

23 JUNE 2020 PLANNING COMMITTEE

- In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the proposed net additional dwelling would not have a significant adverse impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) Policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations (2017) and the National Planning Policy Framework (2019).*

A planning appeal submitted following the refusal of planning permission (ref: APP/A3655/W/19/3237371) was dismissed by the Planning Inspectorate on 09.12.2019 solely on the grounds that the appropriate Thames Basin Heaths mitigation would not be suitably secured. In concluding their assessment of this aspect of the scheme the Inspector stated:

“Consequently, having regard to the Habitat Regulations, permission should not be granted. The proposed development could result in harm to the integrity of the SPA and conflict with the Habitats Regulations, Policy CS8 of the Woking Core Strategy (CS), Saved Policy NRM6 of the South East Plan Regional Spatial Strategy for the South East 2009, the Thames Basin Heaths Avoidance Strategy and the National Planning Policy Framework (Framework).”

The current proposal is a re-submission of the scheme proposed by planning application ref: PLAN/2018/1335 but with an amended legal agreement which seeks to secure the Thames Basin Heaths SAMM contribution and to address the Inspector's concerns. The Planning Inspectorate's decision of 09.12.2019 is a material planning consideration which must be given significant weight.

PLANNING STATUS

- G C Newt Green Zone
- Hook Heath Neighbourhood Area
- Special Protection Mitigation Area
- TBH SPA Zone B (400m-5km)

RECOMMENDATION

GRANT outline planning permission subject to planning conditions and the signing of a legal agreement to secure the Thames Basin Heaths SAMM contribution.

SITE DESCRIPTION

The application site comprises of a single storey detached bungalow situated on the north-east side of Cedar Road. The application site occupies a prominent corner plot location at the point where Mile Path, Cedar Road and Hollybank Road meet. The application site is not situated in a Conservation Area and does not concern a Listed Building.

The application site is located within the Hook Heath Neighbourhood Area. In the Hook Heath Neighbourhood Plan (2015), the site falls within the Hook Heath Estate Character Area which is characterised by relatively large plot sizes (average for the area is 0.19ha) with properties typically laid out with spacious plots and a predominance of trees and hedges with straight roads.

PLANNING HISTORY

- APP/A3655/W/19/3237371 – Dismissed – 29.01.2020

23 JUNE 2020 PLANNING COMMITTEE

- PLAN/2018/1335 - Outline planning application for the demolition of the existing bungalow and the erection of 2x two-storey three bedroom dwellings with double garages using existing accesses from Cedar Road with the access arrangements to be determined at the outline stage – Refused – 05.09.2019
- PLAN/2001/0474 - Erection of a single storey extension and conservatory to the rear, single storey extension to replace existing porch and attached double garage to the side of the property following demolition of existing. – Permitted 22.06.2001
- PLAN/1998/0578 - Ground and first floor extension of main house; extension of garage and replacement of garage flat roof with pitched roof. – Permitted 30.07.1998
- WOK/29392 – Erection of new dwelling – Permitted
- WOK/17391 – The erection of two detached dwellings and garages on land at “Red Lodge” – Permitted 12.03.1964

CONSULTATIONS

Surrey Wildlife Trust: No comments received.

Arboricultural Officer: No objection subject to planning conditions

County Highway Authority: No objection: *‘The application site is accessed via Cedar Road, which is a private road and does not form part of the public highway, therefore it falls outside The County Highway Authority’s jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.’*

Woking Borough Council Solicitor: No objection – the draft Section 106 agreement is suitably worded to address the concerns raised by the Planning Inspector.

REPRESENTATIONS

At the time of writing this report 2x letters of representation have been received. 1x letter does not object but provides comment on the scheme while the other letter objects to the proposal. The comments raised in both letters are outlined below:

- The mature shrubs and trees along the boundaries of the property should be retained;
- The proposed position of the new garage adjacent to the neighbouring property appear to be very close;
- The positioning of the buildings, their windows and possible screening vegetation could help minimise the loss of privacy to neighbours due to the bungalows replacement with two-storey dwellings;
- The proposal is a resubmission of the previous refusal and the proposed development would appear cramped on very narrow plots which would be harmful to the character and design of neighbouring designs;
- The proposal is contrary to paragraph 112 of the NPPF and is an overdevelopment of the plot

23 JUNE 2020 PLANNING COMMITTEE

- The proposal is contrary to the Hook Heath Neighbourhood Plan (2015) as it does not closely reflect existing building proportions;
- The proposed plot sizes are significantly below the typical plot sizes in the vicinity;
- The garage associated with Plot 2 should maintain a 1m gap between it and the boundary
- If approved the application would set a dangerous precedent for the area;
- If approved, conditions should be placed to ensure no access to the plots from Mile Path;
- Existing landscaping should be retained and additional landscaping planted along the Mile Path boundary

Hook Heath Residents Association: Object: The proposal is an overdevelopment of the site and previous appeal was dismissed by the Inspector due to the impact on the Thames Basin Heaths SPA. No suitable mitigation has been secured and therefore planning permission should be refused.

Officer Note: As has been confirmed by the Council's Solicitor above, the draft legal agreement submitted by the applicant has been reviewed and is considered to be sufficient to address the concerns raised by the Planning Inspector. Should it be resolved to grant planning permission for the development, the legal agreement would be completed prior to the issue of any planning permission to ensure that sufficient mitigation is secured so as to avoid any harm to the integrity of the Thames Basin Heaths SPA.

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 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
- 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
- CS25 – Presumption in Favour of Sustainable Development

Development Management Policies Development Plan Document (2016):

- DM2 – Trees and Landscaping

23 JUNE 2020 PLANNING COMMITTEE

- DM10 – Development on Garden Land

Hook Heath Neighbourhood Plan (2015)

- BE1 – Design of New Developments
- OS1 – Amenity Value

Supplementary Planning Documents (SPDs):

- Working 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 proposal is an outline application for the erection of 2x two-storey detached dwellings following the demolition of the existing dwelling with access arrangements to be considered at the outline stage (other matters including the layout, scale, appearance and landscaping are reserved).
2. As all matters are reserved, with the exception of access arrangements, the principle of the proposed plot subdivision and its associated impacts as well as the access arrangements are the key material planning considerations. Detailed biodiversity, ecological and arboricultural assessments have also been submitted given the presence of mature trees and the likelihood of protected species inhabiting the application site. The Inspector's decision in determining planning appeal ref: APP/A3655/W/19/3237371 is a material planning consideration which must be afforded significant weight.

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/19/3237371 dated 29.01.2020, which appealed the refusal of planning application ref: PLAN/2018/1335, the Inspector came to the following conclusion in relation to the Local Planning Authority's first reason for refusal:

23 JUNE 2020 PLANNING COMMITTEE

“As such, the proposal would not harm the character and appearance of the area. It would accord with Policies CS10 and CS21 of the CS and Policy DM10 of the Woking Local Development Management Policies Development Plan Document. These seek to ensure that development is of an appropriate density, avoiding inappropriate sub-division substantially below that prevailing in the area and that proposals respect the streetscene and character of the area. Furthermore, the scheme would align with Policy BE1 of the Hook Heath Neighbourhood Plan, where it, in part, seeks to maintain or enhance the character of an area by ensuring that plot sizes are similar to those adjacent and in other cases within the mid-range for Arcadian Developments.

Finally, the proposal would accord with the Framework where it seeks to ensure developments are sympathetic to local character.”

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, appearance and plot subdivision. This recent appeal decision is a material planning consideration which must be given significant weight.

Principle of Development

5. 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).
6. 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'*.
7. Policy DM10 (Development on Garden Land) of the Council's Development Management Policies DPD (2016) permits subdivision of plots providing the proposed development *"...does not involve the inappropriate sub-division of existing curtilages to a size significantly below that prevailing in the area"*, *"the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area"* and *"suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality"*.
8. Policy CS10 (Housing Provision and Distribution) of the Core Strategy (2012) sets out an indicative density range of 30-40dph for infill development in the urban area, although this is indicative and will depend on the nature of the site. The Woking Design SPD (2015) sets out guidance for residential development relating to the prevailing density of the area.
9. Policy BE1 (Design of New Developments) of the Hook Heath Neighbourhood Plan (2015) sets out that in order to maintain or enhance the character of the Area, all developments should:

23 JUNE 2020 PLANNING COMMITTEE

- a) be designed to a high quality and closely reflect the existing rhythm, proportion, materials, height, scale, bulk, massing and storey heights of nearby buildings. Where possible, plot sizes should be similar to those adjacent and in other cases within the mid-range for Arcadian Developments (5-10 dph). Regard should be paid to guidance contained within the associated 2014 Character Study;
 - b) ensure that the specific context of the site and the wider character of the street scene are fully taken into account in relation to scale, appearance and materials; and
 - c) maintain residential privacy and the character of the Area by
 - i. preserving existing grassed verges, front boundary hedges and tree screens;
 - ii. retaining mature or important trees, groups of trees or woodland on site, and replacing any removed trees of recognised importance with trees of a similar potential size and species;
 - iii. not removing boundary treatment which is important to the character and appearance of the Area;
 - iv. installing solar panels (where appropriate) in such a way that they do not have a negative impact on the character of properties or on the Arcadian street scene; and
 - v. featuring a ratio of building footprint to plot area similar to that of buildings in the surrounding area.
10. In determining planning appeal ref: APP/A3655/W/19/3237371 which was submitted following the refusal of planning permission by the Local Planning Authority (LPA), the Planning Inspector concluded in relation to character and the plot subdivision that:
- 'As such, the proposal would not harm the character and appearance of the area. It would accord with Policies CS10 and CS21 of the CS and Policy DM10 of the Woking Local Development Management Policies Development Plan Document. These seek to ensure that development is of an appropriate density, avoiding inappropriate sub-division substantially below that prevailing in the area and that proposals respect the streetscene and character of the area. Furthermore, the scheme would align with Policy BE1 of the Hook Heath Neighbourhood Plan, where it, in part, seeks to maintain or enhance the character of an area by ensuring that plot sizes are similar to those adjacent and in other cases within the mid-range for Arcadian Developments.'*
11. The first reason for refusal of planning application ref: PLAN/2018/1335 dated 05.09.2019 refers to the proposed plot subdivision and the harm that this would cause to the character and appearance of the surrounding area. However, significant weight must be given to the Planning Inspector's findings in their determination of the appeal on 29 January 2020.
12. Within the context of the recent planning appeal decision at the site and the Inspector's conclusion that the proposed plot subdivision would be acceptable, it is the Officer's view that the LPA could not reasonably conclude that the proposed plot subdivision would be unacceptable in principle.

Character and Design

13. The proposal seeks outline planning permission for the access arrangements of the proposed development. The impact of the proposal on the character of the area must therefore be assessed insofar as the impact of the proposed plot subdivision whilst the layout, scale, appearance and landscaping would be subject to reserved matters application(s) should outline planning permission be granted.

23 JUNE 2020 PLANNING COMMITTEE

14. The first reason for refusal of planning application ref: PLAN/2018/1335 dated 05.09.2019 concerned the proposed inappropriate plot subdivision and the harm that this would cause to the character and appearance of the area.
15. While the proposed plot subdivision and access arrangements of the proposal remain unchanged, significant weight must be given to the Inspector's conclusion that the proposal would not harm the character and appearance of the area. Accordingly, it is the Officer's view that the LPA could not reasonably conclude that the proposed plot subdivision and access arrangements would result in any significant harm to the character and appearance of the area. The detailed design of the proposed dwellings would be assessed at the reserved matters application stage.

Impact on Residential Amenity

16. Policy CS21 (Design) of the Council's Core Strategy (2012) sets out 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.
17. The Council's Outlook, Amenity, Privacy & Daylight Supplementary Planning Document (SPD) (2008) sets out guidance on how proposed development should achieve suitable outlook, amenity, privacy and daylight in new residential developments whilst safeguarding those attributes of adjoining residential areas.
18. The proposed development would increase the intensity of residential occupation on the site due to the increased number of dwellings and the proposed dwellings being two-storeys in height (the existing dwelling is at the single storey level only). The proposed dwellings are indicated to be over 39m from the rear site boundary with Bengairn to the north-east which would accord with the suggested minimum separation distances set out in the Outlook, Amenity, Privacy & Daylight SPD (2008). Therefore there should be no significant loss of privacy to properties to the rear.
19. There could be a loss of privacy to other neighbouring properties, however, this would be assessed at the reserved matters stage when the layout of the proposed dwellings and the position of windows, and or balconies, are known. Overall, it is considered that proposed development would not, in principle, have any significant adverse impact on the amenities of neighbouring properties. Any potential adverse impact on the amenities of neighbouring properties could be addressed at the detailed design stage.

Standard of Accommodation

20. Policy CS21 of the Woking Core Strategy (2012) sets out that proposals for new developments should ensure that appropriate levels of private amenity space are provided. Supporting paragraph 5.200 of Policy CS21 sets out that buildings should be designed to be inclusive and that they should improve the quality of life of its users.
21. The Council's Outlook, Amenity, Privacy & Daylight SPD (2008) sets out that a suitable area of private garden amenity in scale with the building but always greater than the building footprint should be provided for a family dwellinghouse such as this.
22. The proposal is for the demolition of the existing bungalow and the erection of 2x two-storey 3x bedroom dwellings following the subdivision of the plot. It is considered that there would be scope for the proposed dwellings to provide a good standard of amenity,

23 JUNE 2020 PLANNING COMMITTEE

however, this will ultimately be determined at the reserved matters stage once a detailed scheme has been submitted.

Highways and Parking Implications

23. Access arrangements are to be determined at the outline application stage. The existing dwelling has two vehicular accesses onto Cedar Road. The proposed development would utilise the existing access arrangements. The County Highway Authority has reviewed the proposal and responds that the application site is accessed via Cedar Road, which is a private road and does not form part of the public highway, therefore it falls outside The County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.
24. With regards to on-site car and cycle parking requirements and waste/recycling storage, there would appear to be sufficient space for on-site car parking, cycle storage and bin storage. However, this would ultimately be assessed at the reserved matters stage. Overall, it is considered that the proposed access arrangements would be acceptable.

Affordable Housing

25. 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.
26. 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).
27. 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.

Impact on on-site Biodiversity and Protected Species

28. Section 15 of the NPPF (2019) sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. This approach is supported by Circular 06/05 – Biodiversity and Geological Conservation and is reflected in Policy CS7 of the Woking Core Strategy (2012). Policy CS21 of the Woking Core Strategy (2012) sets out that new development should protect and where possible enhance biodiversity within new developments and encourages the incorporation of built-in measures in new construction design.
29. As the site is garden land and due to the age and condition of the dwelling to be demolished it is considered that the site could be host to protected species and their

23 JUNE 2020 PLANNING COMMITTEE

habitats. At the request of the Local Planning Authority, the applicant has submitted a Preliminary Roost Assessment Survey which indicated that the existing dwelling was host to Bat Roosts and that the wider site provides good foraging habitat for bats. Following the preliminary survey, Bat Emergence and Re-Entry Surveys were carried out and have been submitted to the Local Planning Authority. A Full Ecological Survey has not been carried out as the Applicant's Ecologist considers it unlikely that other protected species would be present on site given the sites location and the nature of the proposed development.

30. All species of Bat are fully protected under The Conservation of Habitats and Species Regulations (2017) through their inclusion on Schedule 2. Regulation 43 (Protection of Certain Wild Animals – Offences) lists the actions which can be considered an offence under the Regulations. Bats are also protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5 of the Act.
31. The submitted Bat Emergence and Re-Entry Surveys indicate that the existing dwelling is host to a single Common Pipistrelle day roost in the eaves of the central gable end of the south-west elevation. The surveys were carried out on 2nd and 21st May and 12th June 2019. The survey results indicate that the loft space is host to what is considered to be a Brown Long-Eared bat transitional roost used by one or two males or non-breeding females. The garden area to the rear is identified as being intensively used by foraging bats. It is advised in the submitted survey that the demolition of the dwelling and destruction of the Bat Roosts can be carried out by way of a Natural England Mitigation Licence.
32. Mitigation and enhancement measures would be submitted by way of a Method Statement to be approved as part of the Natural England Mitigation Licence process. The dates the surveys were carried out would appear to closely reflect the recommendations of the Bat Conservation Trust in relation to the timings of surveys for different roost types (Bat Conservation Trust, Bat Surveys for Professional Ecologists, Good Practice Guidelines, Third Edition, 2016). While undertaken in 2019, it is considered that the submitted surveys are sufficient for the determination of the current planning application.
33. Both Common Pipistrelle and Brown Long-Eared bats are relatively common species. Natural England guidance states that the destruction of day roosts can be classified as a 'medium' impact activity while the destruction of transitional roosts can be classified as a 'low' impact activity. This guidance is not specific to bat type and the relative impact could be more or less than specified depending on the species of bat.
34. A Natural England Mitigation Licence will be required prior to any works taking place which could impact bats on site. A planning condition requiring compliance with The Conservation of Habitats and Species Regulations (2017) would not meet the test of necessity, however, in line with the guidance set out in Circular 06/05 – Biodiversity and Geological Conservation it is considered appropriate to require details of mitigation and enhancement measures to ensure that there is a net gain for biodiversity on site, in accordance with the NPPF (2019) and Policies CS7 and CS21 of the Woking Core Strategy (2012). Subject to a pre-commencement planning condition requiring the submission of biodiversity mitigation and enhancement measures for the approval of the Local Planning Authority, it is considered that the proposed development would be acceptable in terms of on-site biodiversity and protected species.

23 JUNE 2020 PLANNING COMMITTEE

Impact on the Thames Basin Heaths Special Protection Area

35. 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.
36. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometers of the TBH SPA boundary. The Appropriate Assessment concludes that there would be no adverse impact on the Thames Basin Heaths SPA subject to securing the provision of the SAMMs tariff and an appropriate contribution, it is concluded that the development will not affect the integrity of the SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure pathways.
37. In their determination of the planning appeal, the Planning Inspector raised concerns with the wording of the Unilateral Undertaking stating that it was not sufficient to directly offset the impacts of the proposed scheme.
38. Following the planning appeal decision, the applicant has worked with the Council's Solicitors to create a suitably worded Section 106 agreement which fully addresses the concerns raised by the Planning Inspector by securing the necessary Thames Basin Heaths SAMM contribution. The application is therefore in accordance with Core Strategy (2012) Policy CS8 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015', saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017.

Arboricultural Impact

39. There are a number of mature trees located on the application site and in the immediate vicinity which are of amenity value which the Local Planning Authority would seek to be retained.
40. The Council's Tree Officer has reviewed the submitted Arboricultural Information and has confirmed that they raise no objection in principle to the proposed development. However, the Tree Officer raises concerns that the proposed garage for Plot 1 would incur further within the RPA of the retained tree than is shown on the submitted drawings and that only a no dig construction foundation would be acceptable. The submitted Arboricultural Information indicates that the proposed garage foundations would be hand dug and not by mechanical means.
41. This outline application relates to access arrangements only with the layout, scale, appearance and landscaping subject to reserved matters application(s), should outline planning permission be granted. It is therefore considered that updated Arboricultural Information could be secured by way of a suitably worded planning condition to ensure that no unacceptable harm would occur to retained trees.

23 JUNE 2020 PLANNING COMMITTEE

Local Finance Considerations

42. 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.
43. The proposal would be CIL liable, however, the CIL amount would be calculated at reserved matters stage if the proposal were approved.

Conclusion

44. Given the conclusions of the Planning Inspector in their determination of planning appeal ref: APP/A3655/W/19/3237371 which was submitted following the refusal of planning permission by the Local Planning Authority (LPA), it is considered that the principle of the proposed development and the access arrangements would be acceptable.
45. In dismissing planning appeal ref: APP/A3655/W/19/3237371 dated 07.10.2019, the Inspector concluded that the development was acceptable in terms of the proposed plot subdivision and the impact this would have on the character and appearance of the area. However, the Inspector was unconvinced that the submitted Unilateral Undertaking would satisfactorily secure the required Thames Basin Heaths SAMM contribution.
46. The current proposal is identical to the previous scheme submitted under application ref: PLAN/2018/1335 with the exception of a newly drafted Section 106 legal agreement to address the Inspector's reason for dismissing the appeal. The Council's Solicitor has confirmed that the wording of the draft agreement is acceptable.
47. Given the identical nature of the proposals and for the reasons set out above it is considered that the proposed development would be acceptable and that the applicant has fully addressed the reason for dismissal of the appeal as set out by the Planning Inspector. It is therefore recommended that outline planning permission is granted subject to the recommended conditions and the signing of a Section 106 agreement.

BACKGROUND PAPERS

1. Site photographs dated 20.08.2019
2. Planning appeal ref: APP/13655/W/16/3151323
3. Planning appeal ref: APP/A3655/W/19/3237371

RECOMMENDATION

It is recommended that outline planning permission be GRANTED subject to the following conditions and SAMM contribution to be secured by way of a Section 106 Legal Agreement:

1. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval not later than three years from the date of this decision:
 - i. Appearance
 - ii. Landscaping
 - iii. Layout
 - iv. Scale

23 JUNE 2020 PLANNING COMMITTEE

Approval of all reserved matters shall be obtained in writing from the Local Planning Authority before the commencement of any development and the development shall be carried out as approved.

Reason: To comply with the provisions of The Town and Country Planning (Development Management Procedure) Order 2015.

2. The development hereby permitted shall be commenced not later than two years from the approval of the last of the reserved matters as defined in Condition 1, whichever is the latter.

Reason: To comply with the provisions of Section 92(2) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

RL.01, Rev B,
RL.02, Topographical Survey, received 17.02.2020

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

4. With the exception of the detached garage positioned in the vicinity of retained 'T1' which shall require a no dig foundation construction, the development hereby permitted shall be carried out in accordance with the Arboricultural Information dated 31.01.2019 submitted by Arbtech, including the convening of a pre-commencement site meeting with the Council's Arboricultural Officer and arboricultural supervision where indicated. No works shall take place until the tree protective measures have been implemented. Any deviation from the works prescribed or methods agreed within the report and this planning condition shall require prior written approval from the Local Planning Authority.

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 in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016) and Policy BE1 of the Hook Heath Neighbourhood Plan (2015).

5. 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 dwellings hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character and appearance of the area and the amenities of neighbouring properties, and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM10 of the Development Management Policies DPD (2016) and the NPPF (2019).

6. ++ 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:

23 JUNE 2020 PLANNING COMMITTEE

- 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).

7. ++ 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).

8. ++ 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.

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).

9. 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.

23 JUNE 2020 PLANNING COMMITTEE

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.

10. ++ Prior to the first 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).

11. ++ Prior to the first occupation of the development hereby approved details of the measures for the enhancement of biodiversity on the site must 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 and 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)

12. 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 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)

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.

23 JUNE 2020 PLANNING COMMITTEE

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.
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.
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.