

28 JULY 2015 PLANNING COMMITTEE

5i 14/1315 Reg'd: 25.11.2014 Expires: 29.04.15 Ward: OW
Nei. 14.01.15 BVPI Minor (13) Number 21/8 On No
Con. Target of Weeks Target? No
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Day:

LOCATION: London House, 134 High Street, Old Woking, Woking, Surrey, GU22 9JN

PROPOSAL: Change of use of restaurant and ancillary accommodation (A3) to dwellings (C3) to create 1No studio flat and 2No 2 bedroom flats and insertion of windows into east side elevation

TYPE: FULL

APPLICANT: Mr Richard Savin

OFFICER: Brooke Bournague

REASON FOR REFERRAL TO COMMITTEE

The application is for 3 residential units which is a proposal that falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

Change of use of restaurant and ancillary accommodation (A3) to dwellings (C3) to create 1No studio flat and 2No 2 bedroom flats and insertion of windows into east side elevation.

PLANNING STATUS

- Archaeological Interest
- Conservation Area (Old Woking Village Conservation Area)
- Locally Listed Building
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

Grant planning permission subject to conditions and SAMM contribution secured by way of Unilateral Undertaking.

SITE DESCRIPTION

The application site relates to London House at 134 High Street, Old Woking. London House is a two storey detached building currently occupied by a restaurant (A3 use). London House is a Locally Listed Building due to townscape merit and is sited within the Old Woking Village Conservation Area and Old Woking Neighbourhood Centre. The site is a corner plot bounded by High Street to the north and Broadmead Road to the east. An existing area of hard standing remains to the eastern side of London House served by an access from Broadmead Road.

PLANNING HISTORY

Extensive planning history but below is the most relevant:

- PLAN/2008/0866 - Change of use of first floor from Class C3 residential to ancillary accommodation to existing Class A3 restaurant use (currently operating at ground floor); Construction of extensions to provide a porch on eastern elevation to serve existing restaurant; and ancillary storage space for existing restaurant kitchen – Permitted 26.09.2008
- PLAN/2006/0159 - Change of use at ground floor from Class A1 (retail) to Class A3 (restaurant). Erection of a single storey rear extension and enlargement of existing car park, formation of first floor flat – Permitted 25.05.2006

CONSULTATIONS

The County Highway Authority: No objection.

The Housing Team: No objection subject to an affordable housing contribution of £12,972 (*Officer Note: national policy has changed since the consultation response - see below*).

Environmental Health: No objection.

County Archaeologist: No objection.

Waste Services: No objection.

Drainage and Flood Risk Officer: No objection.

Conservation Officer: No objection. Recommend the existing kitchen extract flue is removed (*Officer Note: The flue has been removed*).

Planning Policy: CS4 seeks to retain town centre uses within designated neighbourhood centres wherever viable in order to meet the day to day needs of the local community. This proposal would result in the loss of a restaurant, which is a town centre use. As such, the proposal would be contrary to policy. Paragraph 22 of the NPPF states '*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose....applications for alternative uses of land or buildings should be treated on their merits having regard to market signals*'. Therefore the proposal should be assessed with this in mind. Supporting information should be submitted to demonstrate that the continued use of the premises for A3 use is no longer viable.

Additional marketing information was submitted by the applicant in response to Planning Policy comments. Planning Policy had no further comments to make on this.

REPRESENTATIONS

Two letters of representation received raising the following points:

- No need for further residential development in the Old Woking and Westfield Area.
- Additional pressure on doctors surgery, schools and parking.
- Increase in traffic during rush hour.
- Loss of community amenity. Should be occupied by another restaurant or business.
- No considerations on parking.

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2012

Section 1 - Building a strong, competitive economy

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy 2012

CS1 - Spatial Strategy for Woking Borough

CS4 - Neighbourhood Centres

CS7 - Biodiversity & Nature Conservation

CS8 - Thames Basin Heaths SPA

CS9 - Flood Risk

CS10 - Housing Provision and Distribution

CS11 - Housing Mix

CS12 - Affordable Housing

CS16 - Infrastructure Delivery

CS17 - Open Space, Green Infrastructure, Sport and Recreation

CS18 - Transport and Accessibility

CS19 - Social & Community Infrastructure

CS20 - Heritage and Conservation

CS21 - Design

CS22 - Sustainable Construction

Supplementary Planning Documents

Outlook, Amenity, Privacy and Daylight (2008)

Woking Design (2015)

Parking Standards (2006)

Affordable Housing Delivery (2014)

Other Material Considerations

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

PLANNING ISSUES

1. The main issues to consider with this application are the principle of the development including the loss of the restaurant use, the impact on the character and appearance of the Conservation Area, the potential impact on the amenity of neighbouring properties, affordable housing and parking and highways considerations.

Principle of development

2. The application site is within a neighbourhood centre where Policy CS4 notes that the Council will seek to protect and retain local shops and other small-scale economic uses including restaurants, because of the importance of these uses for meeting the everyday needs of those living locally. There is consequently a policy presumption against the loss of the restaurant use of the site.
3. The applicant has submitted detailed information seeking to justify the loss of the use.
4. London House has been marketed in 2007, 2009 and most recently since 2013. Between August 2013 and January 2015 the restaurant was marketed by Foundations

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Independent Estate Agents. In this time period there were four viewings and two low offers. It has been concluded the premises is considered uneconomical. The premises is positioned in the wrong location outside the Woking and Old Woking Town Centres generating no real footfall, reducing the appeal for many businesses. Furthermore due to the internal layout significant investment would be required to meet the needs of any future business uses.

5. The existing operator has ceased lunchtime and some evening services due to lack of demand, significantly affecting the viability of the business. The lease of the existing operator expired in October 2013, the operator has advised the property will be vacated in August 2015.
6. It is consequently considered that the applicant has demonstrated justifiable grounds for the loss of the restaurant use that would otherwise be resisted by Policy CS4 and the policy is outweighed by material considerations.

Design and impact on character and appearance of the Conservation Area

7. London House is a Locally Listed Building sited in the Old Woking Village Conservation Area. The proposed development involves the conversion of the existing building with limited changes to the existing elevations and external appearance. The proposal does not include any extensions. All existing windows will be utilised. Two additional windows serving kitchen/living room of plot three are proposed in the ground floor east side elevation and an access door to Plot two is proposed in the west side elevation. An existing external kitchen flue would be removed. It is considered the proposed alterations would not have an adverse impact on the character of the Locally Listed Building and would preserve and enhance the character of the Conservation Area.
8. It is considered that the proposed development would comply with policies CS20 and CS21 of the Woking Core Strategy (2012), HSG22 of the Woking Borough Local Plan (1999), Supplementary Planning Guidance Outlook, Amenity, Privacy and Daylight (2008) and 'Woking Design' (2015) and section 7 'Requiring good design' of the National Planning Policy Framework (2012).

Amenities of future occupiers

9. The proposed residential units are considered to provide an acceptable level of daylight and outlook to future occupiers. The stacking arrangement and internal layout of the flats is considered to be appropriate.
10. An area of communal private amenity space would be provided to the side/rear of the property. All three units would have access to communal area of amenity space. Given the nature of the proposal as the conversion of an existing building within the Old Woking neighbourhood centre, it is not considered that individual private amenity space for each unit is capable of being provided on site and that it would not be reasonable to refuse planning permission on this basis. The site is located within walking distance of St Peters Recreation Ground. Overall the proposal is considered to provide an acceptable level of residential amenity to future occupiers.
11. Bin storage facilities have been provided for each unit within the application site and would have no impact on the amenities of any units.

Impact on neighbouring amenity

12. Internally changes would occur to facilitate the subdivision of the property into residential units. Changes to fenestration would only occur at ground floor level; these windows

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would be orientated towards Broadmead Road and would not result in overlooking or loss of privacy to neighbouring properties. Overall the proposal is considered to result in an acceptable impact upon neighbouring properties and to accord with policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)'.

Highways and parking implications

13. The development would provide three off street parking spaces, one for each unit. Supplementary Planning Document 'Parking Standards' (2006) advises the maximum parking standards of 1 space per one bedroom unit and 1.5 spaces per 2 bedroom unit. The proposed number of spaces would be below the maximum standard of 4 spaces and therefore complies with policy and is considered acceptable. The proposed residential units would result in less parking pressure at certain times of the day than the existing use as a Restaurant.

Affordable Housing

14. Policy CS12 of the Woking Core Strategy (2012) states that all new residential development on previously developed land will be expected to contribute to the provision of affordable housing. On sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of the dwellings to be affordable on site.
15. On 28th November 2014 National Government made amendments to the National Planning Practice Guidance including the introduction of a 10 unit threshold for the provision of affordable housing from new residential development. This amendment to the National Planning Practice Guidance is consequently a material planning consideration and is accorded greater weight than Policy CS12 of the Woking Core Strategy (2012). The proposal falls below the 10 unit threshold and there is therefore no requirement for a financial contribution towards affordable housing.

Local Finance Considerations

16. In accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy tariff (April 2014 update) the development also requires an agreement under Section 106 to secure a SAMM contribution of £1,725. The proposal is liable for CIL, however as no increase in floorspace is proposed, no CIL contribution would be required.

CONCLUSION

17. Overall the principle of development is considered to be acceptable and the proposal is considered to enhance the Locally Listed Building and the Conservation Area, to result in an acceptable impact upon neighbouring amenity, to provide an acceptable level of amenity for future occupiers and to result in acceptable highways and parking implications having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance. The proposal would have no significant impact upon the Thames Basin Heaths SPA.
18. The proposal is therefore considered to be an acceptable form of development that complies with Policies CS1, CS4, CS7, CS8, CS9, CS10, CS11, CS12, CS16, CS17, CS18, CS19, CS20, CS21 and CS22 of the Woking Core Strategy 2012, saved policy BE9 of the Woking Local Plan 1999, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)', 'Design (2015)', 'Parking Standards (2006)' and

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'Affordable Housing Delivery (2015)', Supplementary Planning Guidance 'Heritage of Woking' and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015', National Planning Practice Guidance and the National Planning Policy Framework 2012. It is therefore recommended that planning permission is granted subject to conditions as set out below.

BACKGROUND PAPERS

1. Consultation response from County Highway Authority
2. Consultation response from County Archaeologist
3. Consultation response from Waste Services
4. Consultation response from Flood Risk and Drainage Officer
5. Consultation response from Planning Policy
6. Consultation response from Conservation Officer
7. Consultation response from Environmental Health Officer
8. Consultation response from The Housing Team
9. Two letters of representation

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	SAMM contribution of £1,725	TO accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015.

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions and SAMM contribution secured by way of Unilateral Undertaking:-

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice.

Reason:

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

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

Reason:

In the interests of the character and appearance of the building and the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

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4. ++ No development shall take place until a landscaping scheme, including hard landscaping details, has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed and hard surfaced. The landscaping shall be carried out in the first planting season (November - March) after completion of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period 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 to preserve and enhance the character and appearance of the locality.

5. ++ The development hereby permitted shall not commence until details have been submitted for the written approval of the Local Planning Authority demonstrating that the development will be constructed to achieve a water consumption standard of not more than 105 litres per person per day maximum indoor water consumption and not less than a 19% CO2 improvement over the 2013 Building Regulations TER Baseline (Domestic). Such details as may be approved shall be installed prior to the first occupation of the development and maintained and operated in perpetuity, unless otherwise 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 and to comply with Policies CS21 and CS22 of the Woking Core Strategy 2012.

6. The development hereby permitted shall not commence until details of all screen and boundary walls, fences, hedges and any other means of enclosure (including private garden and any sub-station enclosures) have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure will be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved unless otherwise agreed in writing by the Local Planning Authority. Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure that the proposed development does not adversely affect the amenities at present enjoyed by the occupiers of the adjoining and nearby properties, ensure adequate screening and privacy to Knaphill School and to preserve and enhance the character and appearance of the locality in accordance with Policy CS21 of the Woking Core Strategy 2012.

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Informatives

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The plans relating to the development hereby approved include:

PLANNING01 dated May 2015 and received by the Local Planning Authority on 24/06/2015
3. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
4. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.