

## 7 JUNE 2022 PLANNING COMMITTEE

6e PLAN/2021/0942

WARD: Canalside

LOCATION: 29 Eve Road, Woking, GU21 5JS

PROPOSAL: Erection of 3x two storey dwellings with accommodation in the roof space following demolition of the existing mixed-use units.

APPLICANT: Mr Mazhar

OFFICER: David Raper

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### **REASON FOR REFERRAL TO COMMITTEE:**

The application has been referred to Planning Committee by Councillor Aziz. Councillor Aziz considers that the previous reasons for refusal have been overcome.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Erection of 3x two storey dwellings with accommodation in the roof space following demolition of the existing mixed-use units.

### **PLANNING STATUS**

- Urban Area
- Priority Places
- Surface Water Flood Risk Area – Very High
- Thames Basin Heaths SPA ZoneB (400m-5km)

### **RECOMMENDATION**

REFUSE planning permission.

### **SITE DESCRIPTION**

No.29 Eve Road is characterised by a mixed use building with a car repair/servicing business located to the rear accessed from Albert Drive with commercial uses fronting onto Eve Road with ancillary office and storage space at first floor level; the proposal relates to this part of the building. The surrounding area is predominately characterised by semi-detached and terraced dwellings dating from the Victorian/Edwardian era. The proposal site is within the urban area and forms part of a 'Priority Place' as designated by Core Strategy (2012) CS5 'Priority Places'.

### **RELEVANT PLANNING HISTORY**

Extensive planning history with the below being most relevant:

- PLAN/2018/1169 - Proposed change of use and subdivision of existing building (A1, A2 and ancillary office use) to form 8x self-contained flats (7x one bed and 1x studio) and erection of a second floor roof extension, two storey rear extension and first floor rear extension following demolition of parts of existing building and formation of roof terrace, balconies and new window and door openings, alterations to external finishes and associated bin storage, landscaping and cycle storage - **Refused**

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04/06/2020 for the following reasons and **dismissed** at appeal on 04/11/2020 (APP/A3655/W/20/3256433):

01. *The proposed development, by reason of the nature and placement of bedroom window openings, would fail to deliver a satisfactory standard of accommodation for future residents, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2019).*
  02. *The proposed development, by reason of its height, bulk, massing and close proximity to the neighbour at No.31 Eve Road and their rear amenity space, would result in a significant and unacceptable overbearing and loss of light impact on this neighbour, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2019).*
  03. *The proposed roof extension, by reason of its bulk, massing and position would result in an unduly prominent, dominating and incongruous addition which results in a visually harmful impact on the street scene. The proposed development would therefore be contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).*
  04. *In the absence of an adequate Flood Risk Assessment, it has not been demonstrated that future occupiers of the proposed development would not be unduly impacted upon by surface water flooding or that the development would not exacerbate the existing risk from surface water flooding, contrary to Woking Core Strategy (2012) policy CS9 'Flooding and water management' and the NPPF (2019).*
  05. *The proposed development comprises exclusively one bedroom units unsuitable for family occupation which would not reflect the identified local housing need and the proposal would lead to the loss of retail (A1 use) floor space in an area identified as a 'Priority Place', to the detriment of retail choice in the local area. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS5 'Priority Places' and CS11 'Housing Mix'.*
  06. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the net additional dwellings arising from the proposed development would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking 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 (SI No. 490 - the "Habitats Regulations").*
- PLAN/2016/0743 - Proposed change of use and subdivision of existing building (A1, A2 and ancillary office use) to form 8x self-contained one bedroom flats and erection of two storey rear extension, first floor rear roof extension, formation of new window and door openings, alterations to external finishes and associated bin storage, landscaping and cycle storage – **Refused** 28/09/2016 for the following reasons:

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01. *The proposed development, by reason of the unduly cramped and small size of residential units, placement of habitable room windows and the proposed parking and waste storage arrangements, is considered to create an unacceptably cramped and contrived overdevelopment of the site, to the detriment of the amenities of future occupants of the development, the amenities of neighbours and the character of the surrounding area. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2012).*
  02. *The proposed development, by reason of the height, scale, bulk and siting of the proposed two storey extension and the inclusion of first floor side-facing windows, is considered to create an unacceptable overbearing and overlooking impact on the adjoining neighbours at No.25 and No.27 Eve Road, to the detriment of the amenities of these neighbours. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2012).*
  03. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas' and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015', the Conservation of Habitats and Species Regulations 2010 (SI Ni. 490 - the "Habitats Regulations"), saved policy NRM6 of the South East Plan (2009) and Section 11 of the NPPF (2012).*
  04. *The proposal is in a surface water flood risk area, and in the absence of a Flood Risk Assessment, it has not been demonstrated that future occupiers of the proposed development would not be unduly impacted upon by surface water flooding or that the development would not exacerbate the existing risk from surface water flooding, contrary to Core Strategy (2012) policy CS9 'Flooding and water management' and the NPPF (2012).*
  05. *The proposed development comprises exclusively one bedroom units unsuitable for family occupation which would not reflect the identified local housing need and the proposal would lead to the loss of retail (A1 use) floor space in an area identified as a 'Priority Place', to the detriment of retail choice in the local area. The proposal is therefore contrary to Core Strategy (2012) policies CS5 'Priority Places' and CS11 'Housing Mix'.*
- PLAN/2013/0595 - Erection of single storey side and double storey rear extension to create 1 additional commercial unit – Permitted 27/08/2014

### **CONSULTATIONS**

- **Flood Risk and Drainage Engineer:** OBJECT on flood risk grounds.
- **County Highway Authority:** No objection subject to conditions.
- **Scientific Officer:** No objection subject to conditions.
- **Environmental Health:** No objection.

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### **REPRESENTATIONS**

One objection received raising the following summarised concerns:

- Proposal would result in loss of light and overshadowing
- Proposal would result in loss of privacy and loss of amenity
- Parking is a big problem on Eve Road and the proposal would place further pressure on parking
- Proposal would result in noise disturbance

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2021):

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 6 - Building a strong, competitive economy

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 10 - Supporting high quality communications

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

#### Woking Core Strategy (2012):

Spatial Vision

CS1 - Spatial strategy for Woking Borough

CS5 - Priority Places

CS8 - Thames Basin Heaths Special Protection Areas

CS9 - Flooding and Water Management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS15 - Sustainable economic development

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

#### Woking Development Management Policies DPD (2016):

DM2 - Trees and Landscaping

DM7 - Noise and Light Pollution

DM8 - Land Contamination and Hazards

#### Supplementary Planning Documents:

Parking Standards (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2022)

#### Other Material Considerations:

National Planning Practice Guidance (NPPG)

Saved South East Plan Policy (2009) NRM6 - Thames Basin Heaths SPA

Thames Basin Heaths Special Protection Area Avoidance Strategy (2022)

Community Infrastructure Levy (CIL) Charging Schedule (2015)

Waste and recycling provisions for new residential developments

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### PLANNING ISSUES

#### Background:

1. Two previous proposals for the extension and change of use of the building to form flats have been refused (see Planning History section). The current proposal is for the erection of 3x two storey dwellings with accommodation in the roof space and has been assessed based on its own merits below.

#### Principle of Development and Loss of Existing Uses:

2. The ground floor of the existing building comprises four commercial units which the applicant identifies as being vacant. Records suggest that the commercial units have been in use for uses falling within Use Class E, including a hairdresser, money transfer shop and an accident claims business. Ancillary office space is identified to the rear and at first floor level. The rear portion of the building is in use as a car repair/servicing business and is accessed separately from Albert Drive.
3. Although not within a designated Local Centre, the proposal site is within a 'Priority Place' as identified by Core Strategy (2012) policy CS5, in which planning decisions are expected to seek to redress identified local issues, including retail provision and employment. Policy CS5 establishes a presumption against the loss of retail units in Maybury and Sheerwater due to the limited retail choice in these areas.
4. All of the commercial units would be lost as part of the proposal and the applicant has not provided any evidence of how long the units have been vacant or whether they have been marketed. The proposal would result in the loss of four commercial units which is considered contrary to the aims of policy CS5 and to the detriment of retail choice in the area and no evidence has been submitted relating to how long the units have been vacant or whether they have been marketed. This formed a reason for refusal under the previously refused applications and this refusal reason is not therefore considered to have been overcome.
5. The proposal would lead to the loss of retail (Use Class E) floor space in an area identified as a 'Priority Place', to the detriment of retail choice in the local area. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS5 'Priority Places'.

#### Impact on Character:

6. The host building is two storeys and is of a simple flat-roofed design and is finished in painted render. Eve Road is predominately characterised by two storey terraced and semi-detached dwellings dating from the Victorian and Edwardian era.
7. The proposal is for the demolition of the existing building and the erection of a terrace of 3x two storey dwellings with accommodation in the roof space. The proposed dwellings would be consistent with the building line along Eve Road and would be consistent with the eaves and ridge height of neighbouring buildings. The dwellings would have front bay front windows and have styles and proportions which are broadly traditional. The proposed development is considered to sufficiently respect the predominately Victorian/Edwardian character and proportions of the street scene on Eve Road and is considered visually acceptable. Further details of materials, architectural detailing and landscaping could be secured by condition if the proposal were considered otherwise acceptable.

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8. Overall the proposal is considered to have an acceptable impact on the character of the area.

### Flood Risk:

9. The proposal site is identified as being at high risk from surface water flooding. The site and surrounding area have been known to flood, the latest event being within 2016 where a 1 in 30 (3.33%) annual probability rainfall event affected the area causing flooding of properties and surrounding roads within 15 minutes of the storm occurring. The National Planning Practice Guidance defines the vulnerability of different uses in terms of flood risk. The proposed development would result in existing commercial uses which are defined as being 'less vulnerable' becoming dwellings which are 'more vulnerable' to flooding.
10. Paragraph 167 of the National Planning Policy Framework (NPPF) (2021) states that:

*'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

  - a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
  - d) any residual risk can be safely managed; and*
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.*
11. Paragraph 002 (Reference ID: 7-002-20140306) of the Planning Practice Guidance for Flood Risk and Coastal Change states that *'For the purposes of applying the National Planning Policy Framework, "flood risk" is a combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources'.*
12. Woking Core Strategy (2012) policy CS9 'Flooding and Water Management' states that *'The council will require all significant forms of development to incorporate appropriate sustainable drainage systems (SuDS) as part of any development proposal. If this is not feasible, the Council will require evidence illustrating this' and that '...to reduce the risk from surface water flooding, all new development should work towards mimicking greenfield run-off situations'.*
13. The proposal would result in 3x dwellings on the site as well as operational development. The absence of an adequate Flood Risk Assessment (FRA) formed a reason for refusal under the previously refused applications (see Planning History). The current application is accompanied by drainage information and an FRA which has been reviewed by the Council's Drainage and Flood Risk Engineer who has confirmed that the submitted information is insufficient.

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14. The Drainage and Flood Risk Engineer has confirmed that the information submitted as part of the Flood Risk Assessment (FRA) does not adequately address the existing surface water flow routes through the site and within the surrounding area. The submitted information refers to the online Environment Agency flood maps which demonstrate that during a 1 in 30 year (3.33%) annual probability (high risk) and a 1 in 100 (1%) annual probability (medium risk) event, water can be between 300mm – 900mm deep flowing at greater than 0.25m/s in some locations. Under the precautionary principal, 900mm, as a minimum, should be used to assess the depths of flooding, however this does make an allowance for the impact of Climate Change which could cause this level to be significantly higher. The Drainage Officer states that if the applicant's flood depths are used, access to and from the proposed dwellings would not be classified as 'safe for all'. If the higher flood depths are used, then this would classify the access to and from the development as 'Danger for Most'.
15. No additional evidence has been supplied that would supersede EA modelling which provides depths of between 300mm and 900mm or that the development would be 'safe for all'. No detailed assessment or evidence has been carried out on flood depth, flow, velocity and duration and therefore the FRA fails to assess the safe access and egress of residents and users within these storm events. The submitted information does not therefore demonstrate the development would be safe for the lifetime of the development. The Drainage and Flood Risk Engineer draws attention to the fact that in the last flood event, internal property flooding occurred within 15 minutes of the storm and without any warning. The ground floor of the proposed dwellings could be flooded to significant depths within a very short time period, without warning and potentially in the middle of the night.
16. The proposal would result in three new dwellings in an area at high risk from surface water flooding and would increase the vulnerability classification of the site from less vulnerable to more vulnerable. The Submitted FRA fails to adequately assess this flood risk to the site and does not demonstrate that the development would be safe for the lifetime of the development; for these reasons the Council's Drainage and Flood Risk Engineer objects to the proposed development.
17. In the absence of an adequate Flood Risk Assessment, it has not been demonstrated that future occupiers of the proposed development would not be unduly impacted upon by surface water flooding or that the development would not exacerbate the existing risk from surface water flooding, contrary to Woking Core Strategy (2012) policy CS9 'Flooding and water management' and the NPPF (2021).

### Standard of Accommodation:

18. Section 12 of the NPPF (2021) states that planning decisions should ensure that a 'high standard of amenity' is achieved for existing and future residents and the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2022) seeks to ensure satisfactory levels of outlook for all residential development.
19. The proposal would result in 2x three bedroom dwellings and 1x four bedroom dwelling. These would all meet the minimum standards set out in the National Technical Housing Standards (2015) and are considered to achieve an acceptable size of internal accommodation.
20. Each dwelling would have an area of private amenity space, whilst these would not be proportionate to the footprints of the dwellings they would serve, they are considered acceptable in this location and is considered consistent with the grain of development in the area. Whilst the rear elevation of the adjoining commercial unit would be in

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relatively close proximity to the rear elevations the proposed dwellings, the proposal site is in a relatively high density area where close relationships are not uncommon. It is also borne in mind that the dwellings would be dual aspect. Appropriate landscaping of rear gardens to provide screening and amenity to future occupants could be secured by condition if the proposal were considered otherwise acceptable.

21. Overall the proposal is considered to achieve an acceptable standard of accommodation for future residents.

### Impact on Neighbours:

#### *No.25 and No.27:*

22. These neighbours are purpose-built ground and first floor flats to the west of the proposal site. These flats feature several side-facing windows which serve single aspect bedrooms and living areas.
23. The two storey front and rear elevations of the proposed dwellings would roughly align with the principal front and rear elevations of these neighbours and the proposal is not considered to unduly impact on front or rear-facing windows of these neighbours. The first floor flat features a side-facing window which would face the flank elevation of the proposed development. However, this window is a secondary window and the proposal is not therefore considered to result in a significantly harmful loss of light or overbearing impact on this neighbour. The remaining side-facing windows of No.25 and No.27 Eve Road would not be unduly affected as the proposed development would not be located opposite these windows.

#### *No.31 Eve Road:*

24. This neighbour is a two storey dwelling positioned to the east of the proposal site. The proposed development would not project beyond the front and rear elevations of this neighbour and is not considered to result in an unduly harmful loss of light or overbearing impact compared to the existing situation. A first floor side-facing window is proposed however as this serves a bathroom, this could be required to be obscurely glazed with restricted opening by condition if the proposal were considered otherwise acceptable.

#### *Other neighbours:*

25. Other neighbours are positioned opposite the proposal site on Eve Road. The new front-facing windows would be positioned approximately 16m from neighbours opposite which accords with the recommended minimum separation distance of 15m set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2022).
26. Overall the proposal is considered to form an acceptable relationship with neighbours.

### Housing Mix:

27. Woking Core Strategy (2012) policy CS11 states that residential proposals are expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the Strategic Housing Market Assessment (SHMA). There is an identified need for family accommodation; in particular three bed units followed by two bedroom units. Furthermore the proposal site is within a 'Priority Place' as identified by Core Strategy (2012) policy CS5, in which planning decisions are expected to seek to redress identified issues, including housing, in the Maybury and Sheerwater areas. This policy seeks to redress the tenure imbalance in the area by



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providing more family accommodation (two bed and above). The proposal is for 2x three bedroom dwellings and 1x four bedroom dwelling which is considered an acceptable housing mix in the above policy context.

### Impact on the Thames Basin Heaths Special Protection Area (SPA):

28. 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 Core Strategy 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 of the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
29. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The proposed development would require a SAMM financial contribution of £3,286 based on a net gain of 2x three bedroom dwellings and 1x four bedroom dwelling which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. Nonetheless no Legal Agreement has been submitted to secure the SAMM financial contribution given the other objections to the proposal.
30. In view of the above, and in the absence of a Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwellings would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations"), saved Policy NRM6 of the South East Plan (2009), Policy CS8 of the Woking Core Strategy (2012) and the Thames Basin Heaths Avoidance Strategy (2022).

### Transportation Impact:

31. Eve Road is a no-through road characterised by pairs of semi-detached and terraced dwellings with frontages of dwellings not being deep enough to accommodate vehicles and very few properties have the ability to park off-street. Consequently, the majority of residents park on-street and there are no parking controls on the road. As a result, the road is heavily parked and there is clearly parking pressure in the area, with the majority of on-street spaces typically occupied during weekday daytime hours.

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32. The Council's Parking Standards SPD (2018) sets minimum standards for residential development and maximum standards for commercial development. For retail development, the SPD sets maximum standards of one space per 30m<sup>2</sup>. The total existing commercial floor area is 361m<sup>2</sup> which would equate to a maximum parking standard of 12x spaces. The SPD sets a minimum requirement of 2x spaces per three bedroom dwelling and 3x spaces per four bedroom dwellings. The minimum parking standard for the proposed 3x dwellings would therefore be 7x spaces.
33. Whilst the proposal would not deliver any off-street parking and so would fail to meet the minimum standards set out in the SPD, this should be balanced against the loss of the existing commercial uses and their associated parking and servicing requirements. It is also borne in mind that the frontage of the host building is used for parking and most of the road frontage of the site is marked by a solid white line and dropped kerb. The proposed plans would replace the hardstanding to the frontage with landscaping which would remove the possibility of off-street parking and would create opportunities for on-street parking to the frontage of the proposal site. The frontage of the proposal site is approximately 18m in width which is equivalent to three parallel on-street parking bays.
34. Overall, when balancing the loss of the parking and servicing demands of the existing commercial uses and the increased opportunity for on-street parking to the frontage which would arise from the proposal, on balance the proposal is considered to have an acceptable parking impact compared to the existing situation.
35. In terms of waste management arrangements, it is considered that there is sufficient space within the curtilage of each dwelling for waste and recycling bins to be stored and collected in accordance with the Council's Waste Practice Guide. There is also scope for cycle storage to be provided in rear gardens. The County Highway Authority has been consulted and raises no objection subject to conditions, which could be applied if the proposal were considered otherwise acceptable. Overall the proposal is considered acceptable in transportation terms.

### Contamination:

36. The site has historically been used for industrial uses, including as a glue factory, and records suggest evidence of an underground petroleum tank. The Council's Scientific Officer has reviewed the proposal and has stated that if planning permission is granted then investigation and remediation of potential contamination should be secured by condition. This would be secured if the proposal were considered otherwise acceptable.

### Community Infrastructure Levy (CIL):

37. The proposal would be liable to make a CIL contribution

### **CONCLUSION**

38. In the absence of an adequate Flood Risk Assessment, it has not been demonstrated that future occupiers of the proposed development would not be unduly impacted upon by surface water flooding or that the development would not exacerbate the existing risk from surface water flooding.
39. The proposal would lead to the loss of retail (Use Class E) floor space in an area identified as a 'Priority Place', to the detriment of retail choice in the local area.

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40. Furthermore, in the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the net additional dwellings arising from the proposed development would not have a significant impact on the Thames Basin Heaths Special Protection Area.
41. The proposal is therefore contrary to the Development Plan and is recommended for refusal.

### **BACKGROUND PAPERS**

1. Site visit photographs
2. Consultation responses
3. Representations

### **RECOMMENDATION**

REFUSE for the following reasons:

01. In the absence of an adequate Flood Risk Assessment, it has not been demonstrated that future occupiers of the proposed development would not be unduly impacted upon by surface water flooding or that the development would not exacerbate the existing risk from surface water flooding, contrary to Woking Core Strategy (2012) policy CS9 'Flooding and water management' and the National Planning Policy Framework (2021).
02. The proposal would lead to the loss of retail (Use Class E) floor space in an area identified as a 'Priority Place', to the detriment of retail choice in the local area. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS5 'Priority Places'.
03. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the net additional dwellings arising from the proposed development would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2022), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations").

### **Informatives**

1. The plans relating to the development hereby refused are listed below:

PL01 (Existing Location Plan) received by the LPA on 18.08.2021

PL02 (Existing Block Plan) received by the LPA on 18.08.2021

PL101 (Existing Ground Floor Plan) received by the LPA on 18.08.2021

PL102 (Existing Ground Floor Plan) received by the LPA on 18.08.2021

PL103 (Existing Roof Plan) received by the LPA on 18.08.2021

PL121 (Existing Sections) received by the LPA on 18.08.2021

PL04b (Proposed Block Plan) received by the LPA on 26.10.2021

PL05a (Proposed Ground Floor Plan showing existing footprint) received by the LPA on 26.10.2021

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PL06b (Proposed Site Plan) received by the LPA on 26.10.2021

PL104b (Proposed Ground Floor Plan) received by the LPA on 26.10.2021

PL105b (Proposed First Floor Plan) received by the LPA on 26.10.2021

PL106b (Proposed Second Floor Plan) received by the LPA on 26.10.2021

PL111d (Proposed South Elevation) received by the LPA on 11.11.2021

PL112a (Proposed West Elevation) received by the LPA on 26.10.2021

PL113b (Proposed Rear Elevation) received by the LPA on 26.10.2021

PL115a (Proposed East Elevation) received by the LPA on 26.10.2021

PL131d (Existing and Proposed Street Scenes) received by the LPA on 11.11.2021

PL132d (Existing and Proposed Street Scenes) received by the LPA on 11.11.2021