

12 MAY 2020 PLANNING COMMITTEE

6E **PLAN/2019/1234** **WARD: Heathlands**

LOCATION: **South Paddock, Pyle Hill, Sutton Green, Woking, Surrey, GU22 0SR**

PROPOSAL: **Erection of a four bedroom family dwelling with integral garage following demolition of existing house and garage (Amended Description).**

TYPE: **Full Planning Application**

APPLICANT: **Mr & Mrs Payne** **OFFICER: William Flaherty**

REASON FOR REFERRAL TO COMMITTEE:

The proposal includes the erection of a replacement dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing house and detached garage and the erection of a 4x bedroom replacement dwelling with integral garage.

Site area:	0.6 ha
Number of units:	1 (1x 4 bedroom)
Number of proposed parking spaces:	5 (including 2x garage parking spaces)
Existing density on site:	1.6 dph (dwellings per hectare)
Proposed density on site:	1.6 dph

The current planning application has been submitted following the refusal of planning application ref: PLAN/2018/1365 dated 20.02.2019 which was refused for the following reasons:

- 1. The proposal represents inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt. Furthermore the proposal would cause significant harm to the openness of the Green Belt by reason of its excessive size, height, footprint and increase in volume which would all combine to result in a considerably more prominent structure than the current building. The circumstances advanced in support of allowing the materially larger replacement dwelling are not considered to amount to Very Special Circumstances and therefore do not outweigh the harm to the Green Belt by reason of its inappropriateness, harm to openness and the other harm identified. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and Section 13 of the National Planning Policy Framework (2018).*
- 2. The applicant has failed to demonstrate, through the submission of cogent evidence, that the proposed development would not cause harm to protected species or habitats. It has therefore not been demonstrated that the proposed development would not result in a net loss of biodiversity on site. The proposed development is therefore contrary to*

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Policy CS7 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2018).

A planning appeal submitted following the refusal of planning permission (ref: APP/A3655/W/19/3232689) was dismissed on 31.10.2019 solely on the grounds that the Inspector was not in a position to conclude that there was a reasonable prospect of a Natural England European Protected Species Mitigation Licence being granted for the removal of the existing bat roost in the main building. In coming to this conclusion the Inspector made reference to the 3 tests set out in the European Habitats Directive (as directed by the Habitats and Species Regulations [2017]). In concluding their assessment the Inspector stated:

“The proposal would provide a well-designed replacement dwelling, providing a high standard of living accommodation including sustainable design features. It would be landscaped, with a reduction in hardstanding and new trees would be planted. However, these, and the other benefits in favour of the development including the identified relevant local finance considerations do not outweigh the harm identified to protected species. Overall, the proposal conflicts with the requirement in the Framework to conserve and enhance the Natural Environment and I attach substantial weight to the harm that would arise, in consequence.

Overall, whilst there would be no harm to the Green Belt, there would be unacceptable harm to protected species. The proposal conflicts with the development plan when it is considered as a whole and there are no other considerations that outweigh this finding. The appeal should be dismissed.”

The current proposal is a re-submission of the scheme proposed by planning application ref: PLAN/2018/1365 but with additional ecological information which seeks to address the Inspector's concerns. The Planning Inspectorate's decision of 31.10.2019 is a material planning consideration which must be given significant weight.

PLANNING STATUS

- Green Belt
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Surface Water Flooding – 20m buffer

RECOMMENDATION

GRANT planning permission subject to planning conditions.

SITE DESCRIPTION

The application site is a two-storey dwelling situated on the south-west side of Pyle Hill. The existing dwelling on site was granted planning permission on 26.04.1954 with a number of extensions and outbuildings being added to the original building and plot over time.

The site is not situated in a Conservation Area and does not concern a listed building, although locally listed Ridge House is situated to the north of the application site. The site is situated within the Green Belt, no trees protected by Tree Preservation Orders (TPOs) are situated on site although there are a number of mature trees on site and in the vicinity of the site boundary with neighbouring properties. The site is not situated in Fluvial Flood Zones 2 or 3 and the site is not identified as being at risk of surface water flooding (although land within the blue line area is identified as being at very high (1 in 30 year), high (1 in 100 year) and medium (1 in 1000 year) risk of surface water flooding.

PLANNING HISTORY

- APP/A3655/W/19/3232689 – Dismissed - 07.10.2019
- PLAN/2018/1365 - Erection of a four bedroom family dwelling with integral garage following demolition of existing house and garage – Refused - 20.02.2019
- PLAN/1994/0069 – Erection of first floor side extension – Permit – 17.03.1994
- PLAN/1992/0152 - Demolition of existing double garage and workshop and formation of new double garage, workshop with storage over. – Permitted subject to Legal Agreement controlling the use of the garage as ancillary and only for use as a double garage, workshop and storage use - 06.08.1992
- WOK/7221 - Erection of detached house and garage – Permit 26.04.1954

CONSULTATIONS

Surrey Wildlife Trust: No objection subject to planning conditions

Arboricultural Officer: No objection subject to a planning condition

REPRESENTATIONS

At the time of writing this report no written representations have been received in response to the neighbour notification of 08 January 2019.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2019):

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-Designed Places
- Section 13 – Protecting Green Belt Land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and Enhancing the Natural Environment

South East Plan (2009) (Saved Policy) NRM6 – Thames Basin Heaths Special Protection Area

Woking Core Strategy (2012):

- CS1 – A Spatial Strategy for Woking Borough
- CS6 – Green Belt
- CS7 – Biodiversity and nature conservation
- CS8 - Thames Basin Heaths Special Protection Areas
- CS9 - Flooding and water management
- CS11 - Housing Mix
- CS18 – Transport and Accessibility
- CS21 – Design
- CS22 - Sustainable construction
- CS24 – Woking's Landscape and Townscape

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- CS25 – Presumption in Favour of Sustainable Development

Development Management Policies Development Plan Document (2016):

- DM2 – Trees and Landscaping
- DM10 – Development on Garden Land
- DM13 – Buildings in and Adjacent to the Green Belt

Supplementary Planning Documents (SPDs):

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

Other Material Considerations

- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Charging Schedule (2015)
- Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015
- The Conservation of Habitats and Species Regulations (2017)
- The Natural Environment and Rural Communities (NERC) Act (2006)
- Wildlife and Countryside Act (1981) (as amended)

PLANNING ISSUES

1. The main issues to consider in determining this application are: the Inspector's appeal decision in respect of PLAN/2018/1365, the principle of development, design considerations and the impact of the proposal on the character and appearance of the surrounding area, standard of accommodation, impact on residential amenity, highways and parking implications, impact on landscaping, sustainability, affordable housing, local finance considerations, the impact on the Thames Basin Heaths Special Protection Area, impact on trees and biodiversity and any other matters having regard to the relevant policies of the Development Plan.

Background

2. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and is a material consideration in the determination of this application. The NPPF (2019) was published in February 2019 and provides minor clarifications to the revised version published in July 2018. However, the starting point for decision making remains the Development Plan, and the revised NPPF (2019) is clear at Paragraph 213 that existing Development Plan policies should not be considered out-of-date simply because they were adopted or made prior to February 2019. The degree to which relevant Development Plan policies are consistent with the revised NPPF (2019) has been considered in this instance, and it is concluded that they should be afforded significant weight, with the exception of Policy CS12, the reasons for which are set out within the affordable housing section.
3. In dismissing planning appeal ref: APP/A3655/W/19/3232689, which appealed the refusal of planning application ref: PLAN/2018/1365, the Inspector came to the following conclusion:

"The proposal would provide a well-designed replacement dwelling, providing a high standard of living accommodation including sustainable design features. It would be landscaped, with a reduction in hardstanding and new trees would be planted. However, these, and the other benefits in favour of the development including the

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identified relevant local finance considerations do not outweigh the harm identified to protected species. Overall, the proposal conflicts with the requirement in the Framework to conserve and enhance the Natural Environment and I attach substantial weight to the harm that would arise, in consequence.

Overall, whilst there would be no harm to the Green Belt, there would be unacceptable harm to protected species. The proposal conflicts with the development plan when it is considered as a whole and there are no other considerations that outweigh this finding. The appeal should be dismissed.”

4. The Inspector came to a different conclusion to the Local Planning Authority (LPA) and considered that the proposed development would be acceptable in terms of its character, design and impact on the Green Belt. This recent appeal decision is a material planning consideration which must be given significant weight.

Principle of Development

5. Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) (2019) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 145 of the NPPF goes on to state that the construction of new buildings is inappropriate in the Green Belt and lists exceptions to this, one of which, is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. The Woking Core Strategy 2012 Policy CS6 seeks to prevent inappropriate development in the Green Belt and notes that its openness should not be compromised.
7. The NPPF goes on to state that “*as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. These circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
8. Policy DM13 (Buildings in and adjacent to the Green Belt) of the Development Management Policies DPD (2016) sets out that the replacement of buildings within the Green Belt can be appropriate where the proposed new building:
 - I. Is in the same use as the building it is replacing
 - II. Is not materially larger than the building it is replacing; and
 - III. Is sited on or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt.
9. In refusing planning application ref: PLAN/2018/1365, the Local Planning Authority did not include the garage to be demolished as part of the green belt calculations, in accordance with the accompanying text to Policy DM13. However, the Inspector took the view that the garage would be read as a domestic adjunct to the host building and should therefore be regarded as the same building in this specific case.

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10. When including the existing garage to be demolished in the calculations, the replacement dwelling would result in a volumetric increase of approximately 54% above that of the existing dwelling and garage to be demolished. In finding the proposed development acceptable in Green Belt terms the Inspector stated:

“Overall, despite the breach of the 20-40% guideline, in the circumstances of this case the replacement of two buildings with a single structure would not result in the creation of a materially larger building than those which it replaces. Accordingly, the proposal meets the terms of the most relevant exception. It is not inappropriate development and there would be no harm to the Green Belt. There is no conflict with policies CS6 of the Core Strategy and DM13 of the Development Management Plan which seek, amongst other things, to prevent inappropriate development in the Green Belt.”

11. In light of the recent decision by the Planning Inspectorate and the Inspector's interpretation of “building” for green belt purposes in this case it is considered that the proposed replacement dwelling would not be materially larger than the one that it replaces and would therefore not constitute inappropriate development in the Green Belt. The proposed replacement dwelling would therefore be acceptable in Green Belt terms.

Character and Design

12. The NPPF (2019) sets out that one of the fundamental functions of the planning and development process is to achieve the creation of high quality buildings and places and that good design is a key aspect of sustainable development. It is set out in paragraph 122 that planning decisions should take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).
13. Policy CS21 of the Woking Core Strategy (2012) states that development should respect and make a positive contribution to the street scene and the character of the area paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. Policy CS24 of the Woking Core Strategy 2012 states that ‘*development will be expected to...respect the setting of, and relationship between, settlements and individual buildings within the landscape*’ and to ‘*conserve, and where possible, enhance townscape character*’.
14. The existing dwelling to be demolished is not considered to be of particular architectural merit and therefore no objection is raised to its demolition. In terms of the replacement dwelling, the proposal would take inspiration from the Arts and Crafts movement which is considered to be an acceptable approach in design terms. The height of the building itself would be approximately 1.2m greater than that of the existing dwelling, however, it is noted that ground levels would be excavated and permanently lowered such that the AOD (Above Ordnance Datum) height would be no greater than that of the existing dwelling.
15. In terms of materials, the walls would be multi-stock red brick with a natural colour traditional brushed/slightly recessed mortar join with contrasting plain dark red brick for the cant protruding brick plinth, string courses and diamond patterns. The roof would be steep pitched with red/brown plain clay tiles. Window surrounds, lintels and sills would be reconstituted Portland Stone.
16. Overall, within the site context and the separation distances to neighbouring properties it is considered that the replacement dwelling would be of an acceptable character and design and would have no significant adverse impact on the character and appearance of the existing site or the surrounding area. The proposed materials would relate well to

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neighbouring properties and further details of these materials can be secured by way of a planning condition. The architectural style of the proposed replacement dwelling is considered to be acceptable also. The proposal would therefore accord with Policies CS21 and CS24 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2019).

Impact on Residential Amenity

17. Policy CS21 of the Woking Core Strategy 2012 advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook. The main dwellings to consider in assessing the impact of the proposal on neighbouring residential amenity are: Ridge House to the north, Nettlecombe to the north-east and Warren Wood to the north-east on the opposite side of Pyle Hill.
18. Regarding Ridge House to the north, the replacement dwelling would be set away from the site boundary by approximately 12m at its closest point. The replacement dwelling is orientated towards the south-west away from the neighbouring properties and there would be no first floor habitable room windows on the north-west elevation facing Ridge House, but rather 2x bedroom roof lights and 1x bathroom roof light at least 20m from the boundary with Ridge House. Existing boundary treatment and hedging would be retained. Accordingly, it is considered that there would be no significant adverse impact on the residential amenities of the owner/occupiers of Ridge House.
19. In terms of Nettlecombe to the north-east, the replacement dwelling would not have any habitable room windows on the front elevation which faces Nettlecombe with the only windows at both the ground and first floor front elevation levels serving a hallway and circulation space/corridors. The existing dwelling would appear to have 2x habitable room windows at the first floor level, therefore the proposal would represent a relative improvement in terms of overlooking and privacy to neighbouring Nettlecombe. There would be 1x bedroom window on the south-east elevation, however, this would be a secondary window and would not look directly at Nettlecombe. It is therefore considered that the proposed replacement dwelling would not have any significant adverse impact on the amenities of Nettlecombe when considered against the existing situation.
20. In terms of Warren Wood to the north-east on the opposite side of Pyle Hill, the replacement dwelling would be in excess of 50m from the site boundary of Warren Wood which is considered sufficient to ensure no significant adverse impact on the amenities of the owner/occupiers of Warren Wood.
21. For the reasons set out above, it is considered that the proposed dwelling is acceptable in terms of its relationship with neighbouring properties and would safeguard the outlook, amenity, privacy and daylight of existing and future occupiers of existing dwellings, in accordance with Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 and the National Planning Policy Framework (2019).

Standard of Accommodation

22. The replacement dwelling would comprise of 4x bedrooms and would be two-storeys in height. The minimum Gross Internal Area (GIA) standards as defined by the Technical Housing Standards – Nationally Described Space Standard (2015) (as amended) sets out that a minimum of 124sqm of GIA must be provided for a property of this type. The

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dwelling would have a GIA of approximately 427sqm which would far exceed this figure and the dwelling would benefit from a significant amount of private amenity space to the rear. Accordingly, it is considered that the proposed development would provide a good standard of accommodation.

Highways and Parking Implications

23. The proposal would utilise the existing access onto Pyle Hill and it has been indicated that there would be 3x on-site car parking spaces to the front of the dwelling and 2x car parking spaces within the garage. The Council's Parking Standards SPD (2018) sets out minimum car parking requirements for residential development. For development of this type, a minimum of 3x on-site car parking spaces would be required. It is therefore considered that the proposal would have no significant adverse impact in terms of on-site car parking provision or highway safety.

Sustainability

24. Following a Ministerial Written Statement to Parliament on 25th March, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.
25. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential development which seeks the equivalent water and energy improvements of the former Code Level 4.

Impact on Habitats and Ecology

26. The NPPF (2019) states that the planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This approach is supported by Circular 06/05 – Biodiversity and Geological Conservation and is reflected in Policy CS7 of the Woking Core Strategy.
27. In its role as a Local Planning Authority, the Council should also be aware of its legal duty under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 which states that "a competent authority must, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
28. All species of bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations (2017).
29. In support of the application the applicant has submitted a Preliminary Ecology Appraisal dated January 2019, a Bat Survey Report dated July 2019 and a letter from Jim Phillips, Managing Director of Ethos Environmental Planning providing additional clarification in response to concerns raised by the Planning Inspector. For the purposes of clarity, the submitted Bat Surveys remain valid for 1 calendar year (i.e. July 2020) and should be updated if works have not yet commenced within this time frame.

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30. The submitted surveys indicate that the main building is host to a *Pipistrellus pipistrellus* day roost which is likely to be used by one male or non-breeding female bat. The roost is considered to be of importance at the local level.
31. Common pipistrelles were mostly recorded foraging and commuting within the site. In addition, soprano pipistrelles, brown long-eared bats and noctule bats were also recorded. Foraging and commuting activity was mostly focused within the garden areas surrounding the buildings and along the northern boundary hedgerow. The site is of **local importance** for foraging and commuting bats.
32. The Inspector has set out in their decision that the Habitats and Species Regulations (2017) requires the decision maker to have regard to the 3 tests set out in the European Habitats Directive. These are:
 - a) Preserving public health or public safety or other imperative reasons of overriding public interest;
 - b) There is no satisfactory alternative; and
 - c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.
32. Jim Phillips (BSc [Hons], MA, MCIEEM), Managing Director of Ethos Environmental Planning provides additional clarification in response to concerns raised by the Planning Inspector (letter received 19.12.2019). It is set out in this letter that the presence of a day roost for a single common pipistrelle bat is of low conservation importance and would qualify for registration under Natural England's 'low impact' licence (WML-CL21). This license *"permits the disturbance and capture of bats and/or damage/destruction of roost(s) of no more than three low conservation significance roosts affecting no more than three species of bats, which are present in small numbers"*.
33. In addition to the letter of clarification from the applicant's ecologist, the applicant has submitted letter dated 19.12.2019 which provides further clarification as to how the proposed development would pass the 3 tests outlined by the Inspector.
34. In relation to (a) it is stated that the visually attractive and highly sustainable and accessible design would pass this test. In relation to (b) it is set out that the current building does not meet the needs of the owners for modern day living, that there are no alternative sites given that the applicants have lived in the existing property for over 4 years and it would be prohibitively expensive to purchase an alternative site and that the proposed development cannot take place without the demolition of the existing buildings. In relation to (c), it is set out that the proposed development qualifies for a 'low impact' licence which, due to the criteria of this licence type, it has already been assessed that the impact would not be detrimental to maintaining the population of the species concerned at a favourable conservation status (FCS) in its natural range.
35. In addition to the above clarification, the applicant has suggested that two-integral bat tiles should be installed within the roof of the proposed garage on the south-east elevation, as shown on the "Location of bat tiles" drawing on the submitted letter of clarification from Jim Phillips, received 19.12.2019. The proposed bat tiles would be in keeping with the design of the building and permanent compared to a bat box (also the only suitable tree on site is an ash which is at risk of future ash die back).
36. The Surrey Wildlife Trust (SWT) were consulted as part of the assessment of the application and have advised that, subject to the applicant applying for an EPS mitigation licence and providing the compensation and mitigation measures set out in the submitted Preliminary Ecological Appraisal and letter from Jim Phillips of Ethos Ecological

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Planning, received 19.12.2019, as well as compliance with the Bat Conservation Trusts document “Bats and lighting in the UK – Bats and the Built Environment Series”, the proposed development would not have any significant or unacceptable adverse impact on bats.

37. For the avoidance of doubt, there is a legal requirement under The Conservation of Habitats and Species Regulations (2017) for the applicant to obtain an EPS Mitigation Licence from Natural England prior to the carrying out of any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. A planning condition requiring the applicant to acquire an EPS Mitigation Licence from Natural England is not necessary as it is required by alternative legislation and secured by a separate permitting regime. The mitigation and enhancement measures shall be secured by planning condition to ensure that the development makes a positive contribution to biodiversity.
38. The SWT have also assessed the impact of the proposal to other protected species including reptiles and amphibians (Schedule 5 of The Wildlife and Countryside Act [1981] [as amended]), Great Crested Newts (The Conservation of Habitats and Species Regulations [2017]), hedgehogs (Schedule 6 of the Wildlife and Countryside Act [1981] & The Natural Environment and Rural Communities (NERC) Act [2006]) and breeding birds (Part 1 of The Wildlife and Countryside Act [1981]). The recommendations of the SWT shall be secured by way of planning conditions with planning informatives advising the applicant of their obligations under the above legislation.
39. Overall, it is considered that there is a reasonable prospect of an EPS Mitigation Licence being granted by Natural England, as evidenced by the additional information submitted by the applicant in relation to the 3 tests referenced by the Inspector in their decision. It is therefore considered that the proposed development would not result in any significant or unacceptable harm to protected species, subject to compliance with the relevant legislation referenced above. The mitigation and enhancement measures identified by the applicant in the submitted surveys and letter of clarification would be secured by planning condition. It is therefore considered that the proposed development would accord with Policy CS7 of the Woking Core Strategy (2012) and the NPPF (2019).

Impact on the Thames Basin Heaths Special Protection Area

40. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the 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 of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an ‘Appropriate Assessment’ stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the “Habitat Regulations 2017”)).
41. The proposed development would not give rise to a net increase in dwellings on the site over and above the existing lawful situation. The Thames Basin Heaths Special Protection Area Avoidance Strategy states that *“replacement dwellings will not generally lead to increased recreational pressure, therefore, will have no likely significant effect on the SPA and will not be required to make a contribution to the provision of avoidance measures”*. It is therefore considered that the proposed development accords with Policy

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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.

Arboricultural Impact

42. In support of the planning application the applicant has submitted a Tree Protection Plan, Arboricultural Implications Assessment and Method Statement dated December 2018. No trees subject to Tree Preservation Orders (TPOs) are located on site and the site is not situated in a conservation area.
43. No trees are proposed to be removed while new native tree planting is proposed to provide an attractive setting for the proposed dwelling (as shown on Drawing No: 1536/101B). The Council's Arboricultural Officer has raised no objection subject to a planning condition requiring compliance with the submitted arboricultural information. Accordingly, it is considered that the proposal would not have any significant adverse impact on trees.

Affordable Housing

44. Policy CS12 of the Woking Core Strategy 2012 states that all new residential development will be expected to contribute towards the provision of affordable housing and that, 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 dwellings to be affordable on site.
45. Paragraph 63 of the National Planning Policy Framework (NPPF) (2019) sets out that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The site is not within a designated rural area and does not constitute major development (development where 10 or more homes will be provided or the site has an area of 0.5 hectares or more).
46. Whilst it is considered that weight should still be afforded to Policy CS12 (Affordable housing) of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the NPPF (2019). As the proposal represents a development of less than 10 units, and has a maximum combined gross floor space of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

Local Finance Considerations

47. The Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provision in the Borough. In this case, the proposed residential development would have a chargeable area of approximately 102sqm (the net increase in floorspace following demolition of the existing dwelling and garage). The CIL rate would be £125 plus indexation for inflation.
48. It is noted that the applicant has stated that they wish to claim a "Self-Build Exemption" for the proposed development which, if an exemption is granted, would mean that no CIL is payable. However a Self Build Exemption Claim Form is required to be submitted to the collecting authority prior to the commencement of the development as well as full compliance with the conditions of any exemption to benefit from an exemption.

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Conclusion

49. Planning application ref: PLAN/2018/1354 was refused by the Local Planning Authority under delegated authority as it was considered that the proposal was unacceptable in Green Belt terms and the applicant had failed to demonstrate that the proposed development would not cause harm to protected species or habitats. In dismissing planning appeal ref: APP/A3655/W/19/3232689 dated 07.10.2019, the Inspector concluded that the development was acceptable in Green Belt terms but that the second reason for refusal had not been addressed. The current proposal is identical to the previous scheme submitted under application ref: PLAN/2018/1354 with additional ecological information having been submitted to address the Inspector's reason for refusal.
50. Given the identical nature of the proposals and for the reasons set out above it is considered that the proposed development would be acceptable in terms its impact on the Green Belt, character and design, impact on neighbours, impact on protected species and mature trees, highway safety and car parking and would not have any adverse impact on the Thames Basin Heaths SPA. The proposal therefore complies with the National Planning Policy Framework (2019), Policies CS7, CS8, CS9, CS10, CS16, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2008), 'Design' (2015) and 'Parking Standards' (2018), Policies DM2, DM12 and DM13 of the Development Management Policies DPD 2016 and Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015, The Conservation of Habitats and Species Regulations (2017), Wildlife and Countryside Act (1981) (as amended) and The Natural Environment and Rural Communities (NERC) Act (2006). It is therefore recommended that planning permission is granted subject to the recommended conditions and the signing of a Section 106 agreement.

BACKGROUND PAPERS

1. Site Photographs dated 29.01.2019 & 05.02.2019 & 17.03.2020
2. Planning permission ref: WOK/7221
3. Planning permission ref: PLAN/2017/0083
4. Planning application ref: PLAN/2017/0581
5. Planning application ref: PLAN/2018/0295

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following Conditions:

1. 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).

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

1536, Location Plan, received 19.12.2019

1536/101B, Site Plan, received 19.12.2019

1536/102A, Floor Plans and Roof Plan, received 19.12.2019

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1536/103A, Elevations (Sheet 1), received 19.12.2019
1536/104B, Elevations (Sheet 2), received 19.12.2019
1536/105, Sections, received 19.12.2019
1536/106B, Existing Site Plan, received 19.12.2019
1536/107, Existing Plans and Elevations, received 19.12.2019
1536/108, Block Plan, received 19.12.2019

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

3. ++ Prior to the commencement of any above ground works hereby permitted (excluding demolition), details, including product specifications, of all external materials to be used in the construction of the dwelling and any hard landscaping and hardstanding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. ++ Prior to the first occupation of the dwelling hereby approved, a hard and soft landscaping scheme showing details of hard and soft landscaping to the frontage, and details of new tree planting (including species), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. 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: To preserve and enhance the character and appearance of the locality in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012 and Policy DM2 of the Development Management Policies DPD (2016).

5. ++ Prior to the first occupation of the development hereby approved, the existing garage shown on Drawings Nos. 1536/107, 1536/106B and 1536/101B, all received 19.12.2019, shall be demolished and the resulting materials and detritus removed from the site.

Reason: To protect the openness of the Green Belt in accordance with Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and the NPPF (2019).

6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Classes A, B, C, D, E and F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no additional areas of hardstanding (other than those shown on the approved plans) or any extension, enlargement or alteration of the dwelling hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

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Reason: The Local Planning Authority considers that further development could cause detriment to the openness of the Green Belt, especially given the increased size of the replacement dwelling above that of the original dwelling, and for this reason would wish to control any future development in accordance with Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and the NPPF (2019).

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

Such details shall be permanently maintained 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 within Policy CS22 of the Woking Core Strategy (2012) and SPD Climate Change (2013).

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

Such details shall be permanently maintained 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 within Policy CS22 of the Woking Core Strategy (2012) and SPD Climate Change (2013).

9. ++ Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking areas shall be retained and used solely for parking and turning.

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Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy CS9 of the Woking Core Strategy (2012).

10. Any scrub, hedgerow and tree clearance must be undertaken outside the bird breeding season (1st March to 30th August inclusive) unless the applicant has first carried out a survey of such vegetation (undertaken by an ecologist) which shows that there are no nesting species within relevant parts of the application site and any such survey results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent birds being injured or killed during site clearance works and to comply Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF 2019.

11. ++ Prior to the commencement of above-ground works for the development hereby approved (excluding demolition), details of active/passive electric vehicle charging points to be provided shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.

Reason: In the interests of achieving a high standard of sustainability and in accordance with the electric vehicle charging infrastructure requirements of policy CS22 of the Woking Core Strategy (2012) and the Climate Change SPD (2013).

12. The development hereby approved shall be carried out in accordance with the measures set out in paragraph 5.2.5 (General Site Measures) of the Preliminary Ecology Appraisal prepared by David Archer Associates dated July 2019 and the precautionary approach and measures recommended by the Surrey Wildlife Trust in their letter dated 19.02.2020.

Reason: To minimise and prevent any potential harm to reptiles, amphibians and other species that could occur during the construction of the development in accordance with Policies CS7 and CS21 of the Woking Core Strategy 2012 and the NPPF (2019)

13. ++ Prior to the first occupation of the development hereby approved details of the measures for the enhancement of biodiversity on the site, as set out in paragraphs 5.2.1 and 5.3 of the submitted Preliminary Ecological Appraisal prepared by David Archer Associates dated July 2019; Section 6.2 of the Bat Survey Report prepared by David Archer Associates dated July 2019 and in letter from Jim Phillips received 19.12.2019 to include bat tiles in the garage roof, and a timetable for their provision on the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the agreed details prior to the first occupation of the development hereby approved thereafter permanently retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is a net gain in biodiversity on the site in accordance with Policies CS7 and CS21 of the Woking Core Strategy 2012 and the NPPF (2019)

14. Prior to the installation of any external lighting including floodlighting, details of the lighting (demonstrating compliance with the recommendations of the Bat Conservation Trusts' "Bats and Lighting in the UK – Bats and The Built Environment Series" guidance) shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be installed and maintained in

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accordance with the agreed details thereafter.

Reason: To protect the appearance of the surrounding area and the residential amenities of the neighbouring properties in accordance with Policies CS18 and CS21 of the Woking Core Strategy 2012 and the NPPF (2019)

15. The development hereby approved shall take place in accordance with the Arboricultural Information from David Archer Associates dated December 2018 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 to comply with Policy CS21 of the Woking Core Strategy 2012.

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 (2019).
02. The applicants attention is specifically drawn to the planning conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to observe these requirements will result in a contravention of the terms of the planning 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 allowed when submitting details in response to planning 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.
03. 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 extension 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

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Council's website at:

<https://www.woking.gov.uk/planning/service/contributions>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

04. 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.
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 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. The provisions of the Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet, prepared by the Ministry of Housing, Communities and Local Government, and setting out your obligations, is available at the following address:
<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#explanatory-booklet>
07. The applicant's attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and the associated British Standard Code of Practice BS 5228: 1984 "Noise Control on Construction and Open Sites" (with respect to the statutory provision relating to the control of noise on construction and demolition sites). If work is to be carried out outside normal working hours, (i.e. 8 am to 6 p.m. Monday to Friday, 8 am to 1 p.m. Saturday and not at all on Sundays or Bank Holidays) prior consent should be obtained from the Council's Environmental Health Service prior to commencement of works.
08. All species of Bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. All Bats are therefore European Protected species. Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. Destruction of a Bat roost is therefore an offence, even if the bat is not present at the time of roost removal. An EPS Mitigation Licence will be required from Natural England before any actions which may affect bats are undertaken.

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09. All native UK reptile species are legally protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended) and as such are protected from killing or injuring. Great Crested Newts are protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Great Crested Newts are therefore European Protected species. Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual.
10. Hedgehogs are listed as a Priority Species for conservation action under the UK Biodiversity Action Plan, and protected from harm in the UK under Schedule 6 of the Wildlife and Countryside Act 1981. The applicant should be made aware that Part I of the Wildlife and Countryside Act 1981 makes it an offence to intentionally kill, injure or take any wild bird, or intentionally to damage, take or destroy its nest whilst it is being built or in use. The applicant should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.
11. A Rhododendron species is present on site and care will need to be taken not to cause this plant to spread as a result of the development works. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (Part II) and as such it is an offence to allow them to spread in the wild.