

19 MARCH 2024 PLANNING COMMITTEE

6b PLAN/2023/0791

WARD: Pyrford

LOCATION: Avens Court, 1 Broomcroft Drive, Pyrford, Woking, Surrey, GU22 8NS

PROPOSAL: Change of use from care home (Use Class C2) to residential (Use Class C3) comprising 13 flats and alterations to fenestration, with car parking, cycle parking and bin store.

APPLICANT: c/o agent, Fluent ADS Ltd

OFFICER: Emily Fitzpatrick

REASON FOR REFERRAL TO COMMITTEE:

The application is a major application, given the provision of dwelling houses proposed would be thirteen (13), and is recommended for approval. As such, the application falls outside of the Development Manager - Scheme of Delegation

SUMMARY OF PROPOSED DEVELOPMENT

Change of use from care home (Use Class C2) to residential (Use Class C3) comprising 13 flats and alterations to fenestration, with car parking, cycle parking and bin store.

PLANNING STATUS

- Urban Area
- Locally Listed Building
- Pyrford Neighbourhood Area
- Area Tree Preservation Order

RECOMMENDATION

GRANT planning permission subject to conditions and the completion of a Section 106 legal agreement to secure the affordable housing provision and the Strategic Access Management and Monitoring (SAMM) contribution.

SITE DESCRIPTION

The application site is a part-three storey detached building, with a single storey side extension with a crown roof when viewed from the front elevation. The roof form has a series of pitches, with the third floor incorporated into the roof form. The roof is designed with tiles and a series of alternative roof forms to the rear (crown roof, flat, pitched and hipped roof forms). The building is designed in white render with white fenestration. A series of bay windows serve the front elevation (south east). The building is locally listed previously listed under the name of Melbury House. An area of hardstanding serves the front to accommodate parking with the rear laid to lawn serving amenity provision. The application site is located under an area Tree Preservation Order, with tree cover along the north, north east and south east. The application site is located in a residential area, with Broomcroft Drive serving as a cul-de-sac to the north and Broomcroft Close to the south. The site is located in between both roads as you enter from Old Woking Road.

RELEVANT PLANNING HISTORY

(Not an exhaustive list)

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Ref:	Proposal:	Decision:	Date:
PLAN/2018/1238	Creation of new window opening and installation of new and replacement windows and external doors.	Permitted	14.03.2019
PLAN/2017/0842	Erection of a single store rear extension.	Permitted	08.11.2017
PLAN/2003/1488	Demolition of existing building. Erection of 19 x one and two bed apartments with underground parking.	Withdrawn	10.02.2004
PLAN/2000/1100	Erection of a two storey side extension to provide additional accommodation to residential care home, together with six further car parking spaces.	Permitted	01.03.2002
PLAN/2000/1021	Demolition of existing conservatory and erection of a single storey side and rear extension comprising of three bedrooms, bathroom, toilet, office and conservatory.	Permitted	14.12.2000
PLAN/1991/0398	Two storey side extension following demolition of existing single storey extension to form 13 bedrooms.	Permitted	13.06.1991
PLAN/1989/0216	Conversion of existing dwelling into four two bedroom flats and one three bedroom flat, erection of two single storey extensions with accommodation within the roof space to provide a one bedroom flat, a two bedroom flat and a three bedroom flat together with associated car parking and landscaping.	Refused	14.06.1989
DC 0020099	The carrying out of alterations and the erection of additions to the existing premises at Blackdown House.	Approved	14.02.1966
DC 0013040	Use of premises as residential establishment for retired and elderly people.	Approved	
DC 0011663	The use of a Preparatory Day School for girls at "Blackdown", Old Woking Road, Pyrford.	Approved	
DC 0011493	The erection of a detached building on land at "Blackdown", Old Woking Road, Pyrford, Woking and the subsequent use of the said building as a hotel catering wholly or mainly for passengers from airports in the Region as specified in the application.	Approved	16.01.1959
DC 0011473	The provision of a road and sight line, the conversion of the existing main house into four separate dwellings and the outbuildings into four separate houses and the erection of	Approved	13.12.1958

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	four private dwellings on land adjacent thereto at "Blackdown", Old Woking Road.		
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CONSULTATIONS

Senior Arboricultural Officer: No objection subject to conditions.

Historic Buildings Consultant: No objection.

County Highway Authority (SCC): No objection subject to conditions.

Pyrford Neighbourhood Forum: Objection and comments as follows;

The Forum welcomes certain aspects of this application. Firstly, there is very little change to the external appearance of this Locally Listed Building. Secondly the application includes 4 "affordable" apartments out of 13. The Forum does have enormous concerns over parking and objects to this application due to its failure to address Policy BE2 of the Pyrford Neighbourhood Plan. The number of car parking spaces meets the WBC Parking Standards SPD which is an advisory document. There is no allowance for any visitor spaces. The plan justification for Policy BE2 was due to the lack of public transport and the size of houses in Pyrford, many families have more than two cars. Visitors are also bound to travel by car due to the lack of alternative modes of transport. Vehicles parked along grass verges result in a deterioration of the verge itself and this defeats the purpose of this facility. Vehicles parked at the kerbside cause congestion and can pose a hazard. On-road parking is already a serious problem in some parts of Pyrford. There is no mention of providing any cycle facilities being provided in the Planning Statement. At the extreme if there were flat shares with two adults per bedroom and 1 car per that would mean 64 vehicles with 53 not having any spaces.

Surrey CC Drainage Officer: No objection.

Thames Water: No objection.

Joint Waste Solutions: No objection.

REPRESENTATIONS

x17 letters of representation have been received including comments from Byfleet, West Byfleet and Pyrford Residents Association, x16 raise objections and x1 raising neutral comments, and comment as follows;

Objection

- I believe it is important to highlight a separate application that is currently under consideration by Woking Planning Department. PLAN/2022/0647 is an application to develop Sutton Green Golf Club, this is located some 2 miles from Broomcroft Drive/ Close. The plan is for the construction of a 'retirement village' and importantly a Care Home with over 60 bedrooms. This begs the question who is right in terms of the need for care home beds as both applicants who have submitted the plans are at odds with each other. One applicant (Avens Court) states Care Homes are not required in the community however the other says there is a real need. Both cannot be correct. In my respectful view the assessment for the construction of a Care Home submitted by the "Sutton Green" is far more comprehensive and reports the following:- "Our assessment has identified an urgent and substantial need for new retirement and care

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accommodation". On that basis the application to convert Avens Court from a Care Home to a large number of residential flats is seemingly fundamentally flawed.

- Most residents of Broomcroft Close & Broomcroft Drive who have objected to the application (Avens Court) have highlighted that dialogue with planners would be a beneficial exercise. The Government has made it clear through the NPPF that developers should be encouraged to undertake public consultation. The community involvement proves it has been designed so that residents take an active role in the evolution of the proposal and that their feedback genuinely influences the scheme prior to a formal planning application being lodged.
- The proposed conversion, due to its size, location, and the lack of information regarding the nature of the rental residents, is expected to significantly disrupt the peaceful living conditions of us and our fellow Broomcroft Close and Drive residents. We are particularly concerned about the increased noise, disturbance, vehicular traffic, dust, and noise generated by Avens Court during and after the construction phase. These changes would seriously impede our ability to enjoy our living spaces comfortably.
- The proposal is likely to have a significantly negative impact on parking and highway safety in the surrounding area due to overdevelopment. This jeopardises the safety of road users, waste collection, and emergency services vehicles. With only twelve (12) parking spaces for thirteen (13) flats and a total of thirty-one (31) bedrooms, the lack of provision for visitors or the concierge team raises concerns. Given the inadequate public transport links, future residents are likely to rely on cars, potentially causing parking issues. The increased vehicular traffic may also worsen the already dangerous junction at Broomcroft Drive/Close on Old Woking Road, which has witnessed vehicular accidents, including fatalities.
- Previous attempts to convert Avens Court into residential flats were met with refusal, including in 1989 when objections, similar to our current ones, were raised, and importantly, fewer flats were proposed at the time. Since then, traffic has increased, further emphasising the significance of our objections. Other plans involving the demolition of the property in 2003 and conversion to flats were withdrawn.
- Proximity of our property and others to Avens Court necessitates consultation with residents as a crucial part of the process, especially when there is a proposed change in land use. However, we, as well as our neighbours, have not been consulted. Vital information is missing from the plans, which has required us to make assumptions. We urge the developer to address the following points (infrastructure capabilities, evaluation of fire plans and building evacuation arrangements, details of rental arrangement and tenure). Officer's Note: A neighbour consultation was carried out in accordance with WBC Statement of Community Involvement (January 2022), whereby adjoining occupiers and owners only must be consulted. However, a site notice was erected and a press notice. The above points whereby clarity is sought would not be a material planning consideration.
- Why is a concierge needed for only 13 flats? We note that the proposed development includes a cinema/ day room. These two points concern us as the nature of the tenure has not been explained. Could the plan be for some of the rentals to be let out Airbnb style, with hordes of short term visitors descending in cars, adding to the parking mayhem?
- There have been problems with the drains and sewerage from Avens Court. Will the proposed re-development ensure that the drains, sewers and water pressure are able to cope with the number of proposed households?
- We believe the Heritage Statement has not been done well and should be re-assessed. It only mentions the period from the early sixties when the building became Melbury House and a care home. Before that it was Blackdown, standing on land purchased from Hugh F. Locke King who built Brooklands racing track and Bleakdown Golf Club (now known as West Byfleet Golf Club), amongst others. The last owners of

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Blackdown were the father and step-mother of Sir Henry Segrave, the first holder simultaneously of the world land and water speed records. The document is also inaccurate in that it only mentions 'modern houses' in Broomcroft Drive. This is not the case; we live at No.5 which was the coach house to Blackdown and No.5 was the adjoining stable block. All these buildings were built about 1900. We attach a photograph showing Blackdown as it appeared on a postcard in 1910.

- The public transport links from Pyrford to Woking are poor. The bus service is not available in the evenings or at weekends and is extremely sporadic at other times of the day.
- We are concerned about the green verges particularly at the top of the road. Both contain trees planted as a small memorial garden with the permission and facilitation of Woking Borough Council. This followed the untimely death of a child who resided in Broomcroft Close some years ago. The green areas would obviously become a site where vehicles would be parked which would be of grave concern to the residents due to the emotional link to the grassed area and trees and would obviously impact on the 'wilding' and the ecology of those grassed areas and verges.
- The manoeuvre of a right turn into and out of the road is dangerous, consequently this in its own right will lead to an increase in traffic flow both in and out of Broomcroft Drive/ Close which may well lead to collisions. Officer's Note: Impact to highways will be discussed in the relevant section below.
- Our garden which is overlooked by Avens Court 1st and 2nd floor would become much less private. Officer's Note: Impact to residential amenity will be discussed in the relevant section below.
- The front of our house faces Avens Court, this includes 2 of our ground floor living rooms and on the 1st floor our bedroom and a further bedroom. The 1st and 2nd floor of Avens Court are set in an elevated position and thus any occupants of flats on those floors at the front left aspect of the building will have a direct view into our rooms particularly during the winter months when lights are lit and of course a view into our garden. This will ruin the privacy we currently enjoy.
- Broomcroft Drive and Close are single track roads and any parking along them will immediately inhibit the safe passage of cars to/from the existing residential dwellings.
- My garden is currently overlooked by the nursing home's first floor windows and the addition of another window on the first floor will only further reduce my privacy. And I have deep concern about adjacent noise in the future. Care Home residents are, by their very fragile nature, easy to manage and make very little noise.
- Thirteen new independent dwellings with a mixture of families and unmarried occupants will bring a dramatic rise in noise that will be impossible to manage, taking into account noise from possible pets.
- The south side of Avens Court is roughly less than 10 metres from our back garden and due to its height, this overlooks into our garden. We are gravely concerned that the privacy we and other residents are enjoying will be reduced massively. As highlighted in the Heritage Statement, when the building was in use as a care home the residents' accommodation was only provided at grounds and first floor level. The proposed second floor plan now shows this being allocated to Flat 12 and Flat 13. Flat 12 bedroom 1 and the sitting/kitchen area will have windows in view of our property and garden. This will result in our loss of our privacy (No.8 Broomcroft Close). Officer's Note: Impact to residential amenity will be assessed in the relevant section below.

Neutral

- Document from SCC Highways states in 'Note to Planner' at foot of document that there must be sufficient space for vehicles to turn and exit forwards within the grounds. This would not appear to be the case with all of the proposed parking

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spaces. Therefore it would seem that the parking plan needs to be changed before the overall plan is submitted.

Officer's Note: Following SCC Highways note as above, an amended proposed site plan was received on the 19th February 2024, re-arranging parking layout and omitting 2x parking spaces in the north east corner and re-distributing these on site. The transport planning officer confirms acceptance of the amended site plan.

- The plan appears to show one parking space in front of the fire escape to the left of the building. If Fire Regulations state that this area must remain clear of obstructions, then this space is not available for parking. Officer's Note: Fire regulations for the scale of this scheme would fall under the remit of Building Control.
- Tree T11 (Lawson Cypress) at the front of the property has caused major damage to the pavement and road over many years. Attempts have been made to repair it but clearly the roots will continue to force their way through, causing that section of pavement to be hazardous to pedestrians. I would suggest that consideration might be given to felling it and replacing with another tree.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2023):

Section 2– Achieving Sustainable Development

Section 4- Decision making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed and beautiful places

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

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Woking Core Strategy (2012):

CS1 – A spatial strategy for Woking Borough

CS7 – Biodiversity and nature conservation

CS8 – Thames Basin Heaths Special Protection Areas

CS9 – Flooding and water management

CS10 – Housing provision and distribution

CS11 – Housing mix

CS12 – Affordable housing

CS13 – Older people and vulnerable groups

CS18 – Transport and accessibility

CS21 – Design

CS25 – Presumption in favour of sustainable development

Woking Development Management Policies Development Plan Document (2016):

DM2 – Trees and Landscaping

DM20 – Heritage Assets and their Settings

Pyrford Neighbourhood Plan (2017):

BE1 – Maintaining the Character of the Village

BE2 – Parking Provision

BE3 – Spatial Character

OS5 – Trees

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Supplementary Planning Documents (SPDs):

Parking Standards SPD (2018)
Woking Design (2015)
Outlook, Amenity, Privacy and Daylight (2022)
Climate Change (2023)
Affordable Housing Delivery (2023)

Supplementary Planning Guidance (SPG):

Heritage of Woking (2000)

Other Material Considerations:

Planning Practice Guidance (PPG)
South East Plan (2009) (Saved Policy) NRM6 – Thames Basin Heaths Special Protection Area
Thames Basin Heaths Special Protection Area Avoidance Strategy
Woking Borough Council Strategic Flood Risk Assessment (November 2015)
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Waste and recycling provisions for new residential developments
Technical Housing Standards – Nationally Described Space Standard (March 2015)
BRE Site Layout Planning for Daylight and Sunlight (2022)

PLANNING ISSUES

1. The main issues to be considered in the determination of this application is the principle of development, housing mix, impact on the Locally Listed Building, setting and character of the area, impact on neighbouring amenity, amenities of future occupiers, impact on highways and parking, Thames Basin Heaths Special Protection Area (TBH SPA), affordable housing, flood risk and drainage, arboricultural impact, ecology, refuse and recycling, energy and water consumption.

Principle of Development

Loss of existing use

2. Policy CS13 says “Existing specialist accommodation will be protected unless it can be demonstrated that there is insufficient need/ demand for that type of accommodation.” Two pulse surveys (February 2020) were submitted with the application showing both a 3 and 5 mile radius of residential and nursing homes in the vicinity to the application site. The 3 mile pulse survey shows 19 residential and nursing homes with a total of 820 beds. The 5 mile pulse survey shows 37 residential and nursing homes with a total of 1,882 beds. The most recent registered care homes according to the survey are (not an exhaustive list); Signature Parklands Manor, Chertsey (2017) and Rodwell House Nursing Homes & Care Suites, Addlestone (2016), Kingsbury Court Care Home, Bisley (2015).
3. The Strategic Housing Market Assessment (SHMA 2015) shows the Projected Need for Specialist Housing for Older People (2013-33) referred to as Table 68 below.

		@ 102 per 1,000	@ 170 per 1,000
Woking	Need	2,209	2,222
	Supply	1,298	1,298
	Net need	911	924

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4. Paragraph 9.36 of the SHMA says this equates to 918 specialist homes in Woking over the 2013-33 period which is a mid-point of the two estimates. Paragraph 9.37 says whilst there is no precedent for taking a midpoint of these figures, we would consider that is a reasonable and balanced approach. The Planning Statement says between December 2013 to December 2022, 141 units for older people were completed. A further 566 have outstanding planning permission (completions expected by 2027) which give 707 units in total. If the continued growth of applications coming forward for specialist accommodation carried on until 2033, 1440 units would be the approximate provision demonstrating an ample supply of specialist accommodation. The submitted Feasibility Study dated June 2023 identifies 20 sites of nursing/ care homes within a 5 mile radius of Avens Court with a provision of 1,021 registered beds.

5. The Quality Care Commission (QCC) inspected the home in February 2020 and found it to be inadequate. At the time of the closure, following the QCC report, the home was providing care, albeit inadequately for just 29 residents, the home had capacity for 51 people aged 65 and over, confirming the home was not fulfilling a need within the local community. The Planning Statement confirms the building is not fit for purpose, much of the building, i.e. corridors and living accommodation is not wheelchair accessible, and whilst there is a lift this serves only part of the building. Given the scale of the work required to get the facility up to standard, it needs to demonstrate that it would be financially viable to do so. The Planning Statement refers to the month of September 2019, the care home was operating at a loss of £25,612.92, which, over a 12 month period is circa £300,000. Much of the income from the residents (90%) was outlaid on to staffing costs and this is why the site was struggling financially. It is not considered that the provision of the care home in this location is financially viable before taking into consideration the costs to upgrade the quality and standard of living. The principle of development to a change of use to dwellinghouses would be considered acceptable.

Housing mix

6. Both the NPPF and Policy CS25 promote a presumption in favour of sustainable development, with the overarching policies of both the NPPF and the Development Plan as a whole emphasising the need for new housing. Policy CS10 identified that the Council will make provision of an additional 4,964 net additional dwellings in the Borough between 2010 and 2027, with an indicative number of 750 new additional dwellings as infill development in the rest of the Urban Area (i.e. outside of Woking Town Centre/ West Byfleet District Centre/ Local Centres) to be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling.

7. Policy CS11 says whilst the preference is for the location of most new development to be in the main centres, infill development and/ or redevelopment of previously developed land in the built up area of the Borough will be acceptable in principle, subject to a full assessment of impacts where relevant and appropriate mitigation measures make the proposal acceptable. The site is sustainably located within the Urban Area, within an established residential area, the closest provision of shops are West Byfleet parade of shops and Tesco Express, part of Esso Petrol Station (1.2 miles and 25 minutes) and Co-op Food (0.8 miles and 18 minutes).

Provision of bedrooms proposed			
	Ground Floor	First Floor	Second Floor
1 x bedroom	1	1	
2 x bedroom	1	2	2
3 x bedroom	4	2	

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Total:	6	5	2
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8. Family accommodation is defined within the Woking Core Strategy (2012) as 2+ bedroom units, which maybe houses or flats, exceeding 65 sq.m in floorspace. The proposed ground floor would serve five family units to the ground floor, four family units to the first floor and two family units to the second floor.

9. Policy CS10 states that:

“The density ranges set out are indicative and will depend on the nature of the site. Density levels will be influenced by design with the aim to achieve the most efficient use of land. Wherever 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” (emphasis added).

10. The proposed density would be 48 dph, which would contrast to an existing prevailing density along Broomcroft Close and Drive of between 7.6 dph to 16.6 dph. Whilst Policy CS10 identified that, wherever possible, density should exceed 40 dph and will not be justified at less than 30 dph, Policy CS10 is also clear that the density ranges set out are indicative and will depend on the nature of the site; it is not the intention of Policy CS10 to permit densities of between 30-40 dph within the entire Urban Area. The site falls within the Urban Area and is considered to be located in a sustainable location from West Byfleet parade of shops along Old Woking Road. The proposed density would be substantially higher than the prevailing densities, however on balance and subject to the other material considerations the density would be considered acceptable.

11. Policy CS11 also states that all residential proposals will be expected to provide a mix of dwelling types and sizes to address the nature of local needs, as evidenced in the latest Strategic Housing Market Assessment (SHMA-2015) to create sustainable and balanced communities. Policy CS11 does, however, state that the appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme. The following table compares the latest SHMA market housing requirements against the proposal:

Proposed gain	SHMA need-market dwellings	Proposed market dwellings
1 bedroom	10.9%	2 (15.38%)
2 bedroom	28.1%	5 (38.46%)
3 bedroom	38.3%	6 (46.15%)
Total		13

**Note: only relevant dwelling sizes are shown*

12. It is acknowledged that not every development site will deliver the complex mix of unit sizes and that Policy CS11 operates, and is monitored, Borough wide. The majority provision of x6 three bedroom dwellings is considered to be appropriate in this instance, reflecting the established character and density of the neighbourhood.

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13. Paragraph 5.73 says lower proportions of family accommodation (2+ bedroom units which may be houses or flats) will be acceptable in locations in the Borough such as the town and district centres that are suitable for higher density developments. Equally, lower proportions of smaller units will be acceptable in areas of existing low residential density where the character of the area will not be compromised. The application site is a vacant and redundant Locally Listed Building located centrally to the housing development that forms Broomcroft Close to the south/ south east and Broomcroft Drive to the north. No alterations are proposed to the exterior of the building or the footprint. The housing type would be considered acceptable.
14. Under Policy CS10 the indicative number of dwellings to be provided as infill development in the rest of the urban area is 750 between 2010 and 2027. CS11 acknowledges whilst the preference is for the location of new development to be in the main centres, infill development (amongst other criteria) in the built-up area of the Borough will be acceptable.
15. Overall, the principle of development, the loss of a care home following a proposed change of use to x13 residential units, located within an urban area, proposing a density of 48 dph, in a sustainable location would be considered acceptable in broad principle. The provision of x13 (2 x 1 bedroom, 5 x 2 bedroom and 6 x 3 bedroom) residential units would not be inappropriate in housing mix terms and would accord with Policy CS11. However, this is wholly subject to the detailed considerations set out below.

Impact on the Locally Listed Building, setting and character of the area

16. Paragraph 205 of the NPPF (2023) says *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
17. Paragraph 208 of the NPPF (2023) says *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.* Paragraph 209 says *the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
18. Policy DM20 of Woking DMP DPD says a proposal affecting the character, appearance and/or setting of heritage assets will be required to show: *i) that the works or development preserve and/or enhance the heritage asset and/or its setting in terms of quality of design and layout (scale, form, bulk, height, character, street pattern and features), materials (colour and texture) and historic street pattern of the area, ii) how relevant features and elements that contribute to the heritage asset's significance and character will be conserved and/or reinstates if they have been lost, iv) that it would not have an adverse impact on views or from the heritage asset or of the open spaces, trees or street scene which contributes positively to any asset and its setting.*
19. Policy CS21 of the Woking Core Strategy (2012) states that new development should respect and make a positive contribution to the street scene and the character of the area in which it is situated.

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20. Policy CS20 says *new development must respect and enhance the character of the area in which it is proposed whilst making the best use of the land available. New development should also make a positive contribution to the character, distinctiveness and significance of the historic environment, including heritage assets at risk through neglect, decay or other threats.*
21. The application site is a three-storey detached Locally Listed Building designed in white render. The former name for the building is Melbury House as referred to in the Heritage SPD (2000) and is identified as a Building of Architectural Significance. The submitted Heritage Statement identifies the building to have been originally constructed in the early 20th century as a private residence, although it has been variously extended, particularly to the rear. The walls are predominantly of traditional masonry construction, externally rendered and painted, whilst the main roof incorporates various gables, ridges valley, with a covering of tiles. Prior to becoming Melbury House, it was known as Blackdown standing on land purchased from Hugh F. Locke King who built Brooklands racing track and Bleakdown Golf Club (now known as West Byfleet Golf Club). No.5 Broomcroft Drive was the coach house to Blackdown and No.6 the adjoining stable block and were built around 1900.
22. Minor exterior alterations are proposed to the building, the insertion of an additional set of doors to serve an internal access from building (cinema and day room) to rear amenity space at ground level (west). The insertion of French doors and window at ground level to serve a living room and kitchen in Unit 6, the insertion of a rear window at first floor level to serve a living room in Unit 10, on the front elevation, the replacement of a window with a door and porch roof to serve access to Unit 5. A door is proposed to replace a window serving Unit 6 with a porch.
23. The Historic Building Advisor has been consulted and comments as follows; *the building is currently empty and must be considered 'at risk'. There are to be very few insignificant external changes to the elevations, and the proposed new residential use should create a long-term future for the building. The tenure will be rental accommodation which would be managed by a company, this would guarantee continued maintenance of the property. I have absolutely no concerns about this proposal, regarding the LL building nor the wider area. The proposed new elevations show windows which if renewed, replicate the old pattern of sub-division and glazing bars, so the essential character of the building will be maintained. It is also good to see the few new ground floor access doors to the apartments, being fitted with little porches which enhance the living experience for the residents.*
24. The proposed changes would modestly change the appearance of the Locally Listed Building. The proposal would utilise an otherwise derelict and redundant building falling into a state of repair, located in a residential area. The replacement fenestration would be conditioned to match existing fenestration, with the porch roofs and doors giving a 'residential look' and appearance to the building. The main architectural features such as bay windows along the front elevation, two-storey flat roof front projection with an enclosed open porch, gable roof detailing and chimneys are to be retained which would be considered a public benefit, retaining any contribution that the property provides to the understanding or interpretation of the past.
25. Overall and on balance, the proposals are considered to preserve the character and appearance of the non-designated heritage asset maintaining the special architectural and historic interest of the Locally Listed Building and would comply with Policies CS20, CS21 of the Core Strategy 2012, Policy DM20 of the Development Management

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Policies DPD (2016), Supplementary Planning Documents 'Working Design' (2015) and 'Heritage' (2000) and the NPPF (2023).

Impact on neighbouring amenity

26. Policy CS21 states that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook. More detailed guidance is provided within SPDs Outlook, Amenity, Privacy and Daylight (2022) and Design (2015).

Ground Floor

27. Flat 6 would be approximately 10m from the north eastern boundary. The closest residential property No.5 would be approximately 47.4m away, this would be considered acceptable. Flat 4 would also have a sufficient distance in excess of 20m from No.5 (to the north). Flat 5 and 6 would be approximately 28-30m to the closest residential property to the east, No.7 Broomcroft Drive, the distance would be considered acceptable.
28. The orientation of flat 4 and 1 in an easterly direction would not face any residential properties. Flat 1 would sit approximately 22.6m from the provision of amenity space opposite. Officer's acknowledge comments regarding impact on privacy serving No.1a Broomcroft Close. At ground floor, No.1a is set to the side of Avens Court and not directly opposite. The recommended distance at single storey is 6m, the proposal would exceed this combined with the angle of No.1a, there would be no direct overlooking or impact to privacy between window to window combined with the boundary screening serving No.1a. The two bedroom windows to serve Flat 1 would be screened by boundary treatment with an access road serving No.9 to the rear acting as a buffer between the application site and No.8, with a distance of 7.84m between each flank wall. Impact to residential amenity would be considered acceptable. The proposed windows to serve flat 2 and 3 would be well screened from the boundary treatment combined with an adequate distance of approximately 23.5 to No.9.
29. The north-eastern corner is well screened by protected trees (Tree Preservation order). The openings to serve Flats 3, 5 and 6 would be approximately 10m from the shared boundary with No.2 Broomcroft Drive. The distance combined with the screening would be considered acceptable.

First Floor

30. Flat 10 would have an adequate distance to No.5 regarding the north elevation serving a kitchen, bathroom and bedroom. The bathroom window would be conditioned to be obscurely glazed. The first floor front elevation serving Flat 10 would be approximately 28.6m from the flank wall serving No.7 combined with the tree cover along the front of the site, which are protected and no side openings serving No.7, with the exception of a side rooflight would be considered acceptable. The side elevation serving Flat 11 would be considered acceptable with the closest residential properties sited approximately 64m in a northerly direction. Flat 11 and 7 do not sit opposite any immediate residential dwellings. Officer's acknowledge comments raised with regards to concerns as to No.1a. Given the orientation of Avens Court with No.1a this would give no rise to overlooking or impact to privacy. No.1a is sited to the south east of Avens Court, with Flat 11 opposite amenity land with a distance of approximately 22.7m. There would be no adverse impact to No.1a.

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31. As existing two first floor side windows serve Avens Court along the south west elevation, it is unclear what rooms these would have served but likely to have been bedrooms for the care home residents. The proposal would see a bedroom window serving Flat 7 and a window to serve an open plan kitchen and living room. The use of these rooms would remain habitable as is existing. The flank to flank distance is approximately 7.17m to No.8 Broomcroft Close. The distance would accord with the recommended 1m separation distance for achieving privacy. A first floor side window serves No.8, this accommodates an en-suite. It is acknowledged there would be some impact to residential amenity, however the proposal is not considered to exacerbate the existing outlook or impact to privacy. The distance would be considered acceptable. Two first floor rear windows would serve a bedroom for Flat 8 and a landing. The distance to the rear boundary (shared with No.9) would be in excess of 25m. It is unclear what room this window may have served, the existing floor plan shows an en-suite serving this room so possibly a bedroom. The proposal would not be considered to exacerbate impact to residential amenity. The first floor landing window along the south west elevation would not change.
32. Six windows would serve the north west elevation, an increase by one window. The use of these rooms are too subject to change. The windows to serve Flat 9 would be between 9-14m from this boundary shared with No.2 Broomcroft Drive. The recommended distance for achieving privacy is 10m, given the boundary slightly tapers the distance falls to 9m. Furthermore a window is proposed at the tapered end to serve a living room for Flat 10. There are approximately 9x protected trees that run along this boundary and are predominantly within the site boundary. A first floor side window serves an en-suite at No.2. The outlook of this window would be the side/ rear amenity space serving No.2. The remaining five windows would serve three bedrooms, a kitchen and living room approximately set back 10m from the boundary. On balance, given the nature of the proposal to change the use from residential in form of a nursing home to residential units, this would not be considered to exacerbate impact to residential amenity to cause significant harm.

Second Floor

33. The proposed north facing rooms would have an adequate separation distance to the closest residential properties along this elevation. The proposed south east facing rooms would not face directly onto residential properties. With regards to the assessment above on the impact to No.1a, this would apply. The south west elevation would serve a bedroom and sitting room/ kitchen to Flat 12. It is unclear of the existing floor layout and how these rooms were used. The outlook of these windows would be to the rear amenity space serving No.8 given the position of these windows one floor higher than No.8. Given the application is a change of use from a residential building in nature (lawful use as a care home), the proposal to change this to residential units would not be considered to exacerbate existing impact to residential amenity and cause significant harm.
34. A sitting room window is proposed to the north west elevation, this would be approximately 25m from this boundary, the distance would be considered acceptable. A landing window is proposed along the north west elevation and would be considered acceptable.

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Amenities of future occupiers

35. The table below shows the relevant gross internal floor areas (GIA) and whether each unit and bedrooms comply with the Nationally Described Space Standards (NDSS) (2015).

Flat refs:	Number of bedrooms (b) / bed spaces (p)	GIA scheme (sq.m)	in	NDSS Minimum GIA (sq.m)	Bedroom(s) sufficiently sized?	Overall NDSS complaint? (Technical requirements on bedroom sizing)
Ground Floor						
Unit 1						
Bedroom 1	1b2p	94.51m ²		86m ²	Yes	Yes
Bedroom 2	1b2p	94.51m ²		86m ²	Yes	Yes
Bedroom 3	1b1p	94.51m ²		86m ²	No	No
Unit 2						
Bedroom 1	1b2p	95.38m ²		61m ²	Yes	Yes
Bedroom 2	1b1p	95.38m ²		61m ²	No	No
Unit 3						
Bedroom 1-3	1b2p	99.76m ²		95m ²	Yes	Yes
Unit 4						
Bedroom 1	1b2p	63.19m ²		50m ²	Yes	Yes
Unit 5						
Bedroom 1	1b2p	99.70m ²		86m ²	Yes	Yes
Bedroom 2	1b2p	99.70m ²		86m ²	Yes	Yes
Bedroom 3	1b1p	99.70m ²		86m ²	Yes	Yes
Unit 6						
Bedroom 1	1b2p	86m ² (3p5p)		76.17m ²	Yes	Yes
Bedroom 2	1b2p	86m ² (3b5p)		76.17m ²	Yes	Yes
Bedroom 3	1b1p	86m ² (3b5p)		76.17m ²	No	No
First Floor						
Unit 7						
Bedroom 1	1b2p	67.92m ²		61m ²	Yes	No
Bedroom 2	1b1p	67.92m ²		61m ²	No	No
Unit 8						
Bedroom 1	1b1p	52.72m ²		37m ²	Yes	Yes
Unit 9						
Bedroom 1	1b2p	90.79m ²		86m ²	Yes	Yes
Bedroom 2	1b1p	90.79m ²		86m ²	Yes	Yes
Bedroom 3	1b1p	90.79m ²		86m ²	Yes	Yes
Unit 10						
Bedroom 1-3	1b2p	114.67m ²		95m ²	Yes	Yes
Unit 11						
Bedroom 1	1b1p	63.13m ²		61m ²	Yes	Yes
Bedroom 2	1b2p	63.13m ²		61m ²	Yes	Yes
Second Floor						
Unit 12						
Bedroom 1-2	1b2p	75.11m ²		50m ²	Yes	Yes
Unit 13						

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Bedroom 1-2	1b2p	88.77m ²	70m ²	Yes	Yes
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36. Bedroom 3 serving Unit 1 on the ground floor would have a floor area of approximately 6.80m² which would fail to comply with 7.5m² as per the NDSS. Bedroom 2 serving Unit 2 would have an adequate floor area for a single bedroom, however the width would fall below the recommended technical standards. Bedroom 3 serving Unit 6 would have a floor area of approximately 6.76m² which would fail to comply with 7.5m², the width would be 2m and would also fail the NDSS standard of 2.15m width. Bedroom 2 in Unit 7 would have a floor area of approximately 6.13m² and would fail the NDSS standard of 7.5m². Officers' acknowledge some of the shortfall in provision of bedroom sizing regarding footprint and/or width.
37. The Planning Practice Guidance states that "Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard" (Paragraph: 018 Reference ID: 56-018-20150327 Revision date: 27 03 2015). No Development Plan policy is engaged in this instance that refers to the Technical housing standards – nationally described space standard (March 2015) (the NDSS) and therefore the Local Planning Authority has no Development Plan basis to insist that the proposed development must fully comply with the NDSS. It should be noted that Policies DM9 (Flats above shops and ancillary accommodation) and DM11 (Sub-divisions, specialist housing, conversions and loss of housing) of the Development Management Policies DPD (2016) both refer to the NDSS however those policies are not engaged by the proposed development in this instance. Whilst Policy DM11 covers conversions, it does not state conversion of care home into residential units and instead focusses on change of use of dwellings to Houses in Multiple Occupation (HMOs) and residential institutions (such as nursing homes, care homes and residential education and training centres) (not an exhaustive list of what the policy covers). Nonetheless the NDSS does provide a useful point of reference for comparison purposes.
38. Given the proposal seeks to change the use of an existing locally listed building, the internal layout would remain unchanged subject to some fenestration change, given the above and on balance the proposed layout would be considered acceptable.

Impact on future occupants of the new dwellings

39. The bedroom 1 window serving the ground floor (Flat 1) would face directly onto a parking space. There would be little in the way of a landscaped or buffer area to provide separation between the bedroom window and a car parked in the space. This would offer a poor outlook from this window and future occupiers are likely to be subject to overlooking and general disturbance from passing pedestrians and vehicles, Officers' have sought a buffer of approximately 1.5m in depth to mitigate noise and light impact from parking vehicles. This has been reflected in the provision of amended plans with landscaping details subject to a condition.

Sunlight

40. Paragraph 3.1.2 of *BRE Site layout for planning daylight and sunlight – a guide to good practice (2022)* says in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day but especially in the afternoon. It is viewed as less important in bedrooms and kitchens, where people prefer it in the morning rather than the afternoon. Paragraph 3.1.6 says a south-facing window will in general, receive most sunlight, whilst a north-facing one will only receive it on a handful of occasions (early morning and late evening summer).

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41. Adequate sunlight would serve Units 1-6 on the ground floor. However, the living room to serve Unit 6 would be north facing, however the site sits at an angle with this wing facing a north/ north east orientation and a window on both sides. A first floor rear window has been inserted to serve a living room for Unit 10, this window would be north west facing, whilst this is not an ideal elevation for a sole window, the proposal would pass the 25° vertical angle taken from the centre of the window. Bedroom 1 window to serve Flat 11 would be a modest window, this room formerly served a bathroom. Whilst the window would be small and the only window to serve this room, on balance and on the overall context of the development levels of sunlight would be considered acceptable.

Provision of private amenity space

42. The table below is taken from the Outlook, Amenity, Privacy and Daylight SPD (2022) and shows the required provision of amenity space according to each unit proposed.

Recommended Minimum Garden Amenity Area		
Type of Dwelling	Type of provision	Unit Nos.
Flats or duplex apartments with two bedrooms or more and 61 sqm or more gross floorspace.	A suitable area of private garden amenity as a first priority – recommended minimum of 30 sqm for each dwelling. A shared amenity space, roof garden or balcony/terrace will only be acceptable if it has equal provision for family amenity.	Units 1, 2, 3, 5, 6, 7, 9, 10, 11, 12 and 13.
One bedroom houses, flats or apartments, studio flats, other houses of less than 61 sqm gross floorspace, dwellings otherwise not suitable for family accommodation including retirement (non-sheltered) accommodation.	An area of shared garden amenity to provide a setting for the building – recommended 30 sqm for each dwelling up to two storeys and 15 sqm thereafter up to four storeys only. Some small private sitting out area such as patios or balconies are encouraged.	Unit 4 & 8

43. The majority of the units proposed would be considered as family accommodation, whereby flats with two bedrooms or more and exceeding 61 sqm gross floor area. Paragraph 3.6 says *all dwellings designed for family accommodation need to provide a suitable sunlit area of predominantly soft landscaped private amenity space, appropriate in size and shape for the outdoor domestic and recreational needs of the family it is intended to support. Private amenity space is best provided as an enclosed garden to the rear or side of the property where it is clearly separate from more public areas of the site.*
44. Paragraph 3.18 says *“All forms of dwelling need to have sufficient space around them for general amenity purposes, which should also meet the requirements of outlook, privacy and daylight and integrate the building within its context. It is expected that an area of approximately 30 sqm for dwellings up to two storeys high and 15 sqm for each storey thereafter up to four storeys high. Some small private sitting out area such as patios or balconies are encouraged”.*

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45. On the preceding basis an area of communal amenity space of 390m² would be required (i.e., 30 x 13 = 390). The provision of retained communal amenity space to the rear is approximately 511.47m². The rear amenity space is currently laid to lawn with timber board fencing and tree cover along the north/ north east and north west corner, hedgerow serves the west boundary with timber fencing only along the south boundary. An area of buffer has been sought along the north west elevation approximately 1.5m deep, landscaping details would be conditioned, to retain a separation between windows and users of the shared amenity space. The provision and layout of amenity space would be considered acceptable. On balance, whilst the scheme is unable to provide private amenity space, the provision would comply with the table above, and given the proposal is a change of use application, the existing amenity space to the rear which is well screened from neighbouring properties would be considered adequate in this instance.

Refuse and recycling

46. Paragraph 2.3 of the 'Waste and recycling provisions for new residential development' says the communal bin area/store must be large enough to accommodate the bins with sufficient capacity for fortnightly collections of rubbish and recycling and weekly collections of food waste. The communal bin area needs to be at ground level, allow enough space for the bins require for the property, have a flat hardstanding and be well lit, be located at a distance no further than 10 minutes from the proposed tipping point of the refuse collection vehicle (not an exhaustive list).
47. The Waste Solutions Team have been consulted and provided comments on the following (in summary); bins for flatted developments are usually stored/ collected and returned to a designated bin store. All bin stores should be well lit and have a flat hardstanding. Sufficient signage would be suggested for the bin store to ensure that residents are well informed of how to best separated their waste. General considerations for flatted developments include; to allow the safe operations of collections, we have a minimum vehicle clearance of 5m in width x 4.3m in height. To reduce misuse and ensure only residents have access to the bins it is advised that the entrance to the bin store is secured with a lock (key or coded). The key or code will need to be provided to WS to pass onto the collection contractor prior to collection commencing to ensure safe and successful delivery. We have a maximum pulling distance (distance from bin store to tipping point) of 10m for the four wheeled bins.
48. Provision of a bin store to serve 6 x 1100ltr communal bins and 3 x 140L bins is proposed in the north east corner which would exceed the recommended bin provision by Joint Waste Solutions. Access to these bins would be to the north east of the application site along Broomcroft Drive with an area of hardstanding already in-situ and a dropped kerb. The pulling distance would not exceed 10m. Details of the bin store design would be conditioned. Refuse and recycling arrangements would be considered acceptable.

Impact on highways and parking

49. The site is sustainably located within the Urban Area, with an established residential area and in an accessible location within walking distance (approximately 28 minutes) or by means of transport to shops (bus route) to West Byfleet Town Centre.
50. Policy CS18 states that minimum car parking standards will be set for residential development (outside of Woking Town Centre), as in this instance. Accordingly, the

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Parking Standards SPD (2018) sets out a minimum on-site vehicle parking standard of x 12 in total (not including visitor parking), the submitted Site Plan shows on-site provision of x 12 parking spaces and that they meet the required minimum dimensions. The Parking SPD says visitor parking is encouraged where appropriate. However, such spaces do not contribute towards the minimum parking standards set out in the table, which provide spaces per dwelling. At the discretion of the Council and based on the merits of the proposal, extra car parking spaces for visitors parking will be provided at a minimum rate of 10% of the total number of car parking spaces provided for the development. The proposal would have no provision of visitor parking which would be approximately 1.2 parking spaces. It is considered appropriate to allow for on-site visitor parking provision in this instance, given that opportunities for safe on-street parking within the local area are somewhat limited, which would bring the total minimum on-site parking requirements to 13.2 spaces (rounded up to 13).

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)
1 bedroom	0.5	2	1 (2 x 0.5)
2 bedroom	1	5	5 (5 x 1)
3 bedroom	1	6	6 (6 x 1)
Total:		13	12 Spaces

51. The Parking SPD says requirements in the main have been set below average car ownership levels to ensure efficient use of land and in anticipation the continuation of trends which that has seen reducing car ownership levels in the borough. The SPD goes onto further say within flat type developments there is evidence, irrespective of the number of bedrooms/size, a significant proportion of households are without a car or van. These will be in locations that can easily access a wide variety of other transport means or employment opportunities, or make other parking arrangements, Woking Town Centre is the only area that meets this requirement.
52. Pyrford Neighbourhood Plan (2017) Policy BE 2 says development proposals must demonstrate that they will not result in on-road parking to the detriment of highway safety or adverse impact on the character of the area. Paragraph 7.6.2 says on-road parking is already a serious problem in some parts of Pyrford. Due to the lack of public transport and the size of the houses in Pyrford, many families have more than two cars. Visitors are also bound to travel by car due to the lack of alternative modes of transport.
53. The County Highways Authority (CHA) (Surrey CC) have been consulted and raise no objection subject to conditions requiring the site to be laid out with proposed parking provision prior to occupation, each dwelling must have provision of an electric vehicle (EV) charging point prior to occupation and a scheme to be submitted demonstrating provision of secure parking of bicycles within the development site. Furthermore, vehicles must enter and leave in forward gear. The EV condition would not meet the test of necessity as it replicates Building Regulation requirements.
54. The provision of parking would be considered acceptable and comply with Woking Parking Standards SPD. The amended site plan would accommodate occupiers entering and leaving in forward gear given the site has two areas of hardstanding both with dropped kerbs to the east and south. Whilst the proposal may lead to on-street parking, there are no parking restrictions along Broomcroft Close or Broomcroft Drive. Furthermore SCC Highways raise no objection to the proposal. Impact on highways and parking would be considered acceptable.

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Thames Basin Heaths Special Protection Area (TBH SPA)

55. 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 Woking Core Strategy (2012) 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 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.
56. Policy CS8 of the Woking Core Strategy (2012) requires new 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 SPA tariff is required to be addressed outside of CIL.

Size of dwelling	SAMM Contribution per dwelling (2023/2024)	Total provision
1 bedroom	£662	2 x £662.00= £1,324.00
2 bedroom	£897	5 x £897.00= £4,485.00
3 bedroom	£1,180	6 x £1,180.00= £7,080.00
Total		£12,889.00

57. The applicant has agreed to make a SAMM contribution of £12,889.00 in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy (April 2023 update), as a result of the net additional 13 bedroom dwellings (2 x 1 bedroom dwellings, 2 x 5 bedroom dwellings, 3 x 6 bedroom dwellings) on the site. This would need to be secured through a S106 Legal Agreement. For the avoidance of doubt, sufficient SANG at Horsell Common has been identified to mitigate the impacts of the development proposal.
58. Subject to securing the provision of the SAMM tariff (through a Section 106 Legal Agreement) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment, 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.

Affordable housing

59. Policy CS12 says between 2010 and 2027 the overall target for affordable housing is 35% of all new homes, equivalent to 1,737 new affordable homes. All new residential

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development on previously developed (brownfield) land will be expected to contribute towards the provision of affordable housing in accordance with the following criteria. On sites providing between 10 and 14 new dwellings, the Council will require 30% of dwellings to be affordable.

60. The submitted planning statement proposes 9 units (70%) would be market housing and 4 units (30%) would be affordable housing and these are proposed to be unit 1 (3 bed), unit 2 (3 bed) and unit 4 (1 bed) which are on the ground floor and unit 7 (2 bed) which is on the first floor. The proposal would comply with policy CS12. The provision of the affordable housing would be secured through a Section 106 legal agreement.

Flood risk and drainage

61. The application site is not located in or adjacent to an area of surface water flood risk or located in a Flood Zone.
62. A SuDS report has been submitted confirming design measures such as store rainwater, by way of wall mounted or free-standing rainwater harvesting tanks and permeable paving. The proposal would not create any additional hardstanding or floor area to the site. The Local Lead Flood Authority, Surrey County Council raise no objection subject to conditions requiring details of the design of a surface water drainage scheme to be submitted and approved prior to commencement. An additional condition includes the submission of a verification report carried out by a qualified drainage engineer prior to the first occupation.

Arboricultural impact

63. Policy CS21 requires proposals for new development to include the retention of any trees or amenity value. Policy DM2 states the Council will require any trees which are to be retained to be adequately protected to avoid damage during construction. The application site is designated under an area Tree Preservation Order (TPO). Arboricultural information has been submitted at application stage. The Arboricultural Officer has been consulted and comments as follows; the proposed is considered acceptable and the arboricultural information provided should be complied with in full including the pre-commencement meeting as indicated. Details of the foundation design will be required prior to commencement these should show the existing ground levels in relation to the proposed. Details of service and drainage runs will be required. Subject to conditions impact to trees would be considered acceptable.

Energy and water consumption

64. Policy CS22 of the Woking Core Strategy (2012) seeks to require new residential development to achieve Code for Sustainable Homes Level 5 from 2016 onwards. However, a Written Ministerial Statement to Parliament, dated 25 March 2015, sets out the Government's expectations that any Development Plan policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the (now abolished) Code for Sustainable Homes; this is equivalent to approximately 19% above the requirements for Part LA1 of the 2010 Building Regulations. This is reiterated in Planning Practice Guidance (PPG) on Climate Change, which supports the NPPF (2023).
65. Part L of the Building Regulations was updated in June 2022 and now requires an energy performance improvement for new dwellings of 31% compared to the 2010 Building Regulations. The current Building Regulations therefore effectively require a

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higher energy performance standard than what Policy CS22 would ordinarily require. As such, it is not necessary to recommend a condition relating to energy performance as more stringent standards are required by separate regulatory provisions (i.e., the Building Regulations).

66. However, the LPA requires all new residential development to achieve as a minimum the optional requirement set through Part G of the Building Regulations for water efficiency, which requires estimated water use or no more than 110 litres/person/day. This can be satisfied by condition.

Local Finance Considerations

67. The Council introduced the Community Infrastructure Levy (CIL) on 1 April 2015. The building has not been occupied for its lawful use for a period of 6 continuous months of the previous 36 months and therefore would be liable for a financial contribution to CIL. The floor area subject to change of use would be approximately 1506.02m², the CIL liability without housing relief would be approximately £27,6927.42. The CIL liability with housing relief (subtracting the four units subject to affordable housing; Units 1, 2, 4 and 7) approximately 1171.57m² would be approximately £21,5428.65.

CONCLUSION

68. Overall, the principle of development is considered acceptable and would have an acceptable impact on the locally listed building, setting and character of the area, impact on neighbouring amenity, amenities of future occupiers, highways and parking, TBH SPA, affordable housing, flood risk and drainage, arboricultural, energy and water consumption. The proposal therefore complies with Policies CS1, CS7, CS8, CS9, CS10, CS11, CS12, CS13, CS18, CS21 and CS25 of the Woking Core Strategy (2012), Policies DM2 and DM20 of the Development Management Policies Development Plan Document (DMP DPD) (2016), Policies BE1, BE2, BE3 and OS5 of the Pyrford Neighbourhood Plan (2017), SPDs Design (2015), Outlook, Amenity, Privacy and Daylight (2022), Parking Standards (2018), Climate Change (2023) and Affordable Housing Delivery (2023), Sections 2, 4, 5, 8, 9, 11, 12, 14, 15 & 16 of the NPPF, the PPG, saved policy NRM6 of the South East Plan (2009) and the Thames Basin Heaths Special Protection Area Avoidance Strategy and is recommended for approval. In considering this application the Council has given regard to the provisions of the development plan, so far as material to the application and to any other material considerations. In making the recommendation to grant planning permission it is considered that application is in accordance with the development plan of the area.

SECTION 106 LEGAL AGREEMENT REQUIREMENTS

- A provision of 4 of the dwellings to be affordable housing; and
- £12,889 Strategic Access Management and Monitoring (SAMM) (Thames Basin Heaths SPA) financial contribution (including index linking based on RPI annual inflation).

BACKGROUND PAPERS

1. Site visit photographs taken 30.01.2024

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RECOMMENDATION

That the Planning Committee resolves to **Grant** planning permission subject to

- The prior completion of the Section 106 Legal Agreement to secure the requirements as set out in this report; and
- The following planning conditions.

Conditions

01. The development hereby permitted shall be commenced not later than three years from the date of this permission.

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

02. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Location Plan received 15 September 2023

DWG No: FLU.2155.01 Proposed & Existing Site Layouts received 19 February 2024

DWG No: FLU.2155.02 Existing Basement and Ground Floor Plans received 15 September 2023

DWG No: FLU.2155.03 Existing First Floor Plan received 15 September 2023

DWG No: FLU.2155.04 Existing Second Floor Plan received 15 September 2023

DWG No: FLU.2155.05 Existing Front and Side Elevations received 15 September 2023

DWG No: FLU.2155.06 Existing Rear and Side Elevations received 15 September 2023

DWG No: FLU.2155.07 Rev B Proposed Basement and Ground Floor Plans received 19 February 2024

DWG No: FLU.2155.08 Rev A Proposed First Floor Plan received 16 November 2023

DWG No: FLU.2155.09 Proposed Second Floor Plan received 15 September 2023

DWG No: FLU.2155.10 Proposed Front and Side Elevations received 15 September 2023

DWG No: FLU.2155.11 Rev A Proposed Rear & Side Elevations received 19 February 2024

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

03. The external finishes of the development hereby permitted shall be as set out under the Planning, Design and Access Statement received 15 September 2023 and the approved drawings.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area.

04. A dwelling for which planning permission is hereby granted must not be first occupied unless and until all of the additional window(s) to serve that dwelling have first been installed. Thereafter all of the additional window(s) to serve that dwelling must be permanently retained and maintained for the lifetime of that dwelling.

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Reason: To ensure the provision of adequate natural light in all habitable rooms of the dwellings.

05. 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 by the Local Planning Authority 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 cause inconvenience to other highway users in accordance with Surrey County Council Local Transport Plan 2022-2023 (LTP4), Surrey Climate Change Strategy (2020), Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the provisions of the NPPF.

06. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for the secure parking of bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To promote more sustainable modes of transport than the private motor vehicle in accordance with Surrey County Council Local Transport Plan 2022-2023 (LTP4), Surrey Climate Change Strategy (2020), Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the provisions of the NPPF.

07. Protective measures must be carried out in strict accordance with the arboricultural information provided by AP Arboriculture Ref: APA/AP/2023/121 received on 20.09.2023 including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself.

08. Notwithstanding Condition 7, the development hereby permitted (including any clearance works and demolition) shall not commence until full details of the foundation design, these should indicate existing ground levels in relation to the proposed, this shall be submitted to and approved in writing by the Local Planning Authority. The method shall adhere to the principles embodied in BS 5837:2012 and the involvement of an arboricultural consultant will be necessary. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason: To ensure the retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development.

09. Notwithstanding Condition 7, prior to the commencement of the development hereby permitted details of the location, extent, depth, installation and full details of the method of construction of any services/ utilities/ drainage within the Root Protection Area(s) or that may impact upon retained trees on and adjacent to the site must be

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submitted to and approved in writing by the Local Planning Authority. The submitted details must be in accordance with BS 5837:2012 (or any future equivalent(s)) and make provision for arboricultural supervision and inspection(s) by suitably qualified and experienced arboricultural consultant(s) where required, including for works within the Root Protection Area(s) and the reporting of arboricultural inspection and supervision. The development must thereafter be carried out only in accordance with the approved details or any variation as may subsequently first be agreed in writing by the Local Planning Authority.

Reason: To ensure the retention and protection of retained trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the Local Planning Authority may be satisfied that trees to be retained will not be damaged during development works.

10. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) Evidence that the existing on-site soakaways/drainage are fit for purpose.
 - b) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - c) Details of drainage management responsibilities and maintenance regime for the drainage system.

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

11. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/ areas, flow restriction devices and outfalls), and confirm any defects have been reflected.

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

12. ++ Prior to the progression of any works beyond superstructure stage pursuant to the construction of the dwelling(s) hereby permitted, written evidence must be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling(s) will 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 must be in the form of a Design Stage water efficiency calculator.

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Development must be carried out wholly in accordance with such details as may be approved and the approved details must be permanently maintained and operated for the lifetime of the dwelling unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), SPD Climate Change (2023) and the provisions of the NPPF.

13. ++ The dwelling(s) hereby permitted must not be first occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling(s) has 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 must be in the form of the notice given under Regulation 37 of the Building Regulations.

Such approved details must be permanently maintained and operated for the lifetime of the dwelling unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), SPD Climate Change (2023) and the provisions of the NPPF.

14. The dwelling(s) hereby permitted must not be first occupied until a detailed landscaping scheme regarding the areas of buffering only as approved by DWG No: FLU.2155.01 Rev B Proposed & Existing Site Layouts received 19 February 2024 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.

15. The window (s) in the ground floor north elevation(s) to serve a shower room in Flat 4, first floor north elevation to serve a bathroom in Flat 10 and bathroom in Flat 11 hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties.

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Informatives

01. 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 NPPF (2023).
02. 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.
03. The applicants attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT(S). Failure to observe this requirement will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices (BCNs) to secure compliance. The applicant is 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.
04. 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>

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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).

05. The applicant is advised that adequate control precautions should be taken in order to control noise emissions from any fixed plant, including generators, on site during demolition / construction activities. This may require the use of a 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 in order to control the spread of dust on the site, so as 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.
06. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/ charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.
07. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business Customers; Groundwater discharges section.
08. The applicant is advised to read our guide working near or diverting our pipes; <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>
09. Thames Water would recommend that petrol/ oil interceptors be fitted in all car parking/ washing/ repair facilities. Failure to enforce the effective use of petrol/ oil interceptors could result in oil-polluted discharges entering local watercourses.
10. Sub ground structures should be designed so they do not have an adverse effect on groundwater.