

25th July 2023 PLANNING COMMITTEE

6d PLAN/2023/0296

WARD: Knaphill

LOCATION: Lycett Brown Swinburn, 14A High Street, Knaphill, Woking, Surrey, GU21 2PE

PROPOSAL: Prior Approval under Part 3, Class M of the Town and County Planning (General Permitted Development) (England) Order 2015 for the Change of use of first floor from E(g)(i) Offices to C3 residential to allow for 2x 2 bed flats and associated alterations to fenestration.

APPLICANT: Thamesway Developments Ltd **OFFICER:** Josey Short

REASON FOR REFERRAL TO COMMITTEE

The application is to be decided by the planning committee as the applicant is Thamesway Developments.

PROPOSED DEVELOPMENT

The application seeks Prior Approval under the provisions of Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of the buildings first floor from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) to provide 2 x 2 bedroom flats. The works would maintain the buildings commercial use at ground floor.

PLANNING STATUS

- Knaphill Local Centre
- TBH SPA Zone B (400m-5km)
- Urban Areas

RECOMMENDATION

Prior Approval Granted subject to conditions.

SITE DESCRIPTION

The application site is located on the south east side of High Street. The site comprises a semidetached, two-storey building of commercial, business and service use (i.e. Class E). Building has crown roof and shop style windows at ground floor level fronting High Street. The site is located within the local centre of Knaphill which is characterised by commercial buildings at ground floor level with habitable accommodation at first floor and above.

PLANNING HISTORY

Ref.	Proposal	Decision	Date
PLAN/1997/0531	Sun-blind to the shop front.	Permitted	24.07.97
PLAN/1992/0514	Internal vehicular access road and parking areas for patients' visitors/ service/	Permitted	08.01.93

25th July 2023 PLANNING COMMITTEE

	emergency vehicles and general staff use. (AMENDED PLANS).		
77/1329	2 SHOP OFFICES OVER OUTLINE	Permitted	

CONSULTATIONS

SCC Highways (received by the LPA 28.04.2023)

The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

Conditions 1. The existing vehicle parking and turning area at the premises (as shown on the application drawing P.01) shall be permanently retained and maintained for their designated purpose.

2. The development hereby approved shall not be occupied unless and until the available parking space is provided with a fast-charge Electric Vehicle charging point (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.

3. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure, covered and well lit parking storage of bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Contaminated Land Officer (received by the LPA 25.05.2023)

The applicant has declared there will be no groundworks and no changes externally - e.g. no provision of private gardens. So from contamination point of view I have no comments.

The age of the building is not stated in the application. In theory there should already be an asbestos survey for the property, as required by the Control of asbestos at work Regulations so the applicant should have the information requested in the condition below.

AT13 Asbestos Condition - Refurbishment

Prior to the commencement of development evidence that the building was built post 2000 or a refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted to and approved in writing by the Local Planning Authority. The survey and subsequent scheme shall be undertaken by a suitably qualified person. The scheme as submitted shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. The development shall then be undertaken in accordance with the approved details. If an asbestos refurbishment survey and mitigation scheme is approved then prior to the first occupation of the development hereby approved a detailed verification report demonstrating that the approved mitigation scheme has been complied with shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall be validated by a suitably qualified person(s).

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

25th July 2023 PLANNING COMMITTEE

the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

Environmental Health (received by the LPA 01.06.2023)

Further to your consultation on the above application, there is no objection on Environmental Health grounds. If you are minded to approve the application, please could the following conditions be considered to ensure sufficient protection between the adjoining commercial uses and new residential accommodation.

Acoustic details

The development hereby permitted shall not commence until details of the existing party ceilings/floors and walls construction and any measures to be undertaken to upgrade the acoustic performance of the structure, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of the development. The level of sound insulation provided between residential and commercial use should be adequate for all types of uses permitted under Planning and should comply with building regulations.

AI1 should also be attached requesting information about the proposed waste and recycling management arrangements to ensure the appropriate provision of waste infrastructure is met.

I note the ground floor use is that of a catering premises. Information regarding the extraction and equipment used to control the emission of fumes and odour from the premises below may also be necessary.

It would also be recommended to require submission and approval of the glazing specification for habitable rooms facing the High Street, due to traffic noise.

REPRESENTATIONS

No representations were received in connection with this proposal.

RELEVANT PLANNING POLICY

Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

PLANNING ISSUES:

1. This application has been made to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the LPA will be required and approved/refused for development consisting of a change of use of the first floor of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) of that Schedule to provide 2 x flats (both 2 bedroom). The application has been submitted under the provisions of Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO 2015').

Provisions:

2. MA.1.-(1) Development is not permitted by Class MA-

unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

25th July 2023 PLANNING COMMITTEE

unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

if land covered by, or within the curtilage of, the building-

- (i) is or forms part of a site of special scientific interest;*
- (ii) is or forms part of a listed building or land within its curtilage;*
- (iii) is or forms part of a scheduled monument or land within its curtilage;*
- (iv) is or forms part of a safety hazard area; or*
- (v) is or forms part of a military explosives storage area;*
- (vi) (e) if the building is within-*
 - (i) an area of outstanding natural beauty;*
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
 - (iii) the Broads;*
 - (iv) a National Park; or*
 - (v) a World Heritage Site;*
- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*
- (g) before 1 August 2022, if-*
- (vii) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
- (viii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order-

(a) the following classes of the Schedule as it had effect before 1st September 2020-

- (i) Class A1 (shops);*
- (ii) Class A2 (financial and professional services);*
- (iii) Class A3 (food and drink);*
- (iv) Class B1 (business);*
- (v) Class D1(a) (non-residential institutions – medical or health services);*
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);*
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;*
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.*

Assessment:

3. The building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval (which was submitted on 8 March 2023).

Compliant with (a).

4. (b) The use of the building fell within one or more of the classes specified in subparagraph (2) (it fell within Class B1) for a continuous period of at least 2 years prior to the date of the application for prior approval (i.e., prior to the building becoming vacant).

Compliant with (b).

25th July 2023 PLANNING COMMITTEE

5. (c) The cumulative floor space of the existing building changing use (983 square metres) under Class MA does not exceed 1,500 square metres.
Compliant with (c).
6. (d) The land covered by, or within the curtilage of, the building is not, and does not form part of:
- (i) a site of special scientific interest;
 - (ii) a listed building or land within its curtilage;
 - (iii) a scheduled monument or land within its curtilage;
 - (iv) a safety hazard area; or
 - (v) a military explosives storage area.
- Compliant with (d).**
7. (e) The building is not within:
- (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site.
- Compliant with (e).**
8. (f) The site is not occupied under an agricultural tenancy.
Compliant with (f).
9. (g) The application has been made after 1 August 2022 and the site is not covered by an Article 4 direction.
Compliant with (g).

Provisions:

10. The Local Planning Authority (LPA) must consider whether prior approval is required and will be approved/refused. Under the procedure for applications for prior approval under Schedule 2, Part 3, Class MA (commercial, business and service uses to dwellinghouses) of the GPDO 2015 such proposals can only be considered by the Local Planning Authority insofar as to:
- (a) transport impacts of the development, particularly to ensure safe site access;
 - (b) contamination risks in relation to the building;
 - (c) flooding risks in relation to the building;
 - (d) impacts of noise from commercial premises on the intended occupiers of the Development;
 - (e) where-
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
 - (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
 - (h) where the development involves the loss of services provided by-
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006 the impact on the local provision of the type of services lost; and

25th July 2023 PLANNING COMMITTEE

- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Assessment:

- (a) **transport impacts of the development, particularly to ensure safe site access:**
11. The site is located in the local centre of Knaphill, as identified by the Council's Proposals Map. The provisions of the Development Plan, and Supplementary Planning Document(s) (SPDs) and the National Planning Policy Framework (NPPF) (2021), provide useful guidance on some prior approval matters. Table 2 (Hierarchy of Centres) of the Woking Core Strategy 2012 states "*Local centres vary in size...and...Primarily provide a local convenience and service function for the surrounding residential areas. Serve the day-to-day needs of the residents in the immediate surrounding area.*" Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 12. There are high quality pedestrian facilities within the vicinity of the site and throughout Knaphill, with the site fronting onto High Street. The footways on High Street provide an easy and convenient walking route to the local centre and to local bus stops.
 13. Brookwood railway station is located 1.6 miles to the southwest of the site (approximately 30-minute walk) and Woking railway station is located 3 miles away (approximately 60 minute walk) to the east of the site and it is noted that Woking station serves destinations including Clapham Junction, London Waterloo, Guildford and Portsmouth. The nearest bus stops to the site are located on High Street, adjacent to the site, approximately 30 metres from the front boundary of the site with these stops being frequently served by numerous routes to various destinations including Woking (including the railway station), Brookwood (including railway station), Guildford, Chobham and Camberley. These stops are within the CIHT's recommended walking distance to a bus stop.
 14. There are a number of local facilities and amenities in and around Knaphill local centre close proximity to the site that can be easily accessed by walking, cycling or public transport. The site clearly has scope to reduce the dependency on travel by the private car for a number of journey purposes. It is evident that a large number of key facilities are accessible from the site through non-car modes, being accessible in the first instance by foot and not requiring the additional use of local public transport or private car.
 15. In respect of car parking Policy CS18 of the Woking Core Strategy (2012) states that minimum car parking standards will be set for residential development. SPD Parking Standards (2018) does not form part of the Development Plan for the Borough although its purpose is to act as guidance on how Policy CS18 could be applied. SPD Parking Standards (2018) sets out the following relevant minimum on-site residential parking standards, although states that "*on site provision below minimum standards will be considered for developments within Woking town centre*":

Number of bedrooms	Vehicle parking spaces per flat, apartment or maisonette (i)	Number of flats, apartments or maisonettes in proposal (ii)	Overall minimum parking standard (i.e., i x ii)
2 bedroom	1	2	2

25th July 2023 PLANNING COMMITTEE

Total	2
--------------	----------

16. Applying the minimum on-site parking standards, the proposed development would need to provide x 2 parking spaces to serve the proposed 2 x dwellings.
17. It is noted that the change of use is only proposed to the first floor of the building and as such, the existing commercial uses would be maintained at ground floor which would also require parking provision in line with section 4.3 of the Parking Standards (2018) which details that A1 Retail use (now referred to as Class E) would require parking provision of 1 space per 30 sq. metres for food or non-food retail up to 500 sq. metres). The ground floor units are 99 sq. metres and 84 sq. metres and thus would require 3 spaces each. However, it is also noted that a 50% reduction is recommended for District, Local and Neighbourhood Centres and shopping parades and therefore the units would require 1.5 parking spaces per unit, resulting in 3 spaces for the commercial properties and 2 spaces for the proposed new dwellings, totalling 5 spaces.
18. SPD Parking Standards (2018) also specifies minimum standards for cycle parking at a ratio of x 2 spaces per dwelling albeit refers only to family houses, with up to six residents living as a single household. For all uses not mentioned in the SPD, provision should be based on an individual assessment of the development proposals. The dwellings proposed will both be 2-bedroom flats and as such, it is considered that applying a standard for family dwelling houses would be appropriate in this instance. The 4 x cycle storage spaces proposed as part of the development proposals accommodate more than one space per dwelling and are therefore considered to be sufficient for the development proposals.
19. The planning statement submitted in support of the application (A description of the Building and Commentary on the Proposed Change of Use at 14a High Street, Knaphill, GU21 2PE, received by the LPA 30.03.2023) details that the existing site has 5 parking spaces to the rear of the site and that the works will remove 1 space to allow for a cycle store (providing space for 4 x cycles), 2 spaces for the proposed dwellings (1 per dwelling) and 2 spaces for visitors. This proposal does not account for the parking required for the remaining retail space at ground floor. Irrespective of this, the proposed 4 spaces would result in a deficit of 1 space, however given the local centre location, there is ample parking provision to provide this deficit during the opening hours of commercial units.
20. Vehicular access and egress would remain as per the existing situation, which is via a vehicular access drive to the east of the building leading to the rear of the site. Whilst the nature of the land use would change the vehicular trip rate would not alter significantly in comparison to the existing, lawful situation given the number of dwellings proposed and the scale of them. Therefore, it is considered that the development proposals and a change of land use from office to residential will not have a detrimental and/or significant impact on the surrounding local highway network.
21. The comments received from the councils Environmental Health officer also recommend a condition be included with a permission which would require information about the proposed waste and recycling management arrangements to ensure the appropriate provision of waste infrastructure is met and submission. Though refuse and recycling collection is anticipated to operate in a similar fashion to that which currently occurs for the lawful (Class E) use; with refuse vehicles emptying bins from High Street at kerbside, a condition to this effect would confirm this and therefore would be reasonable and necessary in line with the 5 part test for planning conditions as set out in paragraph 56 of the NPPF, and therefore will be included in the event of approval in this instance.

25th July 2023 PLANNING COMMITTEE

22. The County Highway Authority (CHA) (Surrey CC) raises no objection subject to recommended conditions to secure: (i) the retention of the existing vehicular parking and turning area, (ii) the provision of Electric Vehicle fast-charge points prior to occupation and (iii) the laying out of spaces for bicycle parking prior to occupation. It is considered that recommended conditions (i) and (iii) would be acceptable in line with the five part test for planning conditions as set out within paragraph 56 of the NPPF and thus will be included in the event of approval in this instance.
23. However, in respect of recommended condition (ii) from SCC Highways, there is no provision within Part 3, Class MA to require the applicant to provide EV charging points. As such, a condition in this respect is not recommended, albeit an informative can be included to encourage the applicant to provide EV charging points. For the preceding collective reasons, the transport impacts of the development, including in respect of safe site access, are acceptable.

(b) contamination risks in relation to the building:

24. Paragraph W.-(10)(c) of the GPDO 2015 states that the LPA *“in relation to the contamination risks on the site [must]...determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and...if they determine that the site will be contaminated land, refuse to give prior approval”*.
25. The Planning Statement states that: *“There is no historical land use with potentially contaminative industrial uses on or adjacent to the site, and therefore there is no basis for the site to be designated as contaminated land within the meaning of Part 2a of the Environmental Protection Act 1990. It is also important to note:- the site layout remains entirely unchanged, there will be no new deep groundworks, there will be no private gardens incorporated and the new residential floors are all located above ground level. On the basis of this it is concluded there would be no risk to end users, ecology or protected layers from contamination as a result of the change of use”*
26. The Council's Contaminated Land Officer states that *“The applicant has declared there will be no groundworks and no changes externally - e.g. no provision of private gardens. So from contamination point of view I have no comments. The age of the building is not stated in the application. In theory there should already be an asbestos survey for the property, as required by the Control of asbestos at work Regulations so the applicant should have the information requested in the recommended condition (Asbestos survey and mitigation measures).”* The proposal would indeed only encompass internal alterations to the first floor of the building to create the 2 x dwellings and therefore no objection is raised with regard to contamination risks in relation to the building. Irrespective of this, it is considered that the recommended condition would be both reasonable and necessary and therefore would meet the 5 part test for planning conditions as set out in paragraph 56 of the NPPF, and therefore will be included if prior approval is granted in this instance.

(c) flooding risks in relation to the building:

27. The site and its surrounds fall entirely within Flood Zone 1 (low risk), within which residential development is appropriate and no issues relating to fluvial flood risk therefore arise. In addition the site is not identified as being at risk of flooding from the Basingstoke Canal (circa 140 metres to the north) within the Woking Borough Council Strategic Flood Risk Assessment ('SFRA') (November 2015). Whilst the SFRA identifies parts of the site to be at 'Medium' risk of surface water flooding these areas are restricted

25th July 2023 PLANNING COMMITTEE

to part of the under-croft access off Church Street West and to part of the rear surface car park. For these collective reasons no objection is raised in terms of flooding risks in relation to the building (the Part 3, Class MA requirement is restricted to the building, rather than the 'site').

(d) impacts of noise from commercial premises on the intended occupiers of the development:

28. Class MA does not define the term 'commercial premises' although (former) Class O [at paragraph O.3] stated that "*commercial premises*" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment". It must also be borne in mind that residential buildings are not 'commercial' premises.
29. The proposal would change the use class at first floor to create 2 x dwellings, however would maintain the sites existing commercial uses at ground floor which comprise E(a) and E(b) uses. Additionally, it is noted that the ground floor units fronting High Street within the locality of the site are also of commercial uses. Given the nature of the application site, only the ground floor commercial premises of the application building may have noise impact on the interded occupiers of the proposed dwellings.
30. The Council's Environmental Health service state that "*there is no objection on Environmental Health grounds*", however have recommended a number of conditions. The conditions recommended would require acoustic details to be submitted to and approved prior to the commencement of the development, approval of the glazing specification for habitable rooms facing the High Street, due to traffic noise and information regarding the extraction and equipment used to control the emission of fumes and odour from the premises below the proposed dwellings.
31. It is considered that a condition requiring acoustic details to be submitted to and approved prior to the commencement of the development would meet the 5-part test for planning conditions as set out in paragraph 56 of the NPPF and thus will be included in the event of approval in this instance.
32. The carriageway of High Street is located to the front. Although vehicle and traffic noise from the carriageway of High Street would likely affect the proposed dwellings (particularly the habitable windows fronting High Street) noise from vehicular traffic does not qualify for consideration; under Part 3, Class MA of the GPDO 2015 the LPA is only able to consider the impacts of 'noise from commercial premises' on the intended occupiers of the development, traffic noise is not 'noise from commercial premises' and so does not fall for LPA consideration.
33. Similarly, the emission of fumes and odour from commercial premises vehicular traffic does not qualify for consideration; under Part 3, Class MA of the GPDO 2015 the LPA is only able to consider the impacts of 'noise from commercial premises' on the intended occupiers of the development, and so does not fall for LPA consideration. AS such, this condition will not be included in the event of approval in this instance.
34. Overall, for the preceding reasoning, no objection is raised with regard to the impacts of noise from commercial premises on the intended occupiers of the development.

(e) where (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area:

25th July 2023 PLANNING COMMITTEE

35. The building is not located in a conservation area and therefore (e) is not applicable in this instance.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses:

36. Paragraph W.-(2A) of Part 3 of the GPDO 2015 states that "*Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses*". Paragraph X of Part 3 states that "*“habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms*".
37. The BRE Guide recognises the importance of receiving adequate daylight within new residential accommodation; it states that "*Daylight provision in new rooms may be checked using either of the methods in BS EN 17037 Daylight in Buildings: direct prediction of illuminance levels using hourly climate data, or the use of the daylight factor (D). Both are measures of the overall amount of daylight in a space. The daylight factor (D) addresses daylight provision as a ratio of unobstructed external illuminance under overcast sky conditions.*" (para 2.1.8).
38. Though it is noted that an Internal Daylight Report has not been submitted in support of the application, it is clear from the proposed floor plans and elevations that all habitable rooms will be well served by natural light and meaningful outlook. Overall, the submitted information demonstrates the provision of adequate natural light in all habitable rooms of the proposed dwellinghouses.
39. It is acknowledged that this is based no external changes to the existing building and thus the utilisation of existing window openings.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses:

40. As set out previously the site is located within the High Street of Knaphill local centre as identified by the Council's Proposals Map. The provisions of the Development Plan, and Supplementary Planning Document(s) (SPDs) and the National Planning Policy Framework (NPPF) (2021), provide useful guidance on some prior approval matters. Table 2 (Hierarchy of Centres) of the Woking Core Strategy 2012 states that "*Local centres vary in size...and...Primarily provide a local convenience and service function for the surrounding residential areas. Serve the day-to-day needs of the residents in the immediate surrounding area.*" The site is not shown to be within an Employment Area, and is not adjacent to an Employment Area, on the Council's Proposals Map and is not located within an industrial or commercial estate.
41. There are a number of residential dwellings at first floor and above within High Street, Knaphill, with commercial uses maintained at ground floor level. As such, it is evident that a mixture of uses exist around the site, as would be expected in a local centre location such as this, these include existing residential uses at first floor (and above). Therefore, the proposal would not introduce residential use into an area where none already exists and is not located within an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

25th July 2023 PLANNING COMMITTEE

(h) where the development involves the loss of services provided by (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost:

42. The development would not involve the loss of services provided by (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006. As such, (h) is not relevant in this instance.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building:

Paragraph MA.3 (Interpretation of Class MA) states that:

43. "Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will-
- (a) contain two or more dwellinghouses; and
 - (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015."
44. Whilst the development relates to a building which will contain two or more dwellinghouses paragraph 3 of Article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that:
45. "(3) *The height condition is that-*
- (a) *the building is 18 metres or more in height; or*
 - (b) *the building contains 7 or more storeys."*
46. The building is not 18 metres or more in height and does not contain 7 or more storeys. As such, the development does not meet the fire risk condition and therefore the fire safety impacts on the intended occupants of the building are not applicable in this instance.

Space standards:

47. Although space standards are not a Part 3, Class MA prior approval matter paragraph 3.-(9A) of the GPDO 2015 states that "*Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse- (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.*" Paragraph 3.-(9B) states "*The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.*"
48. The following table shows the relevant gross internal floor areas (GIA), with the 2 proposed flats not less than 37 sq.m in gross internal floor area, and the respective requirements set out within the Technical housing standards – nationally described space standard (NDSS) (March 2015) met:

Flat refs:	Number of bedrooms (b) / bed spaces (p)	Minimum GIA in scheme (sq.m)	NDSS Minimum GIA (sq.m)	Bedroom(s) sufficiently sized?	Overall NDSS Compliant?
Flat 1	2b4p	70	70	Yes	Yes
Flat 2	2b3p	67.8	61	Yes	Yes

Thames Basin Heaths Special Protection Area (TBH SPA):

25th July 2023 PLANNING COMMITTEE

49. The Borough of Woking lies within the development control remit of The Thames Basin Heaths Special Protection Area (TBH SPA), which has been identified as an internationally important site of nature conservation and has been given the highest degree of protection under the Conservation of Habitats and Species Regulations 2017, technical changes to which have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 following EU exit. As such EU exit has no bearing on the protection afforded to the TBH SPA. Regulation 75 of The Conservation of Habitats and Species Regulations 2017 states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017 which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 (approval of Local Planning Authority) of The Conservation of Habitats and Species Regulations 2017.
50. 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 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.
51. Although the Thames Basin Heaths Special Protection Area (TBH SPA) is not a Part 3, Class MA prior approval matter paragraph 3.-(1) of the GPDO 2015 states that "*Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2*". As such, if prior approval were approved under Part 3, Class MA of the GPDO 2015 such approval would be conditional upon approval under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 also being received. The Updated Thames Basin Heath Avoidance Strategy (February 2022) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The applicant will be required to make a SAMM contribution of **£1,794.00** in line with the Thames Basin Heaths SPA Avoidance Strategy tariff (April 2023 update). This would need to be secured through a Conservation of Habitats and Species Regulations 2017 application. For the avoidance of doubt, and as of the date the Appropriate Assessment was completed, sufficient SANG at Brookwood Country Park has been identified to mitigate the impacts of the development proposal.

Size of dwelling (bedrooms)	SAMM contribution per dwelling (i)	Number of dwellings in proposal (ii)	Overall SAMM contribution 52. (i.e., i x ii)
2 bedroom	£897	2	£1,794.00
Total SAMM contribution			£1,794.00

53. Subject to securing the provision of the SAMM tariff (through a Conservation of Habitats and Species Regulations 2017 application) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural

25th July 2023 PLANNING COMMITTEE

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 the measures set out in the Updated Thames Basin Heath Avoidance Strategy (February 2022), and the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended).

CONCLUSION:

On the basis of the preceding the proposed development is considered to fall within the provisions set out within Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This conclusion is considered to be in compliance with the National Planning Policy Framework (NPPF) (2021). It is therefore recommended that prior approval is approved.

BACKGROUND PAPERS

Site Photographs dated 8th June 2023.

RECOMMENDATION

It is recommended that Prior Approval is APPROVED subject to the following conditions:

01. ++ The development must not be begun until the developer has received the written notification of the Local Planning Authority under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 (as amended).

Reason: To comply with Regulation 75 of The Conservation of Habitats and Species Regulations 2017 (as amended) and paragraph 3.-(1) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

02. The prior approval hereby approved must be carried out only in accordance with the following plans numbered/titled (all rec'd by the LPA on 08.03.2023 unless otherwise stated):

Block Plan – 23.1057 B.01 – received by the LPA 30.03.2023

Location Plan – 23.1057 L.01 - received by the LPA 30.03.2023

Proposed Site Layout – 23.1057 P.01 - received by the LPA 30.03.2023

Proposed Ground and First Floor Plans – 23.1057 P.04 Rev B - received by the LPA 04.07.2023

Proposed Elevations – 23.1057 P.06 Rev B - received by the LPA 04.07.2023

Proposed Roof Plan – 23.1057 P.03 - received by the LPA 30.03.2023

Reason: To comply with Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

03. The existing vehicle parking and turning area at the premises (as shown on the application drawing P.01) shall be permanently retained and maintained for their designated purpose.

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

25th July 2023 PLANNING COMMITTEE

04. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure, covered and well-lit parking storage of bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021.

05. No above-ground development associated with the development hereby permitted shall commence until a scheme detailing the proposed waste and recycling management arrangements has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in full prior to the first occupation of the development and maintained thereafter at all times.

Reason: In the interests of amenity and to ensure the appropriate provision of waste infrastructure.

06. Prior to the commencement of development evidence that the building was built post 2000 or a refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted to and approved in writing by the Local Planning Authority. The survey and subsequent scheme shall be undertaken by a suitably qualified person. The scheme as submitted shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. The development shall then be undertaken in accordance with the approved details. If an asbestos refurbishment survey and mitigation scheme is approved then prior to the first occupation of the development hereby approved a detailed verification report demonstrating that the approved mitigation scheme has been complied with shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall be validated by a suitably qualified person(s).

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.

07. The development hereby permitted shall not commence until details of the existing party ceilings/floors and walls construction and any measures to be undertaken to upgrade the acoustic performance of the structure, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of the development. The level of sound insulation provided between residential and commercial use should be adequate for all types of uses permitted under Planning and should comply with building regulations.

Reason: To ensure that the impacts of noise from commercial premises on the intended occupiers of the development is satisfactory.

INFORMATIVES:

25th July 2023 PLANNING COMMITTEE

1. The applicant is reminded that this decision solely represents the determination of the Local Planning Authority under the provisions of Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The applicant is advised to investigate whether consents or permissions under any other regulatory regimes would be required.
2. 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 RELEVANT TRIGGER POINT(S). Failure to observe these requirements will result in a contravention of the terms of the prior approval and the Local Planning Authority may serve Breach of Condition Notices (BCNs) to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Local Planning Authority to consider the details and discharge the condition(s). A period of between five and eight weeks should be allowed for.
3. The applicant is advised that the site is within 5km of the Thames Basin Heaths Special Protection Area (TBH SPA). The TBH SPA is internationally-important and designated for its interest as habitat for ground-nesting and other birds. Natural England has demonstrated that the new population arising from housing developments at a distance of up to 5km from the TBH SPA can have a "significant effect" on the TBH SPA by causing disturbance to the breeding of rare bird populations, due to the impact of residents' recreational activities. Regulation 75 of The Conservation of Habitats and Species Regulations 2017 states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017 which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 (approval of Local Planning Authority) of The Conservation of Habitats and Species Regulations 2017. This prior approval is therefore conditional upon such an approval being received.

In making an application under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 (as amended), the applicant would have to make a contribution in accordance with the tariff within the Updated Thames Basin Heath Avoidance Strategy (February 2022) in order to seek to demonstrate that there will be no significant effect upon the TBH SPA. The applicant would be required to pay the Strategic Access Management and Monitoring (SAMM) tariff via a S106 Unilateral Undertaking before the commencement of any development. A template Unilateral Undertaking is available for use on the Council's Website at <https://www.woking.gov.uk/planning-and-building-control/planning/policies-and-guidance/community-infrastructure-levy-cil-and-4> and a completed Unilateral Undertaking would be required to be submitted with any Regulation 77 application which would secure the necessary financial contributions which would be required to be paid before any works commenced on site.

The relevant SAMM contribution in this instance is £1,794 (x2 two bedroom flats) (April 2023 update).

4. The applicant is reminded that inherent conditions of the development permitted by Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require that:

25th July 2023 PLANNING COMMITTEE

- o Development must be completed within a period of 3 years starting with the prior approval date; and
 - o Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
5. The applicant is encouraged to provide electric vehicle (EV) charging points within the development site.
 6. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
 7. 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.
 8. The applicant is advised that adequate control precautions should be taken to control noise emissions from any fixed plant, including generators, on site during demolition / construction activities. This may require the use of quiet plant or ensuring that the plant is sited appropriately and / or adequately attenuated. Exhaust emissions from such plant should be vented to atmosphere such that fumes do not ingress into any property. Due to the proximity of residential accommodation, there should be no burning of waste material on site. During demolition or construction phases, adequate control precautions should be taken to control the spread of dust on the site, to prevent a nuisance to residents within the locality. This may involve the use of dust screens and/ or utilising water supply to wet areas of the site to inhibit dust.
 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>

25th July 2023 PLANNING COMMITTEE

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).