

12 DECEMBER 2023 PLANNING COMMITTEE

6b PLAN/2023/0500

WARD: Canalside

LOCATION: 26 Eve Road, Woking, Surrey, GU21 5JT

PROPOSAL: Subdivision of existing dwelling into 2 dwellings and erection of a part two storey, part single storey rear extension, rear dormer, front canopy, insertion of front rooflights and installation of external rendered insulation.

APPLICANT: Mazhar

OFFICER: Brooke
Bougnague

REASON FOR REFERRAL TO COMMITTEE

The application has been called to planning committee by Cllr Aziz for consistency as other applications have been granted on the other side of the road.

SUMMARY OF PROPOSED DEVELOPMENT

Subdivision of existing dwelling into 2 dwellings and erection of a part two storey, part single storey rear extension, rear dormer, front canopy, insertion of front rooflights and installation of external rendered insulation.

Site Area:	0.02 ha
Existing dwelling(s):	1
Proposed dwellings:	2
Existing density:	50dph (dwellings per hectare)
Proposed density:	100dph

PLANNING STATUS

- Priority Places
- Thames Basin Heaths SPA ZoneB (400m-5km)
- Surface water flooding – Medium

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The application site is a two storey double fronted semi detached dwelling dating from the Victoria/Edwardian era. The surrounding area is characterised by terraced and semi detached dwellings and is relatively high density in nature.

PLANNING HISTORY

None relevant

CONSULTATIONS

SCC Highways: No objections

Local Lead Flood Authority: No objection subject to conditions

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REPRESENTATIONS

None received

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2023)

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough
CS8 - Thames Basin Heaths Special Protection Areas
CS7 - Biodiversity and nature conservation
CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing mix
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25- Presumption in favour of sustainable development

Development Management Policies Development Plan Document (2016):

DM10 - Development on Garden Land

South East Plan 2009 (Saved policy):

NRM6 - Thames Basin Heaths Special Protection Areas

Supplementary Planning Documents:

Design (2015)
Parking Standards (2018)
Outlook, Amenity, Privacy and Daylight (2022)
Climate Change (2013)

Other Relevant Guidance and Legislation:

Planning Practice Guidance (PPG) (online resource)
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)
Technical Housing Standards - Nationally Described Space Standard (NDSS) (March 2015)

PLANNING ISSUES

Principle of development

1. The site lies within the designated Urban Area, as defined by the Council's Proposals Map, and is within residential use as existing. Both the National Planning Policy Framework (NPPF) and Policy CS25 of the Woking Core Strategy (2012) 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, with an indicative number of 750 net additional dwellings as infill development in the rest of the Urban Area (i.e., outside of Woking Town Centre/West Byfleet District Centre/Local Centres etc), as is applicable in this instance, whereby an indicative density range of 30 - 40dph is set out by the policy.

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Impact on character

2. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to *'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'*.
3. Policy DM10 of the DM Policies DPD (2016) permits sub-division of existing plots providing the proposed development *'...does not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area'*, *"the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area"* and *"suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality'*. The subdivision of existing plots can be considered acceptable in the Urban Area where the resulting plot sizes and widths are reflective of the prevailing grain and pattern of development in the area.
4. The proposal is to sub-divide the existing semi-detached dwelling into 2x two storey dwellings and the associated subdivision of the plot. The proposal also includes the erection of a part two storey, part single storey rear extension and a rear dormer window extension. Eve Road is predominately residential in character and is characterised by pairs of semi-detached Victorian and Edwardian dwellings as well as terraced dwellings and purpose-built flats. The application site has a relatively wide plot of approximately 10m, there are a mix of plot widths in the area ranging from 5m to 10m. It is considered that the proposed plot widths of approximately 4.5m and 5.5m would not detract from the character of the area and are considered consistent with the prevailing grain and pattern of development in the area. No.35 Eve Road sited to the north east of the application site is a similar house to the proposal site and was granted planning permission for a similar plot subdivision and extensions under planning application ref: PLAN/2018/0166.
5. The alterations to the frontage would involve replacing the existing single front door with a pair of front doors and an enlarged porch canopy which is considered relatively minor and a visually acceptable alteration. The proposal also includes installing external wall insulation and finishing the property in render which would result in the property having a similar appearance to the property at No.35 Eve Road. It is considered that the alterations would not have a significant impact on the character and appearance of the streetscene or host dwelling.
6. The proposal includes a part two storey, part single storey rear extension and rear dormer window. The proposed dormer window is a large addition to the roofscape, it would be sited to the rear of the property and there are other large dormers along Eve Road. The single storey element of the extension would be approximately 5m deep and the first floor would be approximately 3.6m deep. The single storey element would be sited adjacent to the boundary with No.24 Eve Road with the first floor set in approximately 1.7m from the west side boundary. The extension is a large addition to the host dwelling, however the extension would be sited to the rear of the property and would not be visible from Eve Road. Overall, it is considered that the extensions would not detract from the character and appearance of the streetscene or host dwelling.

Impact on Neighbours

7. Policy CS21 of the Woking Core Strategy 2012 states that *'proposals should...achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms*

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of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook'.

8. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) advises that privacy is *'the protection of habitable rooms and intimate areas of private outdoor amenity from being directly overlooked'*. Appendix 1 also provides details of the recommended minimum separation distances for achieving privacy. For three storey dwellings (which includes dormers windows) the rear to rear elevation separation distance is 30m and for rear elevation to rear boundary the distance is 15m.
9. No.33 Eve Road is sited to the north of the application site. Four rooflights are proposed in the north elevation orientated towards No.33 Eve Road. There is an approximate 17.6m separation distance which complies with Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022). It is considered that there would not be a significant loss of daylight, overbearing impact or loss of privacy to No.33 Eve Road.
10. No.28 Eve Road is sited to the east of the application site. The proposed extension would be approximately 5m deep at ground floor and 3.6m deep at first floor and sited approximately 1m from the east boundary and 2.3m from the property at No.28 Eve Road. In the rear elevation of No.28 Eve Road there are three windows and a door at ground floor and three first floor windows. The 45 degree test has been applied and passed, it is considered that the proposal would not have a significant loss of daylight to this property. Due to the separation distance it is considered that the proposal would not have a significant overbearing impact on No.28 Eve Road. No windows are proposed in the side elevation of the extension orientated towards No.28 Eve Road, had the application been considered acceptable a condition could have restricted the insertion of windows in the east side elevation to retain the privacy of No.28 Eve Road. Two windows (kitchen at ground floor and bathroom at first floor) are proposed in the east side elevation of the existing dwelling orientated towards No.28 Eve Road. There are no windows in the side elevation of No.28 Eve Road orientated towards the application site. Due to the position of the first floor window had the application been considered acceptable a condition could have required the window to be obscure glazed and top opening only to retain the privacy of No.28 Eve Road.
11. The proposal includes a part two storey, part single storey rear extension. The ground floor element would be approximately 5m deep and would be sited adjacent to the boundary with attached property No.24 Eve Road. The extension would have an eaves height of approximately 3m and maximum height of approximately 3.7m. The first floor element would be set in a minimum of approximately 1.7m from the boundary. There is a ground floor window in the rear elevation of No.24 Eve Road sited close to the boundary which serves a kitchen. The 45 degree test has been applied and marginally failed however due to the size of the kitchen there is no space for a seating area and would therefore be solely used for cooking purposes it is considered that there would not be a significant loss of daylight to the room. The 45 degree test has been applied to a first floor bedroom window and passed. Overall, it is considered that the proposal would not have a significant loss of daylight to No.24 Eve Road. No windows are proposed in the west side elevation orientated towards No.24 Eve Road, had the application been considered acceptable a condition could have restricted the insertion of windows to retain the privacy of No.24 Eve Road. Due to the hipped roof of the ground floor element and set in of the first floor extension it is considered that the proposal would not have a significant overbearing impact on No.24 Eve Road.
12. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) recommends that the separation distance for three storey development (which includes rear dormer windows) with rear facing windows, from rear to rear should be 30m and that

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the distance from rear elevation to rear boundary should be 15m. No.26 and No.28 Arnold Road are located directly to the rear (south) of the application site. The proposed dormer would result in a minimum rear to boundary separation distance of approximately 14.4m and minimum rear to rear elevation separation distance of approximately 24.6m which falls short of the recommended rear to rear separation distance. The windows in the rear dormer would serve ensembles and landings and therefore had the application been considered acceptable a condition could have required these windows to be obscure glazed and top opening only to retain the privacy of No.26 and No.28 Arnold Road and reduce overlooking. The proposed two storey rear extension would comply with the minimum separation distances and would not result in a significant loss of privacy or overlooking to No.26 and No.28 Arnold Road. Due to the separation distance it is considered that the proposal would not result in an overbearing impact on No.26 and No.28 Arnold Road.

13. Overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) and the policies in the NPPF.
14. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Standard of accommodation:

15. The proposed three bedroom dwellings would have internal floor areas of 100sqm which is consistent with the recommended minimum standards set out in the National Technical Housing Standards (2015). The proposed dwellings are considered to achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms.
16. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) provides minimum recommended garden amenity areas. Dwellings with two or more bedrooms and over 70sqm in floorspace should provide a suitable area of private garden amenity in scale with the building but generally no smaller than the building footprint (depending on existing context).
17. Plot 1 would have a footprint of approximately 53sqm with a garden area of approximately 50sqm and Plot 2 would have a footprint of approximately 54sqm with a garden area of approximately 53sqm. The footprints of both Plot 1 and 2 would both be marginally larger than the area of private amenity space. It is considered that both the dwellings would have access to sufficient amenity space.
18. There is sufficient space to accommodate sufficient refuse/recycling bins.
19. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on parking:

20. Supplementary Planning Document 'Parking Standards' (2018) requires a dwelling with 4 or more bedrooms to provide a minimum of 3 onsite parking spaces and a 3 bedroom dwelling to provide 2 onsite parking spaces.
21. The existing dwelling has 4 bedrooms and would be required to provide 3 onsite parking spaces. The proposal would result in 2 x 3 bedroom dwellings that would require 4 on site parking spaces which is 1 more space than the existing parking requirements. The existing dwelling does not have any off street parking and is reliant on on-street parking on Eve

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Road which is restricted for permit holders only Monday to Saturday 09.30am to 6pm. It is considered that a shortfall of 1 parking space would not result on a significant harmful impact on parking provision locally compared to the existing situation.

22. Supplementary Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per dwelling. There is sufficient space within the rear garden of each proposed dwelling to provide sufficient cycle parking.
23. SCC Highways have undertaken an assessment in terms of the net likely additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.
24. Overall the proposal is therefore considered to have an acceptable impact on parking and accords with Supplementary Planning Document 'Parking Standards' (2018) and the policies in the NPPF.
25. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on Flood Risk and Drainage:

26. Policy CS9 of the Woking Core Strategy (2012) states that '*The Council will determine planning applications in accordance with the guidance contained within the NPPF. The SFRA will inform the application of the Sequential and Exceptional Test set out in the NPPF*'. Policy CS9 also states that '*The Council expects development to be in Flood Zone 1 as defined in the SFRA*' and that '*A Flood Risk Assessment will be required for development proposals within or adjacent to areas at risk of surface water flooding as identified in the SFRA*'. Paragraph 159 of the NPPF (2023) states that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)*'.
27. The site is within Flood Zone 1 and is not therefore at risk from fluvial flooding. However, the Council's Strategic Flood Risk Assessment (SFRA) (November 2015) identifies parts of the application site to be at a medium risk of surface water flooding. The part of Eve Road sited to the north of the application site is at risk of high and medium surface water flooding.
28. Paragraph 161 of the NPPF (2023) requires a sequential approach to the location of development taking account of the potential and future risk of all sources of flooding, to avoid, where possible, flood risk to people and property. The proposed development would result in one new dwelling and new residential occupiers living in an area at medium risk of surface water flooding, with sole access to those dwellings taking place across an area of medium and high surface water flood risk.
29. Paragraph 162 of the NPPF (2023) states that '*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding*' (emphasis added). If it is not possible for a development to be located in areas with a lower risk, the exception test may have to be applied. This approach is consistent with Policy CS9 of the Woking Core Strategy (2012).
30. The Planning Practice Guidance (PPG) advises that the sequential approach "*is designed*

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to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding" (Paragraph: 023, Reference ID: 7-023-20220825, Revision date: 25 08 2022) (emphasis added). The development would be sited on land at medium risk of surface water flooding, and with sole access to the two proposed dwellings taking place across an area with medium and high surface water flood risk; the sequential test is therefore required.

31. The application is accompanied by a Flood Risk Assessment (FRA) but not a Sequential Test. The FRA advises that the application site is at low risk of surface water flooding and assessed the site on this basis. However, both the Environment Agency's Surface Flood maps and the SFRA show the application site at risk of medium surface water flooding. The FRA proposes a water exclusion strategy to mitigate against surface water flood risk which *'in this instance aims to prevent floodwater from entering the ground floor by using flood resistant techniques (dry-proofing) up to the flood level of 28.60m AOD (i.e. 0.38m above the ground floor)*'. This includes installing a damp proof membrane within the floor, use of water resistant paints across external walls and use of movable flood barriers across doorways and windows up to 0.38m above ground floor. The FRA also proposes to regrade the rear garden of the application site to provide sufficient flood compensation for the lost volume due to the footprint of the proposed extension.
32. With regards to access and egress the FRA also acknowledges that during flood event the *'hazard to people would therefore be Dangerous for Most for 167m, Dangerous for Some for 10m then Very low thereafter'* which would make evacuation dangerous.
33. A recent appeal decision dated 3 October 2022 (Appeal Ref: APP/L3625/W/21/3286824) in Reigate and Banstead Borough is also relevant. Whilst this appeal decision relates to another Borough the surface water flood risk issue at hand is comparable to the present application. At paragraph 8 the Inspector states that *"The development would be on land at medium risk of surface water flooding, so the sequential test is required"* and (at paragraph 9) that *"No sequential test has been provided. That the flood depth may be no more than 300mm in the medium risk scenario does not mean it is not in an area of medium flood risk on the SWFM [Surface Water Flood Map]"* and that *"the PPG (7-023-20220825) advises that even if a flood risk assessment shows a development can be made safe without increasing risk elsewhere, the sequential test still needs to be satisfied"* (emphases added).
34. At paragraph 10 the Inspector states *"That the site lies within the lowest probability of river and sea flooding, is at negligible risk of groundwater flooding, there are no recorded incidents of sewer surcharge, is at minimal risk of reservoir flooding, does not obviate the need for the sequential test. Although it is suggested there could be a future drainage betterment, the evidence does not demonstrate the appeal scheme would be removed from an area at medium risk of flooding, or how this would be achieved in the design. Matters such as flood resistant design measures are matters to be dealt with after the sequential test has been passed. The evidence does not demonstrate there are no other appropriate sites reasonably available in areas with a lower flood risk. Consequently, the sequential test is not satisfied"*.
35. Another recent appeal decision dated 13 October 2023 (APP/D1265/W/23/3316590) is also relevant. The Inspector states the following at paragraphs 5, 6 and 7: *'Measures are proposed within the appellant's Drainage and Flood Risk Statement to mitigate against flood risk. These include that the finished floor levels of the proposed dwelling and patio would be set to a height above 300mm. A surface water drainage system is also proposed, connecting to the system within the garden of No 27 itself.*

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Alternatively, if this connection cannot be secured, agreement would be sought with Wessex Water for discharge of water into the public system.

On this basis, the Council's Drainage Engineer did not object to the proposal. The Local Lead Flood Authority (LLFA) also did not object and recommended a pre-commencement condition to secure these measures. However, the Planning Practice Guidance¹ (PPG) makes clear that where flood risk is a consideration, the decision-making process should first consider avoidance.

Furthermore, even with a planning condition securing mitigation measures, and in circumstances where the proposal could be made safe throughout its lifetime, the PPG advises that the National Planning Policy Framework (the Framework) and its sequential test must be satisfied. This requires the appellant to show that there are no other sites appropriate for the proposal within an area at a lower risk of flooding. As such, only if no other sites are available should control and mitigation in respect of site-specific measures be considered'.

36. The information submitted by the applicant is insufficient to enable the Local Planning Authority to determine that the sequential test is passed. There is no evidence to demonstrate that there are no other appropriate sites reasonably available in areas with a lower flood risk from all sources. Consequently, the sequential test cannot be satisfied. That the application site lies within the lowest probability of fluvial (i.e., river and sea) flooding does not obviate the need for the sequential test due to surface water flood risk. Even in the event that there could be a future drainage betterment, no evidence has been provided to demonstrate the proposed development would be removed from an area at risk of surface water flooding, or how this would be achieved in the design. Matters such as flood resistant design measures are matters to be dealt with after the sequential test has been passed.
37. Whilst the Lead Local Flood Authority (LLFA) (Surrey County Council) have raised no objection to the present application, providing that a surface water drainage condition is attached, the LLFA are a consultee on planning applications (as opposed to the decision-maker) and only consider surface water issues, the LLFA will not have considered fluvial flood risk and/or the application of the sequential test in preparation of their consultation response. The sequential test is applied by the LPA based on submissions made by the applicant (of which there are none in this instance) and any pertinent advice.
38. It is noted that an application for a similar development at No.35 Eve Road (ref: PLAN/2018/0166) was permitted on 09.10.2018. No.35 Eve Road is in an area with very high, high and medium surface water flooding. This application was determined in accordance with planning policy and guidance including the PPG that were adopted and relevant at the time of determination. On 25th August 2022 the Flood Risk and Coastal Change section of the PPG was updated including when/how the sequential and exception tests should be applied to improve speed, certainty and effectiveness and surface water flood risk and how it should be considered and addressed. Upon publication, the updated PPG came into immediate effect and is therefore a material consideration in the determination of the present application.
39. The proposed development would result in one additional dwelling on land which is at medium risk of surface water flooding and would be wholly reliant on access/egress across land which is at high and medium risk of surface water flooding (as identified in the Council's Strategic Flood Risk Assessment (November 2015)). In the absence of information to demonstrate that the sequential test is satisfied, the proposed development conflicts with the aims of Policy CS9 of the Woking Core Strategy (2012) which requires that proposals must avoid areas at risk of flooding where possible and prioritise

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development in areas with the lowest risk of flooding. The proposed development also conflicts with the National Planning Policy Framework (NPPF) (2023) and paragraph 7-023-20220825 (Revision date: 25 08 2022) of the Planning Practice Guidance (the PPG).

Affordable housing:

40. 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 (2023) 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)”*. Moreover, Supplementary Planning Document Affordable Housing Delivery (2023) states (at para 5.2) that *“In taking account of the change to the NPPF and PPG as a material consideration, the council will therefore no longer require affordable housing or affordable housing financial contributions for sites of less than 10 dwellings unless the site is 0.5ha or larger.”*
41. 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 (2023) and Supplementary Planning Document Affordable Housing Delivery (2023). The proposal is not major development and is not within a designed rural area, therefore no affordable housing contribution is sought.

Energy and water consumption:

42. Policy CS22 of the Woking Core Strategy (2012) seeks to require new residential development to achieve Code for Sustainable Homes Level 5 from 2016 onwards. However, a Written Ministerial Statement to Parliament, dated 25 March 2015, sets out the Government’s expectation that any Development Plan 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 equivalent to approximately 19% above the requirements of Part L1A of the 2010 Building Regulations. This is reiterated in Planning Practice Guidance (PPG) on Climate Change, which supports the NPPF (2023).
43. Part L of the Building Regulations was updated in June 2022 and now requires an energy performance improvement for new dwellings of 31% compared to the 2010 Building Regulations. The current Building Regulations therefore effectively require a higher energy performance standard than what Policy CS22 would ordinarily require. As such, had the application been recommended for approval it would not have been necessary to recommend a condition relating to energy performance as more stringent standards are required by separate regulatory provisions (i.e., the Building Regulations).
44. However, the LPA requires all new residential development to achieve as a minimum the optional requirement set through Part G of the Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. Had the application been recommended for approval this requirement would have been secured through recommended condition.

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

45. 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

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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.

46. 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 **£1,180** based on a net gain of 1x three bedroom dwellings 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.
47. 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).

Community Infrastructure Levy (CIL)

48. The proposal would be liable to make a CIL contribution of £17,647.20 based on a net increase in floor area of 106m².

CONCLUSION

49. The proposed development would result in one additional dwelling on land which is at medium risk of surface water flooding and would be wholly reliant on access/egress across land which is at high and medium risk of surface water flooding (as identified in the Council's Strategic Flood Risk Assessment (November 2015)). In the absence of information to demonstrate that the sequential test is satisfied, the proposed development conflicts with the aims of Policy CS9 of the Woking Core Strategy (2012) which requires that proposals must avoid areas at risk of flooding where possible and prioritise development in areas with the lowest risk of flooding. The proposed development also conflicts with the National Planning Policy Framework (NPPF) (2023) and paragraph 7-023-20220825 (Revision date: 25 08 2022) of the Planning Practice Guidance (the PPG).
50. 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, 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

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(2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations").

51. The proposal is therefore contrary to the Development Plan and is recommended for refusal.

BACKGROUND PAPERS

1. Site visit photographs

RECOMMENDATION

Refuse planning permission for the following reasons:

01. The proposed development would result in one additional dwelling on land which is at medium risk of surface water flooding and would be wholly reliant on access/egress across land which is at high and medium risk of surface water flooding (as identified in the Council's Strategic Flood Risk Assessment (November 2015)). In the absence of information to demonstrate that the sequential test is satisfied, the proposed development conflicts with the aims of Policy CS9 of the Woking Core Strategy (2012) which requires that proposals must avoid areas at risk of flooding where possible and prioritise development in areas with the lowest risk of flooding. The proposed development also conflicts with the National Planning Policy Framework (NPPF) (2023) and paragraph 7-023-20220825 (Revision date: 25 08 2022) of the Planning Practice Guidance (the PPG).

02. 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:

L0.1 received by the Local Planning Authority on 05.06.2023

B.01 Rev A received by the Local Planning Authority on 05.06.2023

P.01 Rev B received by the Local Planning Authority on 05.06.2023

P.02 received by the Local Planning Authority on 05.06.2023

P.03 received by the Local Planning Authority on 05.06.2023

P.04 Rev A received by the Local Planning Authority on 05.06.2023

P.05 Rev A received by the Local Planning Authority on 05.06.2023

P.06 Rev A received by the Local Planning Authority on 05.06.2023

P.07 Rev A received by the Local Planning Authority on 05.06.2023

P.08 Rev A received by the Local Planning Authority on 05.06.2023

P.09 Rev A received by the Local Planning Authority on 05.06.2023

P.10 received by the Local Planning Authority on 05.06.2023

2. In the event that the applicant should wish to appeal against this decision a Section 106 Legal Agreement would be required to address the TBH SPA issue. A Section 106 unilateral undertaking appeal template is available to download at:

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<https://www.woking.gov.uk/planning-and-building-control/planning/policies-and-guidance/section-106-agreements>

A completed, signed version of this template should be submitted to both the Planning Inspectorate and the Local Planning Authority as soon as possible during the course of any appeal.