the existing drinking establishment had its licence to operate as a licenced premises with an opening hours licence until 2/3am and live music licence until 2am Thursday-Saturday. Appropriate noise mitigation measures recommend in the submitted Noise Impact Assessment including acoustic insulation in party walls were conditioned as part of this permission offering additional safeguarding from undue noise. Notwithstanding this, it is considered that the proposed change of use from an A4 premises to an A3/A5 use class at lower ground floor and ground floor level would result in lower levels of noise considering the nature of activities associated with these uses.
19. Proposed hours of operation have been submitted along with this application ranging from 11am to 11PM Monday-Wednesday (inclusive) and Sunday and 11am to 2am Thursday-Saturday (inclusive). These proposed hours are in line with other A3/A5 use classes along Chertsey Road and are not considered unreasonable considering the character of the area and other similar uses along Chertsey Road.

21 JULY 2020 PLANNING COMMITTEE

20. To the rear is Harland House, fronting Commercial Way, which is entirely within commercial uses. No harmful impact would therefore occur to Harland House as a result of the proposed creation of residential unit and additional fenestration.
21. The Council's Environmental Health Team have been consulted on this scheme and have raised no objection to the proposed change of use subject to a number of planning conditions relating to: acoustic and ventilation details, sound equipment and noise breakout, plant and equipment details, odour control and waste storage. These conditions are necessary to safeguard the amenities of the proposed residential units above the ground floor unit as well as neighbouring residential units (Conditions. 4-8).
22. It is considered that the proposed change of use and creation of residential units would have an acceptable impact on the amenities of neighbours given the existing uses and character along Chertsey Road which contains many examples of town centres uses including A3 and A5 establishments. Subject to the above planning conditions it is, therefore, considered that the proposal accords with Policy CS21 of the Woking Core Strategy 2012.

Layout and Creation of Acceptable Residential Development for Proposed Occupiers

23. One of the objectives of the National Planning Policy Framework is to ensure good standard of amenity for all existing and future occupants of land and buildings. Policy CS21 of the Woking Core Strategy 2012 echoes this provision with detailed guidance set out within the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
24. The proposed development includes 4no residential units (2 x studio units and 2 x two bedroom units). The proposed flats would be located at ground and first floor level of the building accessed via the front entrance off Chertsey Road. The studio units covers 37 sq.m and 38 sq.m respectively and the 2 x bedroom units cover 73 sq.m and 77 sq.m respectively. These floor areas comply with the relevant Technical housing standards - nationally described space standard (March 2015) which call for at least 37 sq.m for studio units and at least 70 sq.m for one storey 4 person 2 bedroom units. The proposed units cover these and are therefore considered to provide a good standard of residential amenity.
25. In terms of the proposed flats it is considered, having regard to the locational characteristics of the application site within Woking Town Centre, that a good standard of outlook, daylight and sunlight would be achieved to habitable rooms. This is as a result of the orientation and fenestration proposed to each of the flats.
26. The Council's SPD 'Outlook, Amenity, Privacy and Daylight' 2008 identifies that *"dwellings specifically designed not to be used for family accommodation do not require any specific area to be set aside for each as private amenity space. This would apply to one and two bedroom flats and other forms of dwelling less than 65sq.m. floorspace"*. The proposed 2no. studio flats are less than 65sq.m floorspace, and therefore the SPD does not require any specific area of amenity space, The 2no two bedroom units, however, would both be in excess of 70 sq.m floorspace and would constitute 'family accommodation'. Notwithstanding this, it is a significant material consideration

21 JULY 2020 PLANNING COMMITTEE

that the existing 4no. bedroom flat at second floor level does not benefit from any private amenity space. Although providing 'family accommodation', the proposed 2no two bedroom units would provide a reduced level of accommodation. Given this factor, combined with the locational characteristic of the application site within Woking Town Centre, it is not considered that the absence of private amenity space to serve the 2no two bedroom units would be unduly harmful to the residential amenity of future occupiers.

Impact on Highway safety and Parking

27. Located within the Woking Town Centre, the application site is in a highly sustainable location with access to a range of modes of transport including bus and train with the Woking Train Station less than 300 metres to the south-west. The existing A4 use class has no allocated parking spaces associated with it and considering the location of the application unit, there is no scope for provision for allocated parking. In addressing this, it has to be borne in mind that under the Council's Supplementary Planning Document 'Parking Standards' 2018 includes zero parking for A4 establishments in the town centre and applies a similar zero parking provision for A3/A5 use classes in the town centre.
28. It is acknowledged that this application is for a mix of uses including A3/A5 and C3 across the lower ground, ground and first floors. With regards to the A3/A5 unit proposed at basement and ground floor level, it is noted that the previous lawful use of the building was for an A4 pub which has no allocated parking spaces associated with it and given the location, has no scope for provision for allocated parking. It is acknowledged that under the Council's Supplementary Planning Document 'Parking Standards' 2018 includes zero parking for A4 establishments in the town centre and applies a similar zero parking provision for A3/A5 use classes in the town centre. The situation, therefore, would remain unchanged.
29. With regards to the proposed residential development, in total an additional 4 units are proposed on site (2 x Studios and 2no two bedroom flats). It is a significant material consideration that the application site is located within a sustainable location within Woking Town Centre within only 100 metres to Woking railway station and within immediate proximity to the wide range of retail, business, leisure, arts, culture and community facilities and other public transport connections, such as bus, cycle and pedestrian facilities, available within Woking Town Centre. Furthermore Woking Town Centre and its wider area are covered by a number of Controlled Parking Zones (CPZs) which cover all kerbsides within Woking Town Centre, making them subject to waiting restriction and parking charges. For these reasons, it is considered unlikely that the proposed development would exacerbate any existing on-street parking problems due to the availability of various transport modes and existing parking control within the locality.
30. Furthermore, the proposed flats would likely be attractive to non-car owners. The absence of on-site car parking would likely be unattractive to persons who own or rely upon private vehicles for transport. The availability of on street parking and car parks in the locality would readily meet the needs of visitors to the flats. Residents of the flats could equally apply for permits enabling them to park vehicles within the Woking Town Centre public car parks. The County Highway Authority have been consulted on this scheme and raise no objection to the lack of car parking but recommend that in the

21 JULY 2020 PLANNING COMMITTEE

event of an approval that a condition is attached to secure bicycle parking within the development site as indicated on submitted plans (Condition. 10).

Affordable Housing

31. 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. However, following a Court of Appeal judgment in May 2016, 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. These circumstances include that contributions should not be sought from developments of 9 units or less, and which have a maximum combined gross floorspace of no more than 1000 sq.m.
32. Whilst it is considered that weight should still be afforded to Policy CS12 of the Woking Core Strategy 2012 it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). As the proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000 sq.m, no affordable housing financial contribution is therefore sought from the application scheme.

Thames Basin Heaths Special Protection Area (TBH SPA)

33. The application site falls within the 400m - 5km (Zone B) of the Thames Basin Heath Special Protection Area (TBH SPA) buffer zone. The Thames Basin Heath Special Protection Area (SPA) is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitats Regulations). The Habitats Regulations designate the Local Planning Authority as the Competent Authority for assessing the impact of development on European sites and the LPA must ascertain that development proposals will not have an adverse effect on the integrity of the site, alone or in combination with other plans and projects, either directly or indirectly, before granting planning permission. The TBH SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species: Dartford Warbler, Woodlark and Nightjars. The Conservation Objectives of the TBH SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive.
34. Policy CS8 of the Woking Core Strategy 2012 requires new residential development beyond a 400m threshold, but within 5 kilometres, of the SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
35. The Suitable Alternative Natural Greenspace (SANG) element of the TBH SPA avoidance tariff is encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the TBH SPA avoidance tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of **£2,488** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy as a result of the uplift of 2no. studio flats (£528 each)

21 JULY 2020 PLANNING COMMITTEE

and 2no two bedroom flats (£716 each) which would arise from the proposal. The applicant is preparing a Legal Agreement to secure this financial contribution.

36. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the TBH SPA and therefore accords with Policy CS8 of the Woking Core Strategy 2012 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy'.

Local Finance Considerations

37. CIL is a mechanism adopted by the Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. It is proposed to convert the lower ground floor and ground floor into an A3/A5 unit which includes no CIL charge. The rear part of the ground floor and first floor is proposed to be converted into 4no C3 units. CIL for the proposed 4no units would be chargeable at a rate of £75 per sq.m. The total chargeable space of the C3 units would amount to 236.6 sq.m and would, therefore, incur a cost of **£22,795.50** (236.6 sq.m total GIA at 2020 indexation). The development, therefore would be liable to a total CIL contribution of £22,795.50 which would be payable upon commencement in the event of an approval.

Conclusion

38. To conclude, for the reasons set out above, it is considered that the proposed change of use of the lower ground floor and part of the ground floor to a mixed use A3/A5 along with the creation of 4no residential units at ground and first floor would be acceptable in terms of character and design and impact on the locally listed building and Conservation Area. Subject to recommended conditions the proposal is considered to result in an acceptable impact upon neighbouring amenity, to provide a good standard of amenity to future occupiers and to result in acceptable highway safety and parking implications. Thames Basin Heaths impacts can be mitigated by way of the adopted Avoidance Strategy.
39. The proposal is considered to be an acceptable form of development that complies with Sections 5, 7, 9, 12 and 16 of the National Planning Policy Framework 2019, Policies CS1, CS2, CS8, CS10, CS11, CS12, CS18, CS20, CS21 and CS25 of the Woking Core Strategy 2012, Policy DM20 of the Development Management Policies DPD 2016, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008, 'Design' 2015, 'Parking Standards 2018, Supplementary Planning Guidance 'Heritage of Woking' 2000, saved Policy NRM6 of the South East Plan 2009, the Thames Basin Heaths Special Protection Area Avoidance Strategy and the National Planning Practice Guidance (NPPG). Approval is accordingly recommended subject to the recommended conditions.

BACKGROUND PAPERS

1. Site visit photographs.
2. Response from County Highway Authority (20.05.20)
3. Response from Conservation Officer (07.05.20)
4. Response from Environmental Health Team (11.05.20)

21 JULY 2020 PLANNING COMMITTEE

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	Provision of £2,488 SAMM contribution to monitoring and management of avoidance measures against the impact of the site on the SPA in accordance with the formula in the Avoidance Strategy.	To accord with the Habitat Regulations and associated Development Plan policies and the Council's Adopted Avoidance Strategy.

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions and securing a S.106 Agreement:

1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason:

To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

Reason:

To protect the character and appearance of the Locally Listed host building and visual amenities of the area

3. The development hereby permitted must be carried out in accordance with the approved plan:

Drawing No. 306_PL1_BP_00 Rev B (Amended Plan) (Received 16.06.20)
Drawing No. 306_PL1_GE_01 Rev B (Amended Plan) (Received 16.06.20)
Drawing No. 306_PL1_GS_03 Rev B (Amended Plan) (Received 16.06.20)
Drawing No. 306_PL1_GS_02 Rev B (Amended Plan) (Received 16.06.20)
Drawing No. 306_PL1_GA_-01 Rev A
Drawing No. 306_PL1_GA_00 Rev A
Drawing No. 306_PL1_GA_01 Rev A
Drawing No. 306_PL1_GA_02 Rev B (Amended Plan) (Received 16.06.20)
Drawing No. 306_PL1_GA_03 Rev B (Amended Plan) (Received 16.06.20)

Reason:

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

21 JULY 2020 PLANNING COMMITTEE

4. No above ground development associated with the development hereby permitted should commence until submission of an acoustic report providing details of the measures to be undertaken to upgrade the acoustic performance of the party ceilings/floors and walls have been submitted to and approved in writing by the Local Planning Authority. The works should be completed in accordance with the approved details prior to the first occupation of the development.

Reason:

To protect the environment and amenities of the occupants of adjoining/neighbouring properties.

5. No above ground development associated with the development hereby permitted should commence until submission of an acoustic report providing details of the measures to be undertaken to acoustically insulate and ventilate the building for the containment of internally generated noise have been submitted to and approved in writing by the Local Planning Authority. The approved measures should be implemented in full prior to the first occupation of the development and shall be retained in perpetuity thereafter.

Reason:

To protect the environment and amenities of the occupants of adjoining/neighbouring properties.

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

Reason:

To protect the environment and amenities of the occupants of neighbouring properties.

7. No fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment should be installed until details, including acoustic specifications have been submitted to and approved in writing by the Local Planning Authority. Such plant and equipment should not be installed otherwise than in strict accordance with the approved specifications.

Reason:

To protect the environment and amenities of the occupants of neighbouring properties.

8. No above ground development associated with the development hereby permitted should begin until hereby permitted, a scheme for the installation of equipment to control the emission of fumes and smell from the premises should be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be fully implemented. All equipment

21 JULY 2020 PLANNING COMMITTEE

installed as part of the approved scheme should thereafter be operated and maintained in accordance with the approved details and retained as such thereafter.

Reason:

To protect the environment and amenities of the occupants of neighbouring properties and prevent nuisance arising from fumes and smell.

9. The uses hereby permitted should only be open to customers between the hours of 10:00 and 23:00 Sunday - Wednesday (inclusive) and 10:00 and 02:00 Thursday to Saturday (Inclusive). Deliveries to the development hereby approved shall only take place between 06.30 - 21.00 hours Monday - Saturday (excluding Sundays, Bank and Public Holidays).

Reason:

To protect the general amenities of the area and the residential amenities of neighbouring and nearby properties from undue noise and disturbance.

10. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans by the Local Planning Authority for:

- (a) The secure parking of bicycles within the development site and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

In recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019.

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 2019.
2. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-
08.00 - 18.00 Monday to Friday
08.00 - 13.00 Saturday
and not at all on Sundays and Bank/Public Holidays.

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

21 JULY 2020 PLANNING COMMITTEE

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

4. The applicant is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
5. The premises will be required to comply with the Food Safety Act 1990 and the Local Government (Miscellaneous Provisions) Act 1976. In this context details of the kitchen/food preparation areas including the number and position of sinks, wash hand basins and other fittings, water closet and urinal accommodation for staff and public, including facilities for disabled persons, should be submitted to the Environmental Health Manager prior to the commencement of any work.
6. All new food premises are required by the Food Safety Act 1990 to register with the Local Authority at least 28 days before the food business opens. Please contact Environmental Health on Woking (01483 743840) for the appropriate registration form or go online at www.gov.uk register food premises
7. The applicant is advised that any alterations to the shopfront or signage will require separate planning applications.
8. The applicant is advised that the right to switch between the flexible uses applies for 10 years and therefore the use subsisting as of the date of this permission will then be the lawful use of the premises subject to the application.