

10 NOVEMBER 2020 PLANNING COMMITTEE

PLANNING HISTORY

PLAN/2018/0619: Erection of part five storey, part four storey building to provide x27 apartments (x18 one bedroom and x9 two bedroom) with associated entrance gates, car and motorcycle parking, landscaping and bin store. Withdrawn

PLAN/2003/0295: Variation of Condition No.7 of planning permission 2001/0485, to allow flexibility for individual units to be up to 688 sq.m (7400 sq.ft) in floor area. Permitted 30.04.2003

PLAN/2001/0485: Demolition of existing industrial building and erection of new office floorspace in two blocks, formation of new vehicular access from Hipley Street and associated car parking and landscaping. Permitted 26.11.2001

(Note: this permission was part-implemented. See under 'Planning Issues' below)

CONSULTATIONS

Surrey County Highways: No objection subject to conditions

Environment Agency South East: No comments

Thames Water: No objection subject to condition

Housing Services: Agree with the findings of the Council's Viability Consultants.

Environmental Health: No objection subject to condition

Drainage and Flood Risk Team: No objection subject to conditions

Surrey County Council Drainage Team: *'Under local agreements, the statutory consultee role under surface water drainage is dealt with by Woking Borough Council's Flood Risk Engineering Team'*.

Waste Services: No objection

Contamination Officer: No objection subject to conditions

Kempton Carr Croft (Viability Consultant): The inputs included within the viability appraisal are reasonable. The development is unable to provide any element of affordable housing.

REPRESENTATIONS

17 letters of objection have been received on the initial submission of the planning application raising the following points:

- Hipley Street is already hazardous due to the amount of parked cars and to add more flats/cars and traffic down this little road would make this even more dangerous.
- Loss of daylight
- Overlooking
- Loss of privacy
- There is the economic risk to Woking as a whole as it becomes oversaturated with properties
- Overspill parking onto Hipley Street

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- Pedestrian safety
- Insufficient on-site parking
- Parking and access is already an issue in Hipley Street
- Loss of light, overshadowing and loss of privacy to Nittan premises
- Concern over access to the rear of Nittan premises for maintenance/repairs
- Tall building
- No affordable housing provided
- Overbearing
- Exacerbate traffic in the area
- Concerns over capacity at schools, leisure facilities etc.
- Too many flats in Woking
- The development is in an area with high risk of flooding and has flooded in the last 5 years.
- Out of character
- Increase congestion

26 letters of objection have been received on the amended plans and additional/amended raising the following points:

- Increase in traffic
- Insufficient parking
- Already too much new housing in the area
- Highway safety as cars park close to the Hipley Street/A247 junction
- Concerns over emergency vehicular access
- Inadequate parking for the current amount of residents
- Too tall
- Overbearing
- Bulky
- Loss of daylight
- Loss of privacy
- Increase in density
- Overshadowing
- Decrease value of properties
- More overspill parking onto Hipley Street
- Overlooking
- Increase in noise during construction and post completion
- Hipley Street is already hazardous due to the amount of parked cars and to add more flats/cars and traffic down this little road would make this even more dangerous.
- Out of character
- Concern over drainage and sewage capacity
- Impact on biodiversity
- Health concerns over contaminated land and asbestos
- Impact on Hipley Street - some is privately owned
- Loss of light, overshadowing and loss of privacy to Nittan premises
- Concern over access to the rear of Nittan premises for maintenance/repairs

BACKGROUND

Amended plans were received on 1 October 2020 amending the red line and providing details of the bin store. A daylight and sunlight report and additional/amended drainage and flood risk information have also been submitted. The proposal has been assessed on the basis of these amended plans and additional information.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019):

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
CS8 - Thames Basin Heaths Special Protection Areas
CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing Mix
CS12 - Affordable housing
CS15 - Sustainable economic development
CS18 - Transport and accessibility
CS21 - Design
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):

DM2 - Trees and Landscaping
DM8 - Land Contamination and Hazards

Supplementary Planning Documents (SPDs):

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

PLANNING ISSUES

Principle of development

1. The application site is a vacant parcel of land formerly occupied by a rubber components factory. The site is located within the Old Woking Industrial Estate Employment Area. Policy CS15 states *'the Council will.....permit the redevelopment of B use sites elsewhere in the Borough for alternative uses that accord with other policies in the Core Strategy where (i) the existing use of the site causes harm to amenity and/or (ii) it can be demonstrated that the location is unsuitable for the needs of modern business'*. The applicant has submitted information seeking to justify the loss of the employment land.
2. The application site and Grosvenor Court sited to the west of the application site were granted planning permission (ref: PLAN/2001/0485) on 26 November 2001 for demolition of existing industrial building and erection of new office floorspace in two blocks, formation of new vehicular access from Hipley Street and associated car parking and landscaping. One of the Blocks (Grosvenor Court – Phase I) was subsequently built, however the other block (Phase II) that was proposed within the current application site has never been built. The applicant has submitted a letter from Gascoignes Chartered Surveyors who have advised *'whilst there has been enquires, no formal interest in the site was expressed in*

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either Phase I or Phase II.....Old Woking is not a sought after office location hence Phase II has failed to illicit any interest on either a pre-let or pre-sales basis.’ Due to the lack of interest in office accommodation Phase II has never been built. Phase I at Grosvenor Court was only ever let on short term leases before recently being converted from office use to residential use under prior approval (ref: PLAN/2017/0545).

3. Westminster Court, a complex of buildings sited to the south of the application site which is also located within the Employment Area has similarly been converted from office use to residential use under prior approval (ref: PLAN/2013/0738). In 2015 planning permission was granted under PLAN/2014/0825 for a new building at Westminster Court for 4 flats within the Employment Area.
4. The conversion of these buildings from office to residential use and erection of a new building at Westminster Court for residential use is considered to demonstrate a lack of viable market interest for commercial properties in this area of Woking.
5. Gascoignes Chartered Surveyors have also advised that Serviced Offices have grown significantly in popularity in recent years and that the absence of conventional office acquisitions could be due to an increase in working from home, improved ICT and businesses wanting to locate in accessible locations near an assortment of activities.
6. In addition to the residential use at Grosvenor Court and Westminster Court sited to the west and south of the application site, Prospect Place (granted planning permission under PLAN/2003/0193) is a flatted development sited to the north of the application site and there are additional residential properties sited further to the west along Priors Croft. It is considered that the character of this section of the Employment Area has now changed and now has a prevailing residential character.
7. Although the Employment Land within the application site could be used for alternative B Class uses (now Class E under Use Class order amended on 1 September 2020) it is considered that these potential commercial uses could cause conflict in terms of noise, disturbance and emissions to the residential uses that now border the north, south and west of the application site.
8. Overall, although the proposal would result in the loss of land within the Employment Area, it is considered that there is a lack of demand for office use in this location and there is potential that other commercial uses on the site will cause harm to the amenity of residential uses that now border the north, south and west of the application site.
9. The National Planning Policy Framework (NPPF) (2019) and Core Strategy (2012) Policy CS25 promote a presumption in favour of sustainable development and the site is within the designated Urban Area. 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 principle of loss of employment land and provision of residential development is therefore considered to be justifiable subject to the further material planning considerations discussed below.

Impact on Character

10. Section 12 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Policy CS21 of the Woking Core

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Strategy (2012) states that development should respect and make a positive contribution to the street scene and the character of the area paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

11. Policy CS24 of the Woking Core Strategy (2012) states that future development should be well-suited and sensitive to its location to protect the Borough's different character areas, whilst accommodating the change needed to contribute to environmental, social and economic objectives. The Woking Character Study (2010) and SPD Design (2015) also provide design considerations.
12. The application site is bounded by big blocks of buildings (Grosvenor Court, Westminster Court, Prospect Place and Nittan Building) with further large buildings sited to the south east of the application site fronting High Street (Harvey Water Softeners and Capital Park) and along Manor Way. Planning application PLAN/2020/0304 recently granted planning permission for a large 'U' shaped building on the former Ian Allan site which is now under construction.
13. The surrounding area is characterised by two and three storey buildings finished in brick and render. Prospect Place sited to the north of the application site is a three storey building with accommodation in the roofspace facilitated by dormer windows. The building is finished in buff brick and render with external balconies. A two storey commercial building occupied by Nittan which incorporates pitched and flat roofs and is finished in buff brick, painted brick and render is sited to the east of the application site. Westminster Court, a complex of three storey buildings which have recently been converted from office to residential use is sited to the south of the application site. Immediately to the west of the application site is Grosvenor Court, a three storey building that has recently been converted from office to residential use. Grosvenor Court is finished in red brick with external balconies. Hipley Street and Priors Croft sited further to the east and west of the application site are characterised by two storey semi-detached dwellings and short terraces of dwellings.
14. The proposal is for a part five storey, part four storey building with a flat roof. The building would be have a contemporary appearance and be finished in red brick and dark grey aluminium cladding with black window frames and balcony balustrades similar to the appearance of Grosvenor Court sited to the west of the application site. The fifth floor would be set in from the north and south elevations and finished in zinc cladding with a glazed balustrade to provide a lightweight contemporary element. The west elevation orientated towards Grosvenor Court would have a staggered built form with recessed windows and balconies.
15. The proposed building would be sited approximately 0.8m from the north boundary with Prospect Place. Prospect Place is an L shaped building with the parking area serving the flats sited next to the north boundary of the application site adjacent to the proposed building. It is considered that sufficient space would be retained between Prospect Place and the proposed building. A minimum separation of approximately 2.6m would be retained to the east boundary with a commercial building currently occupied by Nittan. An approximate minimum 14.8m separation would be retained between the proposed building and Westminster Court sited to the south of the application site. The proposed building would retain an approximate 21.4m separation distance to Grosvenor Court sited to the west of the application site. Overall these separation distances are considered acceptable and would retain sufficient spacing between buildings.

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16. The proposed building would be separated from Hipley Street and Priors Croft by the Nitan Building and Grosvenor Court. An approximate 25.6m would be retained to Hipley Street and approximately 44.4m separation distance to Priors Croft.
17. The proposed building would have a height of approximately 16.4m (excluding plant). Prospect Place, sited to the north, is approximately 12.6m high. Grosvenor Court sited to the west is approximately 14.1m high. The buildings at Westminster Court sited to the south of the site are approximately 12m and the Nitan Building to the east has a maximum height of approximately 8.7m. Planning application PLAN/2020/0304 granted on 10 June 2020 (which is currently under construction) permitted a building with a maximum height of approximately 13.2m (excluding plant) at the former Ian Allan Motors site, sited a short distance to the west.
18. Whilst a sizeable building is proposed, it is considered that the proposed building would be consistent with the large grained buildings immediately surrounding the application site. Furthermore, the overall scale is further mitigated by the generous distances to Priors Croft and Hipley Street.
19. Overall the proposed building is 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).

Density

20. Core Strategy (2012) policy CS10 sets an indicative density range for infill development in the urban area of 30-40dph. This policy makes clear however that density ranges are indicative and states that '*Density levels will be influenced by design with the aim to achieve the most efficient use of land. Where possible, density should exceed 40 dwellings per hectare and will not be justified at less than 30 dwellings per hectare, unless there are significant constraints on the site or where higher densities cannot be integrated into the existing urban form. Higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of an area would not be compromised.*
21. The proposed density would be 125.1dph. Prospect Place sited to the north of the application site has a density of approximately 123dph and Grosvenor Court to the west has a density of approximately 154dph. Planning application PLAN/2020/0304 granted on 10 June 2020 at the former Ian Allan Motors and sited a short distance to the west of the application site has a density of approximately 158dph. The proposal is considered to result in an efficient use of land and is considered to result in an acceptable impact on the character of the area. The proposed density is therefore considered acceptable and is considered consistent with the aims of Policy CS10 and the wider aims of the Woking Core Strategy (2012).

Impact on Neighbours

22. 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, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook.
23. In terms of potential overlooking and loss of privacy, the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) sets out recommended separation distances for different relationships and different building heights. For three storey development and above, the

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SPD recommends a minimum separation distance of 15m for 'front-to-front' relationships and 30m for 'rear-to-rear' relationships to avoid undue overlooking. However, these standards are advisory and the SPD makes clear that the context of development proposals will be of overriding importance.

24. In terms of potential impact on daylight and sunlight, the Building Research Establishment (BRE) have set out guidelines for assessing such impacts ('Site Layout Planning for Daylight & Sunlight. A Guide to Good Practice' 2011). The BRE guidance states that "*If, for any part of the new development, the angle from the centre of the lowest affected window to the head of the new development is more than 25°, then a more detailed check is needed to find the loss of skylight to the existing buildings*". It should be noted that the BRE Guide is, however, a guide and compliance is not mandatory, since the actual effect can be influenced by other factors.

Daylight impacts:

25. The BRE guidelines set out several methods for calculating loss of daylight. The two methods predominantly used are those involving the measurement of the total amount of skylight available (the Vertical Sky Component - VSC) and its distribution within the building (Daylight Distribution). VSC is the ratio, expressed as a percentage, of the direct sky illuminance falling on a reference point (usually the centre of the window) to the simultaneous horizontal illuminance under an unobstructed sky (overcast sky conditions). According to the BRE guidance, if the VSC measured at the centre of a window, is at least 27% then enough daylight should still reach the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8x its former value, occupants of the existing building will notice the reduction in the amount of light.
26. The Daylight Distribution method takes account of the internal room layouts of the rooms in question and indicates how well daylight is distributed within the room. The BRE guidance states that daylight may be adversely affected if the daylight distribution figure is reduced to less than 0.8x its former value (i.e. no more than a 20% loss).
27. The BRE Guide recognises the importance of receiving adequate daylight within new residential accommodation. Average Daylight Factor (ADF) is used to determine the average illuminance on the working plane in a room, divided by the illuminance on an unobstructed surface outdoors, in accordance with BS 8206 Part 2:2008. The BRE Guide suggests minimum ADF standards for room use as follows:

- Kitchens 2.0%
- Living rooms 1.5%
- Bedrooms 1.0%

Neighbours:

28. The submitted daylight and sunlight report has only assessed the impact on Grosvenor Court sited to the West of the application site as the 25 degree test is failed at a number ground floor windows in the east elevation orientated towards the application site.
29. Prospect Place is sited to the north of the application site. The proposed building would be sited approximately 0.8m from the boundary with Prospect Place. Prospect Place is an 'L' shaped building along the north and west boundaries adjacent to Priors Croft with the parking area serving the flats sited next to the north boundary of the application site adjacent to the proposed building. Although the proposed building would be within 2m of the side boundary due to the minimum 19.2m separation distance to the flats at Prospect Place it is considered there would not be a significant overbearing or loss of daylight impact

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on the amenities of Prospect Place. Windows are proposed in the front and north side elevation of the proposed building. The proposed windows in the front elevation closest to the boundary with Prospect Place would be orientated towards the parking area serving the proposed flats and the proposed windows in the side elevation would be oriented towards the parking area serving Prospect Place. It is considered that the proposal would not consequently result in a significant loss of privacy or overlooking to Prospect Place.

30. A commercial building currently occupied by Nittan is sited to the east of the application site. Given its use, it is considered that the proposal would not have an impact on this building.
31. Westminster Court is sited to the south of the application site. The proposed building would be sited a minimum of approximately 14.8m from Westminster Court increasing to approximately 18.6m as the building at Westminster Court closest to the south boundary of the application site has a staggered rear elevation. The minimum 14.8m separation distance to Westminster Court is only 0.2m below the minimum recommended 15m separation distance for 'back to boundary/flank' relationships for three storey and above development set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008). Five windows (one on each floor) serving an open plan living/kitchen/dining room are proposed in the south side elevation orientated towards the rear elevation of Westminster Court. An approximate 16.6m separation would be retained between the proposed windows and the rear elevation of Westminster Court opposite these windows. Due to the separation distance it is considered there would not be a significant impact on the amenities of Westminster Court in terms of loss of daylight, loss of privacy or overbearing impact.
32. Grosvenor Court is sited to the west of the application site and is in residential use. A minimum separation distance of approximately 21.4m would be retained to the front elevation of Grosvenor Court, this separation distance complies with minimum separation distance set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008). The 25 degree test has been applied and failed to ground floor windows in the east elevation. A daylight and sunlight report has been submitted which has assessed the windows in the front (east) elevation and part of both side (north and south) elevations. In terms of the cumulative impact, of the 47x windows assessed, 35x would meet BRE guidance with regards to VSC. 5x of the windows are classified as experiencing a "minor adverse" loss of light and 7x a "moderate adverse" loss of light. With regards to ADF and the Daylight Distribution test, the submitted daylight and sunlight report shows that all the windows tested would achieve the BRE target criteria. Overall the proposed development is considered to form an acceptable relationship with these neighbours in terms of loss of light, overbearing and overlooking impacts.
33. An approximate 38.8m would be retained to the front elevations of the two storey dwellings sited along Hipley Street. This separation distance complies with minimum separation distance set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008). The commercial building occupied by Nittan and Hipley Street would provide a separation between the proposed building and Hipley Street. The 25 degree test has been applied and passed. It is considered there would not be a significant impact on the amenities of the dwellings along Hipley Street in terms of loss of daylight, loss of privacy or overbearing impact.
34. 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 (2019).

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Transportation impact

35. The proposed flats would have pedestrian and vehicular access from an existing access off Hipley Street.
36. Supplementary Planning Document 'Parking Standards' (2018) requires a studio/1 bedroom flat to provide a minimum of 0.5 onsite parking spaces and a 2 bedroom flat to provide a minimum of 1 onsite parking space. To comply with minimum parking standards a minimum of 19 onsite parking spaces would be required. It is proposed to provide 33 onsite parking spaces plus 4 motorcycle spaces in a communal parking area. The proposal would consequently comply with onsite parking standards within Supplementary Planning Document 'Parking Standards' (2018).
37. A condition (Condition 8) is recommended to secure 2 active charging points and 4 passive charging points within the 33 space communal car park in accordance with Supplementary Planning Document 'Climate Change' (2013).
38. Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per residential dwelling. As the proposal includes a high proportion of studio/1 bed flat the County Highways Authority have advised that the provision of a minimum of 28 cycle spaces is considered acceptable. It is proposed to provide 34 cycle spaces to the east of the application site in 3 bike stores. A condition (Condition 11) is recommended to ensure the proposed cycle stores are provided prior to first occupation of the proposed building.
39. A Construction Transport Management Plan condition (Condition 12) is recommended 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
40. The County Highway Authority have been consulted and raised no objection subject to conditions.
41. Overall therefore the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with Policy CS18 of the Woking Core Strategy (2012), Supplementary Planning Document 'Parking Standards' (2018) and the National Planning Policy Framework (2019).

Standard of accommodation

42. The proposal would deliver 17 x one bedroom and 9 x two bedroom units ranging from 50sq.m to 79sq.m which is consistent with the recommended minimum standards set out in the National Technical Housing Standards (2015). The 2 x studio flats would be 36sq.m which is 1sq.m below the recommended minimum standards set out in the National Technical Housing Standards (2015). However, these studio flats would still be an acceptable size and both have a balcony. The proposed flats are considered of an acceptable size with acceptable quality outlooks to habitable rooms.
43. With regards to provision of amenity space for family accommodation (flats with two bedrooms or more and exceeding 65sq.m. gross floor space) 'Outlook Amenity, Privacy and Daylight' SPD (2008) states '*alternative forms of on-site amenity provision may be permitted in lieu of a conventional private garden, although this should always be the first option*'. The ground floor flats would have direct access to a small area of amenity space and the flats on the upper floors would either have a balcony or roof terrace. Overall the proposal is considered to achieve an acceptable size and standard of accommodation for future residents.

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44. A commercial building currently operated by Nittan which manufactures fire detection equipment is located to the east of the application site. A noise assessment has been submitted and concluded that appropriate target internal noise levels have been proposed and these are achievable using conventional mitigation measures. A condition (Condition 17) is recommended to secure details of the glazing specification and ventilation to ensure the proposed design target internal noise levels as recommended in the Noise report are achieved.
45. A bin store is proposed in the south west corner of the application site. The proposed bin store would serve the 28 proposed flats and the 19 existing flats at Grosvenor Court granted under prior approval ref: PLAN/2017/0545. The Waste Services Team have been consulted and raised no objection to the proposal.

Impact on Trees

46. There are no significant trees on the site which would require protection during construction however a landscaping scheme can be secured by condition.

Drainage and Flood Risk

47. The application site is located in Flood Zone 2. The planning application has been supported by a Flood Risk Assessment and Site Drainage Management and Maintenance Strategy. The Council's Flood Risk and Drainage Team have been consulted and raised no objection subject to conditions requiring compliance with submitted information and submission and approval of a detailed flood warning and management plan and verification report. The proposal is therefore considered acceptable in terms of drainage and flood risk subject to conditions.

Contamination

48. Due to the previous use of the site, there is potential for contamination on the proposal site. The Council's Scientific Officer raises no objection to the proposal subject to conditions (Conditions 13-15 refer) securing the investigation and remediation of potential contamination. The proposal is therefore considered acceptable in this regard subject to these conditions.

Impact on the Thames Basin Heaths Special Protection Area (SPA)

49. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes of the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
50. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace

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(SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The proposed development would require a SAMM financial contribution of £16,476.00 based on a net gain of 2x studios, 17 x 1 bedroom flats and 9 x 2 bedrooms flats which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. For the avoidance of doubt, sufficient SANG at Heather Farm has been identified to mitigate the impacts of the development proposal.

51. Subject to securing the provision of the SAMM tariff and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

Sustainability

52. Following a Ministerial Written Statement to Parliament on 25 March 2015, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. The government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4.
53. 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. 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 (see Conditions 6 and 7).

Affordable housing

54. Policy CS12 of the Woking Core Strategy (2012) states that all new residential development on previously developed (brownfield) land will be expected to contribute towards the provision of affordable housing and that, on sites providing 15 or more dwellings, or on sites of over 0.5ha (irrespective of the number of dwellings proposed), the Council will require 40% of dwellings to be affordable. Policy CS12 also sets out that the proportion of affordable housing to be provided by a particular site will take into account, among other factors, the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model). The policy provides a clear set of considerations that will be taken into account in determining the final proportion of on-site affordable housing and is supplemented by SPD Affordable Housing Delivery (2014).

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55. Paragraph 57 of the NPPF sets out that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage and that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
56. The applicant has submitted a financial viability assessment with the planning application which shows that it is not viable for the applicant to provide any affordable housing within the proposed development or make any financial affordable housing contribution to the Council. The Council has retained specialist advisors to assess the submissions made in this respect. Kempton Carr Croft have analysed the submitted viability appraisal, including an interrogation of build costs, and have undertaken further research into the Gross Development Values, Benchmark Values, Build Costs and other inputs adopted for the development.
57. Kempton Carr Croft has concluded that the scheme is unable to provide an affordable housing contribution and remain viable as the site is unlikely to come forward for residential development at a value of any less than the residual land value for the proposed scheme. On this basis, it is considered that Policy CS12 of the Woking Core Strategy (2012) would be addressed.

Community Infrastructure Levy (CIL)

58. The proposal would be liable to make a CIL contribution.

CONCLUSION

59. Considering the points discussed above, the proposal is considered an acceptable form of development which would have an acceptable impact on the amenities of neighbours, on the character of the surrounding area and in transportation terms. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions and subject to a Section 106 Agreement.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions and a S.106 Agreement to secure a SAMM financial contribution of £16,476.00:

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:

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29459A/10 Rev P4 received by the Local Planning Authority on 01.10.2020
29459A/11 Rev P3 received by the Local Planning Authority on 25.10.2019
29459A/100 Rev P4 received by the Local Planning Authority on 01.10.2020
29459A/101 Rev P2 received by the Local Planning Authority on 25.10.2019
29459A/102 Rev P1 received by the Local Planning Authority on 25.10.2019
29459A/103 Rev P1 received by the Local Planning Authority on 25.10.2019
29459A/110 Rev P1 received by the Local Planning Authority on 25.10.2019
29459A/111 Rev P1 received by the Local Planning Authority on 25.10.2019
29459A/151 Rev P2 received by the Local Planning Authority on 25.10.2019
29459A/200 Rev P1 received by the Local Planning Authority on 25.10.2019
29459A/201 Rev P1 received by the Local Planning Authority on 25.10.2019
3001 received by the Local Planning Authority on 01.10.2020

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

3. Notwithstanding the material details outlined on the approved plans, No above ground development associated with the development hereby permitted shall commence until details and/or samples and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

4. Notwithstanding any details shown on the approved plans listed within Condition 02, no above ground development associated with the development hereby permitted shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. 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: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality.

5. No above ground development associated with the development hereby permitted shall commence until details of all screen and boundary walls, fences, hedges and any other means of enclosure (including private garden and sub-station enclosures) have been

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submitted to and approved in writing by the Local Planning Authority. The means of enclosure will be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved unless otherwise agreed in writing by the Local Planning Authority. Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development does not adversely affect the amenities at present enjoyed by the occupiers of the adjoining and nearby properties and to preserve and enhance the character and appearance of the locality.

6. ++Prior to the commencement of the development hereby approved, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:
 - a. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
 - b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

7. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has:
 - a. Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

8. No above ground development associated with the development hereby permitted shall commence until details of no.2 active electric vehicle charging points and no.4 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

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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. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

10. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

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

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

12. ++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) provision of boundary hoarding behind any visibility zones
 - (e) measures to prevent the deposit of materials on the highway
 - (f) on-site turning for construction vehicleshas 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.

13. ++Prior to the commencement of the development a detailed remediation method statement shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The remediation method statement shall detail the extent and method(s) by which the site is to be remediated, to

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ensure that unacceptable risks are not posed to identified receptors at the site and shall detail the information to be included in a validation report. The remediation method statement shall also provide information on a suitable discovery strategy to be utilised on site should contamination manifest itself during site works that was not anticipated. The Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of the remediation works on site. The development shall then be undertaken in accordance with the approved details.

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. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

14. Prior to the first occupation of the development hereby permitted, a remediation validation report for the site shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems shall have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

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.

15. Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any additional requirements that it may specify). The development shall then be undertaken in accordance with the approved details. Should no further contamination be identified then a brief comment to this effect shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

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.

16. Prior to the first occupation of the development hereby permitted, the refuse and recycling facilities shown on the approved plans shall be made available and thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the amenities of the area

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17. No above ground development associated with the development hereby permitted shall commence until details of the details of the glazing specification and ventilation have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall 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 neighbouring properties.

18. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment R004-01 (dated June 2020) and the Floodplain Compensation Assessment – Proposed Site Floodplain Area Drawing Number 18064-002 (dated 18/10/19). This includes the proposed development having a ground floor finished floor level set at 23.76 mAOD unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed for the development and not increased in accordance with policy CS9 of the Woking Core Strategy 2012 and the policies in the NPPF

19. No dwelling shall be first occupied until a detailed flood warning and management plan for the development has been submitted to and approved (in writing) by the Local Planning Authority. The flood warning and management plan must include (but not limited to) details of safe access and egress, information on the restrictions of vehicle movement and appropriate signage. Once approved this plan should be provided to each dwelling.

Reason: To ensure the flood risk is adequately addressed for the development and not increased in accordance with policy CS9 of the Woking Core Strategy 2012 and the policies in the NPPF.

20. All development shall be constructed in accordance with the submitted and approved Drainage Strategy Design Summary 18064-R006 (dated 18/06/2020) and Proposed Drainage Strategy Drawing Number 18064-003 (dated 01/06/20) unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy CS9 of the Woking Core Strategy 2012 and the policies in the NPPF.

21. All maintenance and management of the surface water drainage system will be carried out in accordance with the Site Drainage Management and Maintenance Strategy ref: R007-02 (dated August 2020) in perpetuity.

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

22. No dwelling shall be first occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil

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profiles/horizons, any installation of any surface water structures and control mechanisms.

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

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 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. Thames Water have advised the applicant should read their guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
6. 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).
7. The Contaminated Land Officer would like to draw the applicants/agents/consultants attention to the specifics of the contaminated land conditional wording such as 'prior to commencement', 'prior to occupation' and 'provide a minimum of two weeks notice'.

The submission of information not in accordance with the specifics of the planning conditional wording can lead to delays in discharging conditions, potentially result in conditions being unable to be discharged or even enforcement action should the required

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level of evidence/information be unable to be supplied. All relevant information should be formally submitted to the Local Planning Authority and not direct to the Contaminated Land Officer.

8. This decision notice should be read in conjunction with the related S.106 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: 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).