

7 JUNE 2022 PLANNING COMMITTEE

6f PLAN/2022/0247

WARD: BWB

LOCATION: SDC Southern, 90 High Road, Byfleet, Surrey, KT14 7QT

PROPOSAL: Demolition of the existing commercial unit and the erection of a two-storey building containing 3no. one-bedroom flats (class C3), 1no. commercial unit (class E), with associated parking and landscaping.

APPLICANT: Flow Plumbing Services Ltd

OFFICER: Benjamin Bailey

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Planning Committee by Councillor Boote.

SUMMARY OF PROPOSED DEVELOPMENT

Demolition of the existing commercial unit and the erection of a two-storey building containing 3no. one-bedroom flats (class C3), 1no. commercial unit (class E), with associated parking and landscaping.

Site Area:	0.023ha (230 sq.m)
Existing dwelling(s):	0
Proposed dwellings:	3 (+3)
Existing density:	0 dph (dwellings per hectare)
Proposed density:	130 dph
Existing commercial unit:	c.102 sq.m (GIA, gross internal area)
Proposed commercial unit:	c.42 sq.m GIA

PLANNING STATUS

- Urban Area
- Byfleet Local Centre
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Surface Water Flood Risk (Medium - Partial)

RECOMMENDATION

Grant planning permission subject to recommended conditions and SAMM (TBH SPA) contribution secured by S106 Legal Agreement.

SITE DESCRIPTION

The site is a prominent corner site. The existing buildings that occupy the site include a lean-to building that fronts High Road with a shopfront. Alongside, and to the rear of this, various structures have been added and the site is enclosed to the front and side by a tall timber fence.

RELEVANT PLANNING HISTORY

PLAN/2021/0281 - Demolition of existing commercial unit and erection of two storey building containing 3no. one bedroom flats and 1no. studio flat (class C3), 1no. commercial unit (class E), with associated parking and landscaping.

Refused for the following reasons (22.07.2021) & Appeal Dismissed (31.01.2022)

01. *The proposed development, by reason of its bulk and mass, residential unit*

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density, and cramped residential accommodation (particularly within the proposed studio flat), would constitute an overdevelopment of the site to the detriment of future occupiers and the character of the surrounding area. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS10 'Housing provision and distribution' and CS21 'Design', Supplementary Planning Document 'Woking Design' (2015), and the NPPF (2021).

02. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the proposed additional dwellings 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', 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.*

PLAN/1993/0700 - Retrospective application for retention of 1.8 m close boarded fence.

Permitted subject to conditions (28.10.1993)

PLAN/1988/1247 - Demolition of existing shop and office premises, erection of a new two storey building with dormered roof space to provide enlarged shop and office accommodation.

Refused (25.04.1989)

CONSULTATIONS

Drainage and Flood Risk Team (WBC): Following a review of the submitted information we would recommend approval on drainage and flood risk grounds providing condition 03 is included if permission is granted. The following condition will ensure the development complies with NPPF and Woking Borough Council's Core Strategy: Policy CS9. This condition is required due to the size, type and location of the development.

County Highway Authority (Surrey CC): The proposed development has been considered by the County Highway Authority who having the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted: provision and retention of parking spaces (condition 08), EV charging points (please see 'Highways and parking' report section) and cycle parking (condition 09).

REPRESENTATIONS

x6 letters of objection (including from Byfleet, West Byfleet and Pyrford Residents' Association) have been received raising the following points:

- High-over density of development
- Excessive for the size of the plot - ground floor footprint of the proposed building is clearly being squeezed into the site boundary to maximise floor area, resulting in an irregular, unattractive shape
- Loss of privacy / overlooking
- Additional traffic generation
- Balconies are inappropriate for the surrounding area and are generally only used for outdoor storage
- Balconies are less than 1m wide, so will be impractical for use, and will not

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provide private amenity space. Also, this space is only accessible via one flat, not both as stated

- The small triangles of grass / vegetation adjacent to the ground floor flat can hardly be called 'amenity space'
- The agent cover letter refers to the previous application and provides little confidence that the new application has been thoroughly checked and considered

(Officer Note: The submitted application drawings have been assessed)

- There are no details shown for the western boundary of the site, adjoining Beech Close, whether a fence and / or low level hedge

(Officer Note: It is usual for such details to be secured via a landscaping condition, as per recommended condition 07)

- Beech Close is extremely narrow and the junction with High Road is regularly blocked with cars /commercial vehicles illegally parked on yellow lines and on the pavement. Exiting Beech Close can be difficult and dangerous with limited visibility. Access for larger vehicles down the close is often compromised by inconsiderate parking. Emergency vehicles would often struggle for access
- Will attract further vehicles, in excess of the minimum two car parking spaces provided, which will add to parking problems in Beech Close, which is often used as a 'turning circle' for a variety of private and commercial vehicles
- The new dropped kerb access for the car parking spaces of the proposed development is on the bend of the Close. Existing parking on the east side of the Close / footpath will limit visibility when entering / leaving the site, which is likely to result in a collision
- Despite this proposal being rejected on several occasions we find ourselves again under the stressful pressure of an attempt to force this unwanted or needed development on to our community
(Officer Note: Only one recent previous planning application has been made on the site, albeit it was the subject of an appeal following refusal. The Council has a statutory duty to consider all valid planning applications, including the present application)
- Previous application ref: PLAN/2021/0281 was refused, the reduction of one flat does not change the external 'bulk and mass' of the proposed building which is excessive for the plot, this application should be similarly refused
- The proposed development lies on the Byfleet floodplain
(Officer Note: The site falls within Flood Zone 1, low risk)
- There is a possibility of between 3 and 6 vehicles in addition to those of the commercial property
- The request to demolish the building and build the same configuration on the site seems a terrible waste of money when the new building will offer much the same accommodation
- If the building is to be demolished the land could be developed into a car park giving much better access to the public toilets and the retail units on High Road
(Officer Note: The submitted application must be assessed on its merits)
- In dismissing the previous appeal, the Inspector was strongly of the opinion that the proposal would not secure acceptable living conditions for future occupiers, being particularly concerned about privacy and overlooking.
- The Inspector was however of the view that the proposal would not harm the character or appearance of the area

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- Welcome the reduction to three one bedroom flats
- This is a very prominent though compact site in a busy part of Byfleet. The proposal remains an over development for the size of the plot lacking amenities and still lacking privacy for the ground floor residential unit
- Merely meeting minimum internal space National Standards is nothing to be proud of. In Woking Borough, we should be aiming to do better
- This site can support no more than two residential units

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 7 - Ensuring the vitality of town centres

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

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS4 - Local and neighbourhood centres and shopping parades

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Areas

CS9 - Flooding and water management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS12 - Affordable housing

CS17 - Open space, green infrastructure, sport and recreation

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 (DM Policies DPD) (2016)

DM7 - Noise and light pollution

South East Plan 2009 (Saved policy)

NRM6 - Thames Basin Heaths Special Protection Areas

Supplementary Planning Documents (SPDs)

Design (2015)

Outlook, Amenity, Privacy and Daylight (2022)

Parking Standards (2018)

Climate Change (2013)

Affordable Housing Delivery (2014)

Other Material Considerations

Planning Practice Guidance (PPG) (online resource)

National Design Guide: Planning practice guidance for beautiful, enduring and

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successful places (October 2019) (NDG)

The Conservation of Habitats and Species Regulations 2017 (as amended)

Updated Thames Basin Heaths Avoidance Strategy (February 2022)

Woking Borough Council Strategic Flood Risk Assessment (SFRA) (November 2015)

BACKGROUND

An appeal decision (ref: APP/A3655/W/21/3282313) dated 31 January 2022 is brought to the attention of the Planning Committee, the appeal proposal related to the demolition of the existing commercial unit and the erection of a two-storey building containing 4no. studio/one-bedroom flats and commercial unit (use class E), with parking and landscaping on the same site which is the subject of this application. The present application now seeks to erect a two-storey building containing 3no. one-bedroom flats and commercial unit (use class E), with parking and landscaping. Due to the similarities between the previous appeal scheme and the present application before the Planning Committee, the previous appeal decision is a very weighty material consideration in the determination of the present application.

The present application proposes an almost identical building envelope to the appeal scheme, the only change in this respect is that the previously proposed single storey dual-pitched rear 'porch' element does not form part of the present scheme. 3no. flats are now proposed as opposed to the 4no. flats which were proposed under the appeal scheme. A single flat (rather than 2no. flats under the appeal scheme) is now proposed at ground floor level together with a larger commercial unit (c.42 sq.m compared to the previous c.35 sq.m) which would have a wider shop front onto High Road. Some space (at ground floor level) for bin and cycle storage within the building envelope is now proposed, which was not the case with the appeal scheme. The size and arrangement of the 2no. flats at first floor level remains very largely as the appeal scheme. 2no. parking spaces are now proposed, as opposed to the 3no. under the appeal scheme, and the extent of soft landscaping within the site has increased. The arrangement of window and other openings reflects the internal layouts which are now proposed, although remain similar to the appeal scheme.

The key issue in deciding the present application is whether the applicant has sufficiently overcome the reasons that the Inspector dismissed the previous appeal. The Inspector dismissed the previous appeal only in respect of living conditions of future occupiers (due to inadequate privacy) owing to the relationship between Flat 1 and the pavement, and the layout of Flat 2 relative to the parking area and access to the first floor flats. Flats 1 and 2 were both proposed at ground floor level, the present application proposes only 1no. flat at ground floor level. Previously proposed Flat 1 does not form part of the present application (this floor area now mainly provides for a larger commercial unit) and the layout of the proposal is such that previously proposed Flat 2 (now Flat 1 in the present application, at ground floor level) would benefit from sufficient privacy due to landscape buffers.

PLANNING ISSUES

01. The main planning issues to consider in determining this application are:
 - Principle of development (including density);
 - Housing mix;
 - Character and appearance;
 - Neighbouring amenity;
 - Living conditions of future occupiers;
 - Highways and parking;

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- Flooding and water management;
 - Thames Basin Heaths Special Protection Area (TBH SPA);
 - Affordable housing;
 - Energy and water consumption; and
 - Local finance considerations
- having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Principle of development (including density)

02. The site falls within the Urban Area and within Byfleet Local Centre, as defined on the Council's Proposals Map. Table 2 (Hierarchy of Centres) of the Woking Core Strategy (2012) identifies that "*Local centres vary in size...Primarily provide a local convenience and service function for the surrounding residential areas. Serve the day-to-day needs of the residents in the immediate surrounding area*". The opening text to Policy CS4 of the Woking Core Strategy (2012) states (at para 4.22) that "*Local Centres all have primary schools and churches which give them a focus and sense of community. They vary in size from Byfleet and Knaphill (in the east and west of the Borough respectively) which are the largest, to Sheerwater and Goldsworth Park which are the most compact*" (emphasis added).
03. Policy CS4 of the Woking Core Strategy (2012) states that "*Local and neighbourhood centres and shopping parades, as indicated on the Proposals Map, will retain town centre uses wherever viable, in order to meet the day-to-day needs of the local community*". Policy CS4 also states that "*Mixed use development with a small amount of retail will be encouraged in local centres provided it accommodates local needs, contributes to the vitality and viability of the centre and is appropriate to the role and function of the centre in the hierarchy. Floorspace is expected to meet the needs of those living locally and not a wider catchment*".
04. The proposed development comprises the redevelopment of the site to provide 3no. residential units, along with the re-provision of a commercial element at ground floor level. In respect of the existing commercial unit whilst this would be demolished a replacement commercial unit would be re-provided at ground floor level as part of the proposed development, benefitting from a shopfront onto High Road. In this respect the existing town centre use would be preserved to a point comparable to others in the vicinity and it is very highly material that the commercial unit proposed under the present application (c.42 sq.m GIA) would be slightly larger than that which was proposed (c. 35 sq.m GIA) under the previously refused, and subsequently dismissed, scheme (ref: PLAN/2021/0281 - hereafter referred to for brevity reasons as the 'appeal scheme'). The appeal scheme was not refused by the Council for reasons relating to the reduction in size of the existing commercial unit, nor did the Inspector raise this as an issue at appeal stage. As such the re-provision of the commercial unit is acceptable and accords with Policy CS4. The 3no. residential units proposed would contribute toward the vitality and viability of the Local Centre, future residents would likely spend within the Local Centre and thus would positively support the continued provision of businesses within the Local Centre.
05. In respect of the housing which is proposed both the National Planning Policy Framework (NPPF) and Policy CS25 of the Woking Core Strategy (2012)

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promote a presumption in favour of sustainable development, with the overarching policies of both the NPPF and the Development Plan as a whole emphasising the need for new housing. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010 and 2027. Policies CS4 and CS10 identify an indicative number of 250 net additional dwellings to be provided within Local Centres between 2010 and 2027. Policy CS10 identifies an indicative density range of 30 - 60 dwellings per hectare (dph) for infill development in the Local Centres, albeit the policy also states that *“The density ranges set out are indicative and will depend on the nature of the site. Density levels will be influenced by design with the aim to achieve the most efficient use of land. Higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of an area would not be compromised.”*

06. The site area is circa 230 square metres, the proposed development of three residential units would therefore result in a residential density of approximately 130 dph, which compares with the approximately 175 dph which would have resulted from the appeal scheme.
07. Due to the similarities between the appeal scheme and the development proposed by the present application the January 2022 appeal decision forms a very weighty material consideration in the determination of the present application. Within that appeal decision the Inspector stated (at para 20) that *“Policy CS10 of the WCS sets out housing distribution across the plan area with an indicative density range. The proposal would exceed the density range suggested for the area, however the Policy states that this is indicative and dependent on the nature of the site. I have already found that the proposal would accord with the character of the area. It would relate well to the density and layout of existing development and would not appear overdeveloped. I am thus satisfied that the proposal would accord with this Policy”* (emphasis added). The Inspector also stated (at para 22) that *“The proposal would deliver new housing in a location with good access to a range of services and facilities”* and (at para 21) that *“In summary, the proposal would not harm the character or appearance of the area. It would accord with Policies CS10 and CS21 of the WCS, the Woking Design SPD 2015 and the Framework, which together seek to ensure that development proposals secure good standards of design that pays regard to existing character and is of an appropriate density.”*
08. As such the principle of development (including density) is acceptable and accords with Policies CS4, CS10 and CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the provisions of the NPPF.

Housing mix

09. Policy CS11 of the Woking Core Strategy (2012) states:

“All residential proposals will be expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities.

The appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the

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neighbourhood and the viability of the scheme.”

10. The West Surrey Strategic Housing Market Assessment (SHMA) (September 2015) is the latest SHMA. The following table compares the latest SHMA market housing requirements against the proposed development:

	SHMA need- market dwellings	Proposed - market dwellings
1 bedroom	10.9%	3 (100%)
Total		3 (100%)

**Note: only relevant proposed dwelling sizes are shown*

11. It is acknowledged that not every development site will deliver the complete mix of unit sizes and that Policy CS11 operates, and is monitored, Borough wide. Whilst the proposed development would deliver a much larger percentage of one-bedroom dwellings than is required by the SHMA it is recognised that the proposed development is for a relatively limited 3no. dwellings and that the site falls within a Local Centre, this being a location in which the provision of higher proportions of smaller dwellings would not be inappropriate. It is also very highly material that the appeal scheme proposed 4no. studio/one-bedroom dwellings (i.e., 100%) and that it was not refused by the Council for reasons relating to housing mix, nor did the Inspector raise housing mix as an issue at appeal stage. As such housing mix is acceptable.

Character and appearance

12. Policy CS21 of the Woking Core Strategy (2012) requires proposals for new development to “*Create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land... Incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value, and other significant landscape features of merit, and provide for suitable boundary treatment/s*”. Policy CS24 of the Woking Core Strategy (2012) states that “*all development proposals will provide a positive benefit in terms of landscape and townscape character*”.
13. Section 12 of the NPPF relates to design, stating, inter alia, that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*” (para 126). Paragraph 130 of the NPPF states that “*Planning...decisions should ensure that developments...b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*”.
14. The January 2022 appeal decision forms a very weighty material consideration in the determination of the present application. Within that appeal decision the Inspector stated (paragraph numbers are from the appeal decision):

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- “14. *The area has the appearance of a local urban centre. Buildings are generally limited to two storeys and the commercial buildings to which the appeal site most readily relates are mostly terraced. The appeal site is at one end of a row of traditional shops and is adjacent to a detached two storey building. The detached building and the terrace beyond form a well defined street frontage with a consistent scale that is similar in scale to other commercial terraces to the west.*
15. *The appeal site is a prominent corner site. The existing buildings that occupy the site are at odds with the layout and appearance of these terraces and include a lean-to building that fronts the road with a shopfront. Alongside and to the rear of this various structures have been added and the site is enclosed to the front and side by a tall timber fence. The existing fence and the unplanned appearance of the existing structures do not contribute positively to the character and appearance of the area.*
16. *The proposal would see the existing buildings replaced with a two storey building that would follow the form and layout of the adjacent building and terrace beyond. The two storey part would be set back behind the front of the neighbouring building to form a slightly narrower west facing gable. Openings would be detailed to match the adjacent buildings and facades would be finished in different colour bricks, which would pick up on local details.*
17. *The ground level would step out to the front and side of the building's main two storey form. Its outer edge would follow the shape of the site and tie into the front of the existing buildings. It would appear secondary to the primary two storey form of the proposal which would dominate the site and hold a strong relationship with the form and position of existing buildings.*
18. *The wide rear facing gable would not be as prominent as the elements of the building that would face towards High Road. It would be a similar width to the existing neighbouring building to which the proposal would attach and would be set down a little, reducing its prominence and giving it an additive form.*
19. *The council suggest that the existing site contributes to the spaciousness of the area in combination with the open space opposite. Although existing structures at the site are all single storey they occupy a large portion of the site and are enclosed behind a tall fence. The existing developed appearance of the site is quite different to the open character of the land opposite. I am thus not satisfied that the existing site contributes to a sense of spaciousness, or that this would be diminished as a result of the proposal.*
20. *In summary, the proposal would not harm the character or appearance of the area. It would accord with Policies CS10 and CS21 of the WCS, the Woking Design SPD 2015 and the Framework, which together seek to ensure that development*

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proposals secure good standards of design that pays regard to existing character and is of an appropriate density.”

15. As set out in the background section of this report the present application proposes an almost identical building envelope to the appeal scheme, the only change in this respect is that the previously proposed single storey dual-pitched rear ‘porch’ element does not form part of the present scheme. A single flat (rather than 2no. flats under the appeal scheme) is now proposed at ground floor level together with a larger commercial unit (c.42 sq.m compared to the previous c.35 sq.m) which would have a wider shop front onto High Road. Some space (at ground floor level) for residential bin and cycle storage within the building envelope is now proposed, which was not the case with the appeal scheme. The size and arrangement of the 2no. flats at first floor level remains very largely as the appeal scheme. 2no. residential parking spaces are now proposed, as opposed to the 3no. under the appeal scheme, and the extent of soft landscaping within the site has increased. The arrangement of window and other openings reflects the internal layouts which are now proposed, although remain similar to the appeal scheme.
16. Having sufficient regard to Inspector’s conclusions in respect of character and appearance and given that the present application is very similar in these terms to the appeal scheme, the proposal would not harm the character or appearance of the area and would accord with Policies CS21 and CS24 of the Woking Core Strategy (2012), SPD Design (2015) and the relevant provisions of the NPPF.

Neighbouring amenity

17. Policy CS21 of the Woking Core Strategy (2012) states 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*”. More detailed guidance is provided within SPDs Outlook, Amenity, Privacy and Daylight (2022) and Design (2015).
18. The potential loss of enjoyment of a view is not a ground on which planning permission can potentially be refused although the impact of a development on outlook is a material planning consideration and stems on whether the development would give rise to an undue sense of enclosure or overbearing effect to neighbouring/nearby residential properties. In respect of privacy SPD Outlook, Amenity, Privacy and Daylight (2022) states (at para 4.10) that “*For two storey accommodation (including dwellings with first floor dormer windows), a separation distance of approximately 20m will be adequate to prevent overlooking of dwellings of a similar or lesser height*”. Appendix 1 of the SPD sets out recommended minimum separation distances for achieving privacy.
19. As set out in the background section of this report the present application proposes an almost identical building envelope to the appeal scheme, the only change in this respect is that the previously proposed single storey dual-pitched rear ‘porch’ element does not form part of the present scheme. 2no. residential parking spaces are now proposed, as opposed to the 3no. under the appeal scheme, and the extent of soft landscaping within the site has increased. The arrangement of window and other openings reflects the internal layouts which are now proposed, although remain similar to the appeal scheme.

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20. It is very highly material that the appeal scheme was not refused by the Council for reasons relating to neighbouring amenity, nor did the Inspector raise neighbouring amenity impacts as an issue at appeal stage. The previous conclusions in respect of neighbouring amenity therefore remain valid and are largely repeated below from the Planning Committee report for the appeal scheme.
21. The proposed building would not significantly exceed the depth of the rear extension to No.92 High Road to the east. A small window serving a landing is situated between the extension of No.92 and the common boundary and would effectively be sandwiched by the proposed development. Because the window does not serve a habitable room, it is considered there would be no significant harm to residential amenity.
22. The proposed building would be bound elsewhere by roads, and there would be no significantly harmful overbearing impacts to neighbouring properties. The introduction of first floor windows, and balconies to the north and west, would facilitate general views of the surround. The most significant, from a neighbouring amenity perspective, would be those from the westerly balcony toward the facades of Nos.12 and 13 Beech Close. However, an 'across the street' relationship with the front facade of a property on the other side of the road is not typical in the urban area, particularly on the fringes of Local Centres as in this instance, and that facilitated here would be little more than that from, say, No.1 Beech Close toward No.9 Beech Close. In addition, the balconies are not of a size which would facilitate large, noisy gatherings.
23. Neighbouring properties to the north, south and east would be in excess of the relevant separation distances set out within SPD Outlook, Amenity, Privacy and Daylight (2022), while the overlooking of the rear of No.92 High Road would be no more than that usually facilitated by two storey buildings in close proximity. A privacy screen would be sited at the easterly end of the balcony fronting High Road, in order to obscure the first floor side window of No.92 High Road. This window serves a bedroom which is also served by a window on the front façade. In these circumstances the substantial loss of outlook experienced by the side window would not be significantly harmful to the living conditions within the room.
24. Having sufficient regard to the fact that the appeal scheme was not refused by the Council for neighbouring amenity reasons, nor did the Inspector raise neighbouring amenity impacts as an issue at appeal stage, the similarity between the appeal scheme and the present application is such that the previous conclusions in respect of neighbouring amenity remain valid and no significant harmful impact by reason of loss of privacy, daylight or sunlight, or overbearing effect would arise to neighbouring and nearby residential occupiers.

Living conditions of future occupiers

25. As set out in the background section of this report the key issue in deciding the present application is whether the applicant has sufficiently overcome the reasons that the Inspector dismissed the previous appeal. The Inspector dismissed the previous appeal only in respect of living conditions of future occupiers (due to inadequate privacy) owing to the relationship between Flat 1

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and the pavement, and the layout of Flat 2 relative to the parking area and access to the first floor flats. Flats 1 and 2 were both proposed at ground floor level, the present application proposes only 1no. flat at ground floor level. Previously proposed Flat 1 does not form part of the present application (this floor area now mainly provides for a larger commercial unit) and the layout of the present proposal is such that previously proposed Flat 2 (now Flat 1 in the present application, at ground floor level) would benefit from sufficient privacy due to landscape buffers.

26. In deciding the appeal scheme the Inspector was clear in their appeal decision that the Planning Practice Guidance (PPG) establishes that where a Council wishes to require an internal space standard they should only do so by reference in their Development Plan to the Technical housing standards - nationally described space standard (March 2015) (the NDSS). No policies of the Development Plan which are engaged by the proposal in this case refer to the NDSS, as such it is not appropriate to make a strict assessment of the proposal against the NDSS.
27. All 3no. flats would provide one bedroom. Flat 1 (ground floor) would measure c.50 sq.m in gross internal floor area (GIA), Flat 2 would measure c.44 sq.m in GIA and Flat 3 would measure c.43 sq.m in GIA. Flat 1 is designed for two persons and Flats 2 and 3 for one person each, as such all 3no. flats nonetheless compare favourably to the NDSS which requires 50 sq.m GIA for 1b2p dwellings and 39 sq.m GIA for 1b1p dwellings (all one storey and where 1b1p have a bathroom instead of a shower room). The 3no. bedrooms are all large enough to provide a double bedroom (1b2p) or a single bedroom (1b1p).
28. All the habitable rooms of all 3no. flats would receive good levels of daylight and the layouts would provide space for cooking, eating, relaxing and sleeping, and would include built-in storage. All 3no. flats would feature open plan Living/Kitchen/Dining Rooms (LKDs), as in commonplace with much modern development. The kitchen and food preparation areas of flats 1 and 2 would be located at the rear of open plan (LKD) spaces; whilst the flats 1 and 2 kitchen and food preparation areas would likely not be directly daylight, and thus would be more reliant on artificial lighting, they would nonetheless be directly linked to well-lit open plan spaces and thus are acceptable.
29. Both of the first floor flats (flats 2 and 3) would benefit from sufficient privacy due to their first floor level nature. The bedroom of the ground floor flat (flat 1) would be served by a side facing window facing onto Beech Close, whilst Beech Close would be likely to receive less footfall than High Road for example, this side facing window would nonetheless be close to its junction with High Road and thus this is likely to be subject to some street level loss of privacy from those passing the site. However, this bedroom would also be served by a rear facing window which would be both more set into the site from the Beech Close footway and further away from its junction with High Road (where there would be less footfall), it would face out over a soft landscaped area and thus would be more private and afforded an acceptable level of outlook. As such the flat 1 bedroom would benefit from an acceptable level of privacy notwithstanding that future occupiers may resort to the use of blinds and curtains to screen street level views into the side-facing window.
30. The open plan LKD of flat 1 would also benefit from both side and rear facing windows. Again, whilst the side-facing windows are likely to be subject to some

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street level loss of privacy from those passing the site the rear facing windows which would be both more set into the site from the Beech Close footway and further away from its junction with High Road (where there would be less footfall), the rear facing windows would face out over a soft landscaped area and thus would be more private and afforded an acceptable level of outlook. As such the flat 1 LKD would benefit from an acceptable level of privacy notwithstanding that future occupiers may resort to the use of blinds and curtains to screen street level views into the side-facing windows.

31. The access to the first floor flats would be through a door that would be close to the LKD windows of the ground floor flat. Whilst this would be the case this relationship would be much less likely to give rise to significant loss of privacy to the occupiers of the ground floor flat than was the case with the appeal scheme whilst the less cramped arrangement of parking spaces and pedestrian access to the first floor flats would not force people to walk very close to the windows of the ground floor flat, as was the case with the appeal scheme. Moreover, the windows of the ground floor flat would now face out onto a soft landscaped area, as opposed to directly onto the parking area as was the case with the appeal scheme. Parking space no.1 would also be much further away from the windows of the ground floor flat than was the case with the appeal scheme.
32. For the above reasoning the applicant has sufficiently overcome the reasons that the Inspector dismissed the previous appeal.
33. All 3no. flats would be dual-aspect. The habitable rooms of flats 1 and 2 would either face south-west and/or north-west and as such would benefit from good levels of sunlight throughout the day. The open-plan LKD area of flat 3 would be dual-aspect, including a north-west aspect which would lead onto a small balcony, this north-west aspect would benefit from direct sunlight, particularly towards the end of the day when occupiers are most likely to be preparing food/dining. Whilst the bathroom and bedroom of flat 3 would face north-east, the bathroom is a non-habitable room and sunlighting is less important to bedrooms than to LKDs for example. In any event the internal arrangement of flat 3 remains as per the appeal scheme (in which it was flat 4).
34. In respect of external amenity provision SPD Outlook, Amenity, Privacy and Daylight (2022) states (at para 3.12) that "*Non family accommodation will be taken to mean studio and one bedroom flats and any other forms of dwellings of less than 61sqm. internal floorspace...*" All 3no. flats would provide one bedroom and 50 sq.m gross floorspace or less, as such all would be non family accommodation. The SPD states (at para 3.14) that "*Whilst there is no specific requirement for private amenity provision, sufficient space will be required around all dwellings to provide for shared amenity and to provide an appropriate setting for the building*". The approach to external amenity provision remains similar to previous PLAN/2021/0281 with one of the first floor flats benefitting from two balcony areas and it being likely that occupiers of the ground floor flat would make some use of the soft landscaped area onto which the flat would face, this area being larger in area than with the refused scheme. It is also very highly material that previous PLAN/2021/0281 was not refused by the Council for external amenity provision reasons, nor did the Inspector raise external amenity provision as an issue at appeal stage.

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35. Overall, for the above reasoning, the applicant has sufficiently overcome the reasons that the Inspector dismissed the previous appeal and the proposed development would provide a good standard of amenity for future occupiers.

Highways and parking

36. The NPPF (Section 9) promotes sustainable transport. Paragraph 110 of the NPPF states that, in assessing specific applications for development it should be ensured that, inter alia, *“appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location [and that] any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*
37. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. Policy CS18 of the Woking Core Strategy (2012) aims to locate most new development within the main urban areas, served by a range of sustainable transport modes, such as public transport, walking and cycling and sets out that that minimum car parking standards will be set for residential development (outside of Woking Town Centre), as in this instance. Accordingly, SPD Parking Standards (2018) sets out minimum residential parking standards.
38. In respect of parking the present application includes 2no. on-site residential parking spaces, this accords with the minimum residential standards set out by SPD Parking Standards (2018) which require 0.5 spaces for each 1 bedroom flat (i.e., 0.5 spaces x 3 flats = 1.5 spaces). The site also falls within Byfleet Local Centre, within which the provision of residential parking at the minimum standards set out by SPD Parking Standards (2018) is considered to be appropriate given that Table 2 (Hierarchy of Centres) of the Woking Core Strategy (2012) identifies that *“Local centres vary in size...Primarily provide a local convenience and service function for the surrounding residential areas. Serve the day-to-day needs of the residents in the immediate surrounding area”* and that the opening text to Policy CS4 of the Woking Core Strategy (2012) states (at para 4.22) that *“Local Centres all have primary schools and churches which give them a focus and sense of community. They vary in size from Byfleet and Knaphill (in the east and west of the Borough respectively) which are the largest, to Sheerwater and Goldsworth Park which are the most compact”* (emphasis added).
39. The proposed development has been considered by the County Highway Authority (Surrey County Council) who, having considered the application on highway safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted: conditions 08 (provision and retention of parking spaces) and 09 (cycle parking). Whilst the highways related comments within letters of objection are noted previous PLAN/2021/0281 was not refused by the Council for highways reasons, nor did the Inspector raise highways impacts as an issue at appeal stage. It is very highly material that the vehicular access to, and location of, the on-site parking spaces remains very similar to previous PLAN/2021/0281. Whilst 2no. parking spaces are now proposed, as opposed to the 3no. parking spaces proposed under PLAN/2021/0281, this reflects the reduction in the number of flats from 4no. to

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3no. and also the changes the applicant has made in order to overcome the reason the Inspector dismissed the previous appeal.

40. Whilst previous PLAN/2021/0281 was wholly reliant on external cycle stores to accommodate secure and sheltered cycle parking the present proposal includes an internal cycle store at ground floor level. Recommended condition 11 can secure details of the type of cycle stand etc. within this store and the provision and retention of cycle storage facilities. In respect of electric vehicle (EV) charging points section 6.1 of SPD Climate Change (2013) sets EV charging point standards, inter alia, for "*development with parking spaces intended for...flats and housing with communal facilities of 20 or more parking spaces*", the proposed development would provide 2no. parking spaces and therefore there is no policy basis to require a minimum provision of EV charging points. However, this would not prevent the developer, at their discretion, from providing EV charging points.

Flooding and water management

41. Policy CS9 of the Woking Core Strategy (2012) states, inter alia, that "*the Council expects development to be in Flood Zone 1 as defined in the SFRA*". Paragraphs 159-169 (incl.) of the NPPF relate to planning and flood risk.
42. The site falls within Flood Zone 1 (low risk), as identified on the Flood map for planning, and therefore no fluvial flood issues arise. The Strategic Flood Risk Assessment (SFRA) (November 2015) identifies part of the site to be at a 'Medium' risk of surface water flooding with areas identified as being at 'High' risk of surface water flooding adjoining the site (to the south-west). Due to the size, type and location of the proposed development the Council's Drainage and Flood Risk Team raise no objection subject to a condition securing details and implementation of a surface water drainage scheme for the site based on sustainable drainage principles. Subject to recommended condition 03 the proposal accords with Policy CS9 of the Woking Core Strategy (2012), the SFRA and the provisions of the NPPF in respect of flooding and water management.
43. It is very highly material that previous PLAN/2021/0281 was not refused by the Council for flooding and water management reasons, nor did the Inspector raise flooding and water management as an issue at appeal stage.

Thames Basin Heaths Special Protection Area (TBH SPA)

44. The Thames Basin Heaths Special Protection Area (TBH SPA) is an internationally important site of nature conservation and has been given the highest degree of protection under the Conservation of Habitats and Species Regulations 2017, technical changes to which have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 following EU exit. As such EU exit has no bearing on the protection afforded to the TBH SPA.
45. 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

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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 kilometres of the TBH SPA boundary.

46. Policy CS17 of the Woking Core Strategy (2012) states that "*New residential units within five km of an SPA will be required to provide or contribute to the provision and improvement of Strategic Alternative Natural Greenspace (SANG) which is a component of Green Infrastructure and also its Strategic Access Management and Monitoring (SAMM). This land will be used to mitigate the impact and effect of residential development on the SPA, by providing informal recreation land of appropriate quality across Woking Borough*".
47. Policy CS8 of the 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 proposal would require a SAMM financial contribution of £1,749 (i.e., £583 x 3) for the proposed 3no. one-bedroom dwellings. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM contribution is secured through a Section 106 Legal Agreement. For the avoidance of doubt sufficient SANG at Horsell Common has been identified to mitigate the impacts of the proposed development. On 13 May 2022 the applicant entered into a Section 106 Legal Agreement to secure the relevant SAMM contribution, as such the proposal accords with Policies CS8 and CS17 of the Woking Core Strategy (2012), Saved policy NRM6 of the South East Plan 2009, the Conservation of Habitats and Species Regulations 2017 (as amended), the Updated Thames Basin Heaths Avoidance Strategy (February 2022) and the provisions of the NPPF.

Affordable housing

48. 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. However, Paragraph 64 of the NPPF states that "*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*".
49. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that more significant weight should be afforded to Paragraph 64 of the NPPF. The proposal is not major development and is not within a designed rural area, therefore no affordable housing contribution is sought.

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Energy and water consumption

50. The Planning and Energy Act 2008 allows Local Planning Authorities to set energy efficiency standards in their Development Plan policies that exceed the energy efficiency requirements of the Building Regulations. However, such policies must not be inconsistent with relevant national policies for England. A Written Ministerial Statement to Parliament, dated 25th March 2015, set out the Government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the (now abolished) Code for Sustainable Homes - this is approximately 19% above the requirements of Part L1A of the Building Regulations. This is now reiterated in Planning Practice Guidance (PPG) on Climate Change, which supports the NPPF. Therefore, whilst Policy CS22 of the Woking Core Strategy (2012) sought to achieve zero carbon standards (as defined by the Government) from 2016, standards have been 'capped' at a 19% uplift in Part L1A Building Regulations standards in accordance with national planning policy and national zero carbon buildings policy.
51. The Local Planning Authority requires all new residential development to achieve, as a minimum, the optional requirement set through Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. These requirements will be secured via recommended conditions 04 and 06.

Local Finance Considerations

52. The Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council as a primary means of securing developer contributions towards infrastructure provision in the Borough. In this case, the relevant CIL charge would be £18,907.34.

Conclusion

53. In conclusion, the principle of development (including density), and housing mix, are acceptable. Furthermore, subject to recommended conditions, the proposed development is considered to result in acceptable impacts in respect of character and appearance, neighbouring amenity, living conditions of future occupiers, highways and parking, flooding and water management, affordable housing, energy and water consumption. Subject to securing the provision of the SAMM tariff (through a S106 Legal Agreement) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The applicant has sufficiently overcome the reasons that the Inspector dismissed the previous appeal.
54. The proposed development therefore accords with Sections 2, 4, 5, 7, 9, 11, 12, 14 and 15 of the NPPF, Policies CS1, CS4, CS7, CS8, CS9, CS10, CS11, CS12, CS17, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (DMP DPD) (2016), SPDs Design (2015), Outlook, Amenity, Privacy and Daylight (2022), Parking Standards (2018), Climate Change (2013) and

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Affordable Housing Delivery (2014), the PPG, the NDG, the SFRA, South East Plan (2009) (saved policy) NRM6, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Updated Thames Basin Heaths Avoidance Strategy (February 2022).

BACKGROUND PAPERS

Appeal decision ref: APP/A3655/W/21/3282313 & PLAN/2021/0281 file

Site visit photographs

x6 Letters of representation

Consultation response from Drainage and Flood Risk Team (WBC)

Consultation response from County Highway Authority (SCC)

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	£1,749 SAMM (TBH SPA) contribution.	To accord with Policies CS8 and CS17 of the Woking Core Strategy (2012), Saved policy NRM6 of the South East Plan 2009, the Conservation of Habitats and Species Regulations 2017 (as amended), the Updated Thames Basin Heaths Avoidance Strategy (February 2022) and the provisions of the NPPF.

RECOMMENDATION

Grant planning permission subject to the following conditions and SAMM (TBH SPA) contribution secured by way of S106 Legal Agreement:

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

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

02. The development hereby permitted must be carried out only in accordance with the following approved plans numbered / titled:

20171 S201 Rev - (Location Plan), dated 04.03.22 (rec'd by LPA 17.03.2022)

20171 P201 Rev - (Site Plan Ground Level), dated 04.03.22 (rec'd by LPA 17.03.2022)

20171 P202 Rev - (Site Plan Roof Level), dated 04.03.22 (rec'd by LPA 17.03.2022)

20171 P210 Rev - (Proposed Floor Plans and Roof Plan), dated 04.03.22 (rec'd by LPA 17.03.2022)

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20171 P211 Rev - (Proposed Elevations), dated 04.03.22 (rec'd by LPA 17.03.2022)

20171 P215 Rev - (Proposed Street Scene), dated 04.03.22 (rec'd by LPA 17.03.2022)

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

03. ++ No works pursuant to the development hereby permitted (other than demolition to ground level) must be undertaken until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must demonstrate that the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event. The drainage scheme details to be submitted for approval must also include:
- i. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.
 - ii. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and that any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.
 - iii. Detailed drainage plans showing where surface water will be accommodated on site.
 - iv. A management and maintenance plan for the lifetime of the development which must include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The surface water drainage scheme must be fully implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter be permanently managed and maintained in accordance with the approved details.

Reason: To ensure that surface water is addressed having regard to the resulting additional built footprint and the existence of areas identified by the Strategic Flood Risk Assessment (SFRA) as being at risk of surface water flooding within and adjacent to the site in accordance with Policy CS9 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF). This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site (other than demolition to ground level).

04. ++ No works pursuant to the development hereby permitted (other than demolition to ground level) must be undertaken until written evidence has been

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submitted to and approved in writing by the Local Planning Authority demonstrating that dwellings within 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 must 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 must be in the form of a Design Stage water efficiency calculator.

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

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), SPD Climate Change (2014) and the provisions of the National Planning Policy Framework (NPPF). This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site (other than demolition to ground level).

05. ++ Notwithstanding any details shown on the approved plans listed within condition 02 of this notice, nor any details submitted with the application, prior to the application/installation of external facing materials to the development hereby permitted full details of all external facing materials must be submitted to and approved in writing by the Local Planning Authority. The submitted details must include specifications of all external facing materials including window/door frame material/RAL colour(s), roof covering materials, masonry (including details of brick and mortar types/colours) and rainwater goods. The details must accord with the type and quality of materials indicated within the application. The development hereby permitted must thereafter be carried out and permanently maintained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the development respects and makes a positive contribution to the street scene and the character of the area in which it is situated in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the National Planning Policy Framework (NPPF).

06. ++ The development hereby permitted must not be first occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that dwellings within the development have:

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- 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 must 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 must be in the form of the notice given under Regulation 37 of the Building Regulations.

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

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), SPD Climate Change (2014) and the provisions of the National Planning Policy Framework (NPPF).

07. ++ Notwithstanding any details shown on the approved plans listed within condition 02 of this notice the development hereby permitted must not be first occupied until hard and soft landscaping has been implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The submitted details must include:
- a) details of any proposed tree planting including location, species and planting size(s);
 - b) soft planting, grassed/turfed areas, hedges, shrubs and herbaceous areas detailing species, planting sizes and numbers/densities;
 - c) hard landscaping, including specifications of all ground surface materials; and
 - d) details of any alterations to existing boundary treatments and details of any new boundary treatments.

All plantings must be completed in accordance with the approved details during the first planting season following practical completion of the development hereby permitted or in accordance with a programme otherwise first agreed in writing with the Local Planning Authority. Any new planting which dies, is removed, becomes severely damaged or diseased within five years of planting must be replaced during the following planting season. Unless further specific written permission has first been given by the Local Planning Authority replacement planting must be in accordance with the approved details.

Reason: To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), SPD Design (2015) and the provisions of the National Planning Policy Framework (NPPF).

08. The development hereby permitted must not be first occupied until space has been laid out within the site in accordance with the approved plans listed within condition 02 of this notice for vehicles to be parked. Thereafter the parking area(s) must be permanently retained and maintained for their designated purpose for the lifetime of the development.

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Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the National Planning Policy Framework (NPPF).

09. ++ The development hereby permitted must not be first occupied until facilities for the secure parking of bicycles within the ground floor level cycle store shown on the approved plan numbered/titled 20171 P210 Rev - (Proposed Floor Plans and Roof Plan) have been provided in accordance with details (including type of cycle stand) which have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities must thereafter be permanently retained and maintained for the lifetime of the development.

Reason: To promote more sustainable modes of transport than the private motor vehicle in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the provisions of the National Planning Policy Framework (NPPF).

10. The bin storage shown at ground floor on the approved plan numbered/titled 20171 P210 Rev - (Proposed Floor Plans and Roof Plan) must be provided prior to the first occupation of the development hereby permitted and thereafter made permanently available for its intended purpose for the lifetime of the development hereby permitted.

Reason: To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the general amenity of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the provisions of the National Planning Policy Framework (NPPF).

11. The development hereby permitted must not be first occupied unless and until the privacy screen on the northerly balcony has been installed as shown on the approved plans listed within condition 02 of this notice. Once installed the screen must be permanently retained in that condition unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenity of the neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Outlook, Amenity, Privacy and Daylight (2022) and the provisions of the National Planning Policy Framework (NPPF).

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.
02. The applicant's 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.

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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 exemptions), it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from:

http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available on the Council's website at:

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

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

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

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

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

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

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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 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. This decision notice should be read in conjunction with the related Section 106 Legal Agreement.
09. The planning permission hereby granted must not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs