

20 JULY 2021 PLANNING COMMITTEE

6a PLAN/2021/0281

WARD: Byfleet and West Byfleet

LOCATION: SDC Southern, 90 High Road, Byfleet, Surrey, KT14 7QT

PROPOSAL: Demolition of existing commercial unit and erection of two storey building containing 3no. one bedroom flats and 1no. studio flat (class C3), 1no. commercial unit (class E), with associated parking and landscaping.

APPLICANT: Flow Plumbing Services Ltd OFFICER: James Kidger

REASON FOR REFERRAL TO COMMITTEE

The application is brought before the Committee at the request of Councillor Boote.

PROPOSED DEVELOPMENT

Planning permission is sought to demolish the existing single storey commercial unit and erect a two storey end-of-terrace building containing 3no. one bedroom flats and 1no. studio flat (class C3), and 1no. commercial unit (class E), with associated parking and landscaping.

The scheme has been amended during the course of the application in order to alter the fenestration at ground floor level, and to increase the size of the proposed commercial unit. This has resulted in one of the originally proposed 1-bed flats being reduced to a studio.

PLANNING STATUS

- Byfleet Local Centre
- Byfleet Neighbourhood Area
- Surface Water Flooding
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

RECOMMENDATION

GRANT planning permission subject to conditions and Section 106 legal agreement.

SITE DESCRIPTION

The site is situated on a corner plot between High Road and Beech Close, and fronts the former to the north. It currently forms the end unit of a shopping parade within the Byfleet Local Centre. The rear is at risk of surface water flooding, as are both of the surrounding roads.

PLANNING HISTORY

PLAN/1988/1247 – two storey building with shop and office – refused 25th April 1989.
PLAN/1993/0700 – retention of fence – approved 29th October 1993.

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CONSULTATIONS

- Byfleet, West Byfleet and Pyrford Residents Association – Objection for reasons of character, parking, and impact to neighbours.
- Drainage & Flood Risk – No objection subject to recommended condition.
- Environmental Health – No objection.
- Highway Authority – No objection subject to recommended conditions.

REPRESENTATIONS

13 representations have been received objecting to the proposed development, for the following reasons:

- Loss of light to nos. 92 and 92a
- Overdevelopment of the site to the detriment of the street scene
- Unsatisfactory parking arrangement
- Insufficient landscaping provision
- Proposed development would not be in keeping with the area
- Inadequate off-street parking provision
- Parked cars would overspill into the road
- Cars parked on the road would cause traffic congestion
- Cars may be parked in dangerous locations
- Exiting Beech Close can be dangerous
- Parked cars may block emergency and refuse vehicles
- Loss of on-street parking due to proposed dropped kerb
- No parking or delivery facilities for the commercial unit
- Overlooking of neighbouring properties
- Noise disturbance to neighbouring properties
- Undesirable precedent
- Development would be in a flood risk area
- Bin storage area may be a health hazard
- Bin storage area may produce odours
- Toilet window would open onto Beech Close and may cause smell
- Balconies inappropriate for the surrounding area
- Increased congestion would be dangerous for pedestrians
- Noise and pollution generated during building operations

Officer note: disruption during building operations is not a planning matter.

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2019):

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 7 – Ensuring the vitality of town centres

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

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Development Management Policies DPD (2016):

DM7 – Noise and Light Pollution

Woking Core Strategy (2012):

CS1 – A spatial strategy for Woking Borough
CS4 – Local and Neighbourhood Centres and shopping parades
CS8 – Thames Basin Heaths Special Protection Areas
CS9 – Flooding and water management
CS10 – Housing provision and distribution
CS11 – Housing mix
CS12 – Affordable housing
CS18 – Transport and accessibility
CS21 – Design
CS22 – Sustainable construction
CS24 – Woking's landscape and townscape
CS25 – Presumption in favour of sustainable development

Supplementary Planning Documents (SPDs):

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

PLANNING ISSUES

1. The main planning considerations material to this application are the principle of development on the site, the standard of accommodation to be provided, the impact on the character of the area, the impact on the amenity of neighbouring properties, and the impact to transport.

Principle of development

2. The site is identified on the Proposals Map as part of the Byfleet Local Centre. Policy CS4 of the Core Strategy considers the local centres, and states they will “retain town centre uses wherever viable”. The policy encourages mixed use development, “provided it accommodates local needs, contributes to the vitality and viability of the centre and is appropriate to the role and function of the centre in the hierarchy.”
3. The proposed scheme comprises the redevelopment of the site to provide an additional 4no. residential units, along with the retention of a commercial element. The existing town centre use would be preserved to a point comparable to others in the vicinity, and the additional residential units would contribute toward the vitality and viability of the centre.
4. Policy CS10 of the Core Strategy sets out an indicative density range of 30-60 dwellings per hectare (dph) for infill development in the Local Centres, but goes on to state “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.”
5. The site area is approximately 228 square metres, and the proposed development of four units would thus result in a density of approximately 175dph. This, subject to

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sustainability and character issues discussed below, is considered consistent with the aims of policy CS10.

Standard of accommodation

6. The ground and first floors of the proposed building would each accommodate two residential units. The three flats would accord with the relevant floor areas recommended within the Government's Nationally Described Space Standards, while the studio would fall moderately short (37 vs 39 square metres). Habitable rooms would be adequately lit, though the studio would be slightly compromised by the probable need to screen the windows directly fronting the pavement. Overall, the minor shortcomings in the quality of the studio accommodation are not considered to warrant the refusal of the scheme, particularly given the adequacy of the remainder.
7. It is noted that there would be nothing to prevent future occupiers fitting double beds in place of the single beds shown. This would mean the flats would all fall short of the recommended floor area. The proposal must however be determined based on the merits of the specifics before the Council.
8. Due to the constraints of the site and the nature of development proposed, it would not be possible to provide any substantive private outdoor amenity space. However, this is not unusual for flatted developments, particularly in higher density environments like shopping parades.
9. The Outlook, Amenity, Privacy and Daylight SPD suggests that, in dense urban locations where no suitable outdoor amenity space can be provided, the developer makes a contribution to off-site amenity provision to compensate. This contribution has since been incorporated within the Community Infrastructure Levy (CIL) which the development is liable for.
10. As such, the lack of private outdoor amenity space for the proposed flats is not considered to warrant the refusal of the scheme, whilst some mitigation would be obtained via CIL were the application to be approved.

Character of the area

11. The existing structure, with its single storey and awkwardly juxtaposed roof form, relates poorly to the adjoining terrace. The proposed building would be considerably more in keeping with the terrace and wider surround, would satisfactorily 'cap' the westerly end of the terrace, and is not considered harmful to the townscape.

Impact on neighbouring amenity

12. The proposed building would not significantly exceed the depth of the rear extension to no. 92 to the east. A small window serving a landing is situated between the extension and the boundary, and would effectively be sandwiched by the proposed development. As the window does not serve a habitable room, it is considered there would be no significant harm to amenity.
13. The proposed building would be bound elsewhere by roads, and there would be no significantly harmful overbearing impacts to neighbouring properties.
14. The introduction of first floor windows, and balconies to the north and west, would facilitate general views of the surround. The most significant, from an amenity perspective, would be those from the westerly balcony toward the facades of nos. 12

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and 13 Beech Close. However, overlooking the façade of a property on the other side of the road is not unusual in higher density residential areas, and that facilitated here would be little more than that from, say, no. 1 toward no. 9. In addition, the balconies are not of a size which would facilitate large, noisy gatherings.

15. Neighbouring properties to the north, south and east would be in excess of the relevant separation distances set out within the Outlook, Amenity, Privacy and Daylight SPD, while the overlooking of the rear of no. 92 would be no more than that usually facilitated by two storey buildings in close proximity.
16. A privacy screen would be sited at the easterly end of the balcony fronting High Road, in order to obscure the first floor side window of no. 92. This window serves a bedroom which is also served by a window on the façade. In these circumstances the substantial loss of outlook experienced by the side window would not be significantly harmful to the living conditions within the room.

Flood risk

17. The site lies within an area at medium (1 in 1000 year) risk of surface water flooding. A drainage scheme, as recommended by the Council's drainage engineer, will be secured by condition in order to ensure the flood risk is not worsened.

Transport

18. The recommended minimum parking standard for the proposed development, as set out in the Parking Standards SPD, amounts to two off-road parking spaces (0.5 per residential unit).
19. Three spaces would be provided at the rear, in excess of the standard. How these spaces would be allocated is not known. It would be possible for each 1-bed flat to have a space, leaving the studio without. Such a result is considered acceptable, in view of the central location and access to buses and trains (Byfleet and New Haw station is around 20 minutes walk from the site).
20. A number of the representations received contend that the proposed development would make Beech Close and the junction with High Road dangerous, or that they are already dangerous and would be made more so. For the avoidance of doubt, in the absence of any objection from the Highway Authority this is not a conclusion, in planning terms, that can reasonably be drawn.
21. The Highway Authority have recommended conditions and it is proposed that these are attached.

Thames Basin Heaths Special Protection Area (TBH SPA)

22. The site is within 5km of the TBH SPA and the proposed development would result in additional residential units. Natural England have demonstrated that additional residential development within such proximity can have a significant effect upon the rare bird population of the SPA.
23. Policy CS8 of the Woking Core Strategy requires an appropriate contribution toward Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM) in order to mitigate these effects. The SANG element is incorporated within the Community Infrastructure Levy (CIL), which the development would be liable for if approved. The SAMM element however has to be

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secured outside of CIL. An appropriately worded legal agreement under Section 106 of the Town and County Planning Act 1990 securing this contribution will therefore be required prior to any grant of planning permission.

Affordable housing

24. Policy CS12 of the Woking Core Strategy states that new residential development on brownfield land, where the number of new units is less than five, will be expected to provide a financial contribution toward the provision of affordable housing off-site equivalent to the value of 10% affordable provision on-site.
25. However, paragraph 63 of the National Planning Policy Framework (NPPF) (2019) states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The site is not within a designated rural area and does not constitute major development (development where 10 or more dwellings will be provided or, if the number of dwellings is not known, the site has an area of 0.5 hectares or more).
26. Whilst weight should still be afforded to policy CS12 it is considered that greater weight should be afforded to the policies within the NPPF. As such, given that the proposed development would not be major development no affordable housing or financial contribution is sought.

Sustainability

27. 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. This was expected to happen alongside the introduction of Zero Carbon Homes policy in late 2016. 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.
28. 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. Subject to such conditions, the proposal is considered acceptable in terms of sustainability.

Local Finance Considerations

29. The proposed development would result in new residential units and would thus be liable for a financial contribution under the Community Infrastructure Levy (CIL). CIL would be payable on the gross new build floor space of the development, less the floor space of the existing structures.

CONCLUSION

The proposed development would provide an additional four residential units, of an adequate standard and in a sustainable location, within the Borough whilst retaining an element of

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commercial use. The proposed building would not be harmful to the local townscape character and there would be no serious detriment to the amenity of neighbours. The application is therefore recommended for approval subject to conditions and a legal agreement securing a SAMM contribution.

BACKGROUND PAPERS

Site Photographs dated 28th April 2021.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the completion of a legal agreement securing a SAMM contribution and the following conditions:

1. The development for which permission is hereby granted shall 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:

P102A – Proposed Site Plan – received 20th May 2021

P110C – Proposed Plans – received 9th June 2021

P111B – Proposed Elevations – received 20th May 2021

P115B – Proposed Street Scene – received 20th May 2021

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

3. ++ No above ground development (excluding the demolition of the existing structure) associated with the development hereby permitted shall commence until details and samples of the materials to be used in the external elevations 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. ++ No above ground development (excluding the demolition of the existing structure) 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 completion of the development 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.

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Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality.

5. ++ No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event.

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

I. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.

II. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.

III. Detail drainage plans showing where surface water will be accommodated on site.

IV. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

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

6. ++ No above ground development (excluding the demolition of the existing structure) associated with the development hereby permitted shall commence until a scheme for the storage of refuse and recycling (including details regarding location and means of enclosure of bin stores) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full prior to first occupation of the development and the refuse and recycling storage facilities shall be retained thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the amenities of the area from nuisance by reason of smell, insects or rodent pests.

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7. ++ Prior to the commencement any above ground works in connection with the development hereby permitted, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the residential units 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.

8. No part of the development shall be first occupied/opened for trade unless and until the proposed modified vehicular access to Beech Close has been constructed and provided in accordance with the approved plans. Thereafter the access shall be maintained and kept permanently clear of any obstruction over 0.6m high.

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

9. 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. 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 cause inconvenience to other highway users.

10. ++ The development hereby approved shall not be occupied unless and until at least 1 parking space is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

11. The development hereby approved shall not be first occupied unless and until secure parking for at least 4 bicycles has been provided within the development

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site. Thereafter the said facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of achieving a high standard of sustainability with regards to cycle storage requirements.

12. The development hereby approved shall not be first occupied unless and until the privacy screen on the northerly balcony has been installed as shown on the approved plans. Once installed the screen shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties.

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. The applicant is 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, works which will be audible at the site boundary will be restricted to the following hours: 8.00 a.m. - 6.00 p.m. Monday to Friday; 8.00 a.m. - 1.00 p.m. Saturday; and not at all on Sundays and Bank Holidays.
4. 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 extensions), 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>

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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).

5. The applicant's attention is specifically drawn to the condition(s) above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.
6. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
7. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
8. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
9. Any new food businesses are required by Regulation 852/2004 to register with the Local Authority at least 28 days before the food business opens. Please contact the Environmental Health Service on 01483 743654 for the appropriate form, or it can be accessed via www.woking.gov.uk
10. Any new food businesses are required to comply with the Food Hygiene Regulations and the Local Government (Miscellaneous Provisions) Act 1976. In this context, details of the food areas, including structural surfaces, the number and location of sinks, wash hand basins and other fittings, wc's and urinal accommodation for staff and public, including disabled persons

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facilities, should be submitted to the Environmental Health Manager prior to the commencement of any work.