

## 14 JANUARY 2025 PLANNING COMMITTEE

**6B** PLAN/2024/0319

WARD: BWB

**LOCATION:** 30 - 38 High Road, Byfleet, West Byfleet, Surrey, KT14 7QN

**PROPOSAL:** Erection of a three-storey flat roof rear extension and rooftop extension to existing building to accommodate 10no residential units (Use Class C3) along with external alterations to existing building and cycle and vehicular parking with associated landscaping.

**APPLICANT:** PPD1 Limited

**OFFICER:** Barry Curran

---

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

The application is for major development and is, therefore, outside the Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

This is a full application for the erection of a three-storey extension on the rear of the existing building at 30 - 38 High Road along with the installation of a rooftop mansard extension on the two-storey section of the existing building. Both additions would accommodate 10no residential flats at ground, first and second floor level with a communal roof terrace surrounded by louvred privacy screen.

As well as the proposed extensions, it is proposed to carry out external alterations to the building, as a whole, with a red brick finish and stone heads and cills, installation of Juliet balconies to serve some of the flats along cycle and bin stores and with new landscaping around the Site, including adjacent to the High Road.

Site Area:	0.21ha (2,122 sq.m)
Existing dwelling(s):	0
Extant dwelling(s):	23
Proposed dwellings:	10 (33 including extant Prior Approval)
Existing density:	0 dph (dwellings per hectare)
Extant density:	110 dph (including extant Prior Approval)
Proposed density:	157 dph

### **PLANNING STATUS**

- Urban Area
- Byfleet Local Centre
- Byfleet Village Conservation Area
- Adjacent to Grade II Listed Building and Structure
- Adjacent to Locally Listed Buildings
- Surface water Flood Risk – Medium
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

## 14 JANUARY 2025 PLANNING COMMITTEE

### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

The application site relates to 30-38 High Road, Byfleet which occupies one of the larger plots in the immediate area located to the south of the Parvis Road roundabout with Byfleet. The site is flanked to the east by the Grade II Listed Byfleet Fire Station, to the north by Grade II Listed War Memorial, which sits on the defined Urban Open Space adjacent to the Locally Listed Arden Cottage and Tower House. The application site also lies within the Byfleet Local Centre and Byfleet Village Conservation Area. To the west of the site are Nos. 28 and 26 High Road, another Locally Listed Building with the decorative Dutch gable at No.26 acting as a canopy to the gated access point to Derisley Close which forms a particularly decorative feature along the street-scene. To the south-east is Ellis Court, a three-storey apartment building along High Road with dwellings within Derisley Close to the west and terraced dwellings and apartments within Stream Close to the south backing onto the site.

A part three-storey part two-storey flat roofed building in an office use occupies the site which was constructed in the 1970s and subsequently extended in the 1980s. The building appears as an uncharacteristically harsh one in the context of Byfleet Village which predominantly demonstrates a two-storey scale with more ornate characteristics.

### **PLANNING HISTORY**

Extensive. Most relevant listed;

- PLAN/2023/1051 - Prior Approval under Part 3, Class MA of The Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use from offices to 23no residential units (Use Class C3) on ground, first and second floors – Approved 20.03.2024
- PLAN/2021/0870 - Prior notification for a change of use from offices to 23x residential units (Use Class C3) on ground, first and second floors – Approved 18.10.2021
- PLAN/2020/0309 - Prior notification for a proposed change of use from offices (Use Class B1a) to 30x residential units (Use Class C3) on ground, first and second floors - Approved 11.05.2020
- 27806 – Erection of a 3 Storey Building Comprising Showroom or Offices on Ground Floor Offices Over and Single Storey Warehouse at Rear – July 1971
- 32067 – Office Extension – April 1974

### **PROPOSED DEVELOPMENT**

Planning consent is sought for the erection of a three-storey extension on the rear of the existing office building to measure approximately 14 metres in width, 14.5 metres in depth and stand at an overall height of 11.8 metres (including the service core/lift overrun as well as the screened rooftop garden and ASHP enclosure). This extension would accommodate 6no of the proposed flats with a stepped rear elevation.

## 14 JANUARY 2025 PLANNING COMMITTEE

A rooftop mansard extension is also proposed atop the existing two-storey element which would extend the living accommodate on this floor for an addition 4no residential flats accessed via the service core of the existing building granted a change of use under PLAN/2023/1051 but which has yet to occur.

It is also proposed to carry out a number of alterations to the existing building in line with the proposed extensions and erection of subordinate structures including;

- A red brick finish and stone heads and cills;
- Installation of Juliet balconies to serve some of the flats;
- Creation of private amenity spaces to some ground floor flats;
- Creation of communal amenity spaces at ground level and roof level;
- Air source heat pump units and enclosure at roof top level;
- Landscaping around the site including the frontage along High Road; and
- Erection of cycle and bin stores along the western boundary.

### **CONSULTATIONS**

**WBC Heritage and Conservation officer:** The view over the listed Fire Station to the new mansard extra story beyond seems to preserve the scale of the listed building. Similarly, the additional wing defers in scale to the existing development behind. The existing frontage block benefits from some cosmetic enhancement which in turn preserves the settings of the War Memorial and the listed Fire Station. No significant comments from the heritage asset viewpoint (05.09.2024)

**WBC Arboricultural Officer:** No arboricultural objections (06.09.2024)

**WBC Scientific Officer:** Having reviewed the Crossfield preliminary desk study CCL03776 CU57 - May 2024 which assesses the proposed new layout / design. The previous application Plan/2023/1051 and Synergy risk assessment was based on no changes to the external landscape of the site (to remain all hardstanding). Therefore, the response to 2023/1051 is now superseded by this response.

The Proposed Site Plan - OPTION 2 - drawing 2023-009 - PL022. Indicates private and communal soft landscape areas. Crossfield have recommended intrusive site investigation to determine the nature of the ground under the soft landscaping.

Recommend a number of conditions in the event of an approval (05.09.2024)

**WBC Environmental Health Team:** No objection to the above application on EH grounds providing a condition is attached to require the mitigation works and recommendations of the Noise Impact Assessment (NIA) report dated July 2024 by K P Acoustics Ltd to be carried out in full prior to occupation.

Recommend plant and equipment including an NIA on the proposed ASHP at roof level, condition relating to construction hours and a condition for external lighting in the event of an approval (02.12.2024)

**County Highway Authority:** The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, recommends a number of conditions be imposed in any grant of permission (03.10.2024)

## 14 JANUARY 2025 PLANNING COMMITTEE

**Surrey Wildlife Trust:** Recommend a number of condition and informatives in the event of an approval (26.11.2024).

**SuDS Team Surrey County Council:** Object to the proposed development. The proposed surface water drainage scheme does not meet the requirements set out in the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems. Insufficient information has been provided / significant issues have been identified (16.09.2024)

Following submission of updated and additional information, the proposed drainage scheme meets the requirements set out in the Flood Risk Assessment and content with the development proposed, subject to suitably worded conditions to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development (04.12.2024)

**SCC Archaeologist:** No archaeological concerns raised (09.09.2024)

**Historic England:** No advice offered (10.09.2024)

**Forestry Commission:** Advice only on policy and guidance that should form part of the planning making process (05.09.2024)

**Byfleet, West Byfleet and Pyrford Residents Association:** No comments raised.

### **REPRESENTATIONS**

106 local properties were sent neighbour notification letters of the application, in addition to the application being advertised on the Council's website and by statutory press and site notices for a major development and development affecting a Conservation Area.

A total of 6no third party letters of representation were received, 3no of which express support for the proposed development. These letters of support note that the proposal would enhance the area including the setting of the Grade II Listed Fire Station and Conservation Area.

The 3no letters of objection raise objections which are summarised as follows:

- Overlooking and loss of privacy from the proposed development on surrounding residential properties
- Overshadowing, loss of light and noise pollution
- Loss of amenity due to overshadowing from the planting of trees and vegetation along boundaries
- The Noise Impact Assessment (NIA) is adequate as it fails to assess the impact of the development on surrounding properties and only the impact on the scheme itself. This NIA also fails to take account of the noise emanating from the rooftop terrace and communal amenity spaces in all directions and existing residential properties
- Impact of the scheme on the adjacent solar panels undermining the Ellis Court investment in sustainable energy
- Impact of noise and dust associated with the construction phase of the development
- Impact on air pollution from the use of the car park
- Inaccuracies in submitted plans
- The submitted ecology report is devoid of any photos of the rear south elevation and has omitted the broken windows where animals would enter. The assessment therefore is inaccurate and was not substantiated by any evidence of the rear.

## 14 JANUARY 2025 PLANNING COMMITTEE

Where concerns raised are material planning considerations, they are addressed below.

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2024)

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- 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
- Section 16 - Conserving and enhancing the historic environment

#### South East Plan 2009 (saved policy)

- NRM6 - Thames Basin Heaths Special Protection Areas

#### Woking Core Strategy (2012)

- CS1 - A spatial strategy for Woking Borough
- CS7 - Biodiversity and nature conservation
- CS8 - Thames Basin Heaths Special Protection Areas
- CS9 - Flooding and water management
- CS10 – Housing provision and distribution
- CS11 – Housing mix
- CS12 – Affordable housing
- CS15 – Sustainable economic development
- CS18 - Transport and accessibility
- CS20 - Heritage and conservation
- CS21 - Design
- CS22 - Sustainable construction
- CS24 - Woking's landscape and townscape

#### Development Management Policies Development Plan Document (DM Policies DPD) (2016)

- DM2 - Trees and landscaping
- DM5 – Environmental Pollution
- DM6 – Air and Water Quality
- DM7 - Noise and light pollution
- DM8 - Land contamination and hazards
- DM20 - Heritage assets and their settings

#### Supplementary Planning Documents (SPD's)

- Design (2015)
- Parking Standards (2018)
- Outlook, Amenity, Privacy and Daylight (2022)
- Climate Change (2023)
- Affordable Housing Delivery (2023)

#### Supplementary Planning Guidance (SPG)

- Heritage of Woking (2000)

## 14 JANUARY 2025 PLANNING COMMITTEE

### Other Material Considerations

- Planning Practice Guidance (PPG) (online resource)
- National Design Guide: Planning practice guidance for beautiful, enduring and successful places (October 2019)
- Planning (Listed Buildings & Conservation Areas Act) 1990
- National Technical Housing Standards (2015)
- Conservation of Habitats and Species Regulations (2017)
- Thames Basin Heaths Special Protection Area Avoidance Strategy
- Circular 06/2005: Biodiversity and Geological Conservation
- Woking Character Study (2010)
- Community Infrastructure Levy (CIL) Charging Schedule (2015)

### PLANNING ISSUES

1. Where determining applications for planning permission the Local Planning Authority is required to have regard to (a) the Development Plan, so far as is material, (b) any local finance considerations, so far as is material, and (c) to any other material considerations. Local finance considerations means the Community Infrastructure Levy. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.
2. The main issues for consideration in the determination of this application are;
  - Principle of Development;
  - Compatibility of Uses;
  - Housing Mix;
  - The effect on the character and appearance of the area, including on the Byfleet Village Conservation Area and adjacent heritage assets
  - Impact on Neighbouring Residential Amenities;
  - Amenities of Future Occupiers;
  - Transport, Parking and Highways;
  - Air Quality;
  - Contamination;
  - Archaeology;
  - Landscaping;
  - Ecology and Biodiversity;
  - Flood Risk and Drainage;
  - Affordable Housing;
  - Sustainability;
  - Thames Basin Heaths Special Protection Area (TBH SPA); and
  - Local Finance Considerations.

### Principle of Development

3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.
4. The Development Plan for Woking comprises the Woking Core Strategy 2012, Development Management Policies DPD 2016, Site Allocations Development Plan

## 14 JANUARY 2025 PLANNING COMMITTEE

Documents 2021 and Policy NRM6 of the South East Plan 2009 (which is only relevant to residential development). A number of other Supplementary Planning Documents are also relevant to the consideration of this application, and these generally provide more detailed information on topic-based matters. The National Planning Policy Framework (NPPF) 2024 and PPG are also relevant material considerations.

5. The application site is located within the Byfleet Local centre, as defined by the Council's Proposals Map. The town, district and local centres of Woking Borough are experiencing significant growth and regeneration, in large part due to the constraints that affect large parts of the Borough, including Green Belt and areas covered by environmental restrictions, including the Thames Basin Heaths Special Protection Area (TBH SPA).
6. The Woking Core Strategy 2012 makes provision for the delivery of 4,964 net additional dwellings up to 2027 (i.e. the end of the present Development Plan period). Policy CS1 of the Woking Core Strategy 2012 recognises the constraints to development by stating that *"Most of the new development will be directed to previously developed land in the town, district and local centres, which offers the best access to a range of services and facilities. The scale of development that will be encouraged in these centres will reflect their respective functions and nature"*. Table 2 of the Woking Core Strategy 2012 sets out a Hierarchy of Centres within the Borough, with Byfleet Local Centre identified with the third tier of centres hierarchy, and therefore one of the areas identified for sustainable growth.
7. The National Planning Policy Framework (NPPF) 2024 supports new housing on previously developed land within the built-up Urban Area where the application site is located, as per the Council's Proposals Map. Whilst Policy CS1 sets out that most new development will be directed to previously developed land in the town, district and local centres, Policy CS1 states that: *"Whilst the preference is for the location of most new development to be in the main centres, infill development and/or redevelopment of previously developed land in the built-up area of the Borough will be acceptable in principle, subject to a full assessment of impacts where relevant and appropriate mitigation measures to make the proposal acceptable"*
8. Falling within an unallocated area within the Urban Area and, the proposed development must be assessed against Development Plan policies. Where on land outside of the Site Allocations DPD, the proposal is for the redevelopment of previously developed land (PDL) within the built-up Urban Area of the Borough and is therefore acceptable in principle, and compliant with Policy CS1, subject to a full assessment of impacts where relevant and appropriate mitigation measures to make the proposal acceptable.
9. Policy CS10 states that *"the Council will make provision for at least 4,964 net additional dwellings in the Borough between 2010 and 2027"*, and sets out the indicative number of dwellings and indicative density range expected in various zones within the Borough. The application site falls within the zone described as 'Infill development in the Local Centres'. This envisages an indicative density range of between 30-60 dwellings per hectare (dph). These density figures are, however, indicative and will be dependent on the nature of the site where higher densities than the guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of the area would not be compromised.

## 14 JANUARY 2025 PLANNING COMMITTEE

10. Prior Approval has previously been approved for the conversion of the existing office building (E Use Class) to provide 23no flats under numerous applications, the most recent of which is ref: PLAN/2023/1051. It is noted from the officer's site visit that implementation of the prior approval scheme does not appear to have commenced. The office use does not presently operate from the subject building which is vacant and has been for some time. Whilst the prior approval forms a highly material consideration in the assessment of this application, given that the prior approval has not been implemented, and the residential use has, therefore, not been established, the proposal will also be assessed as a residential extension to the office use (E use Class) of the building.
11. With the site covering approximately 0.21 hectares and current in office use, the overall existing density is 0 dph; in isolation the current proposal (based upon the proposed 10 residential flats) would amount to 48 dph, although if implemented in conjunction with the extant Prior Approval (PLAN/2023/1051), the resultant density would be 157 dph (on the basis of 33no residential flats in total). This density exceeds that of the indicative 30-60 dph as set out by Policy CS10, and is considered to be justified in this instance through the sustainability of the location within Byfleet Local Centre as well as the extant density of the Prior Approval in isolation of 110 dph. This finding is, however, reliant upon the assessment of character impacts, and other material planning considerations.
12. For comparison, the neighbouring flatted development, and residential schemes within Ellis Court and Derisley Court have density ranges of 55 dph and 87 dph respectively with the proposal above these figures. This accentuates the need to ensure that such an uplift in density is accommodated in a manner which does not compromise the character of the area and other constraints. Again, if assessed individually, the proposed extension of residential dwellings would amount to 48 dph which would be in line with those density figures of neighbouring sites. Conversely, if the scheme is carried out in conjunction with the Prior Approval then the density rises to 157 dph with the prior approval scheme demonstrating a density of 110 dph. In both scenarios, the proposal would accord with the density of the application building and neighbouring residential developments.
13. The proposal takes the form of a three-storey rear extension and roof top addition to the existing building which currently has an office use within the Byfleet Local Centre, albeit benefitting from prior approval for conversion to residential. In providing 10no net dwellings, the proposal would contribute to housing supply within this Local centre and the wider Borough and towards meeting the indicative net additional dwelling thresholds set out by Policies CS4 and CS10 of the Woking Core Strategy 2012.

### Compatibility of Uses

14. Paragraph 125 of the NPPF 2024 promotes mixed use development whilst paragraph 135 seeks to secure a high standard of amenity for existing and future users. Access to the proposed three-storey extension towards the rear can be achieved independently from the existing building being provided with a service core accessed at ground floor of this extension. The proposed rooftop mansard extension, however, can only be accessed by utilising the front entrance that would be shared by potential employees of the office use (E Use Class) on the ground floor. The layout and access to the proposed rooftop flats could only be achieved in the event that the proposed development is carried out concurrently with the Prior Approval (PLAN/2023/1051) or after this use has been commenced. It is, therefore, considered necessary to include an obligation within the legal agreement for any permission, that



## 14 JANUARY 2025 PLANNING COMMITTEE

this development should not commenced unless and until the commencement/implementation of the development approved under PLAN/2023/1051.

15. The buildings in the immediate vicinity of the site are residential and commercial (E use Class) as such there is no objection in respect of the compatibility of the proposed residential use with surrounding uses.

### Housing Mix

16. Policy CS11 of the Woking Core Strategy 2012 states that 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 (SHMA), to create sustainable and balanced communities. Policy CS11 does, however, state that the appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme. In this case the current proposal would result in 80% (8no) of 2-bedroom units and 20% (2no) of 1-bedroom units.
17. The latest West Surrey Strategic Housing Market Assessment (SHMA) (September 2015) recommends that the following mix of market housing be sought:  
  
1-bed: 10%  
2-bed: 30%  
3-bed: 40%  
4-bed: 20%
18. Whilst it is noted that the proposed mix provides only 1 and 2-bedroom units significantly weighted with 2-bedroom units, it is acknowledged that not every development site will deliver the complete mix of unit sizes. It is also noted that Policy CS11 operates, and is monitored, Borough wide. In addition, the reasoned justification to Policy CS11 notes that lower proportions of family accommodation (2+ bedroom units which may be houses or flats) will be acceptable in locations in the Borough such as the town and district centres that are suitable for higher density developments. It is considered that this indication towards higher density locations could include Local centres, particularly where high density developments currently exist. The application site lies within the Byfleet Local Centre and is considered to provide a suitable split between 1 and 2-bedroom units and, taking into account the location of the application site and the considerations of design and access, the flattened nature of the units proposed is considered to be acceptable.
19. Overall, the mix of dwelling types and sizes is considered to be acceptable and to accord with Policy CS11 of the Woking Core Strategy 2012.
20. It should be noted that the housing mix of the prior approval is outside of the remit of this planning application as housing mix is not a matter which the Local Planning Authority can consider under the provisions of the prior approval procedure. In any event, a table of the schedule of housing mix to include both the current proposed development as well as the extant Prior Approval is considered helpful in this context;

<b>Unit Size</b>	<b>2015 SHMA split of all dwellings by size</b>	<b>Proposal – Total number of dwellings by size</b>	<b>% of dwellings proposed by size</b>
<b>1-bed</b>	<b>10%</b>	16	48%
<b>2-bed</b>	<b>30%</b>	17	52%

## 14 JANUARY 2025 PLANNING COMMITTEE

<b>3-bed</b>	<b>40%</b>	0	0%
<b>4-bed</b>	<b>20%</b>	0	0%
<b>Total</b>	<b>100%</b>	33 Market Homes	<b>100%</b>

### Impact on the Character and Appearance of the Area, including the Byfleet Village Conservation Area and nearby Heritage Assets

21. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that:

*“in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*

22. Policy CS20 of the Woking Core Strategy 2012 and Policy DM20 of the DM Policies DPD 2016 both relate to heritage assets. Policy DM20 states that proposals will be required to preserve and/or enhance the heritage asset, including its setting. Both of these policies are of note as they include both statutory and non-statutory listed buildings in their definition of heritage assets.

23. The NPPF provides a number of definitions with regard to assessing the impact upon heritage assets:

*Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).*

*Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

*Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.*

24. Section 16 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. It goes on to set out that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise, and that they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

## 14 JANUARY 2025 PLANNING COMMITTEE

25. Paragraph 212 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, stating that substantial harm to, or loss of grade II listed buildings, should be exceptional.
26. The application site is within the Byfleet Village Conservation Area (BVCA), which comprises of late Victorian and early Edwardian buildings which sit at the core of the BVCA with the historical and architectural significance derived from the ornate detailing of these buildings particularly at roof level. The BVCA constitutes a number of Statutory and Non-Statutory Listed Buildings with extensive infilling and redevelopment over the decades which has somewhat diluted the original historic character. Although examples of more recent developments in the area appear dispersed throughout the BVCA, the good cross section of civic, commercial and residential properties from the late Victorian and ear Edwardian periods typifies the character of the village. It is considered that the significance of the BVCA is mainly derived from its architectural values in terms of individual buildings as well as building groups.
27. Paragraph 220 of the NPPF states that "*not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance*". Sitting in one of the more prominent positions within the BVCA given its positioning off Parvis Road and the roundabout off this arterial routeway to Byfleet, the application building sets itself out as an immediately identifiable feature in the street scape. Further to this, its current scale is already uncharacteristic with a pronounced flat roof form at three storeys in heights puncturing the skyline in the area. To compound this incompatibility with the area, its positioning to the West of the Grade II Listed Fire Station is such that there is considerable inter-visibility between the application building and the Fire Station as well as the other Grade II Listed Monument in the BVCA, the War Memorial to the north on the adjacent side of High Road. Further to this, the application building is set close to the non-statutory Locally Listed Buildings of 26 High Road to the West and Arden Cottage and Tower Court to the North all within 13-30 metres of the site.
28. There appears to be no cohesiveness of the concentration of the application building, Grade II Listed Fire Station and War Memorial and Locally Listed Buildings. Their significance, insofar, as relating to the application site appears to be derived from their historic interest and appearance and impact on the townscape moreso than being directly related to this section of the BVCA. The application building has a severe juxtaposition to the listed structures and jars significantly with their traditional fabric both in terms of scale and design. In any event, the unsympathetic building currently jars with the overall character of the BVCA as well as forming a conflicting structure in the setting of both and only Grade II Listed Building and Structure in the BVCA. Due to its nature, size, and context, the Byfleet War Memorial structure has been scoped out of the heritage impact assessment as it is not considered the memorial would experience any meaningful change to its setting or heritage significance as a result of the development proposals. In this sense, the adjacent Grade II Listed Fire Station, which in itself makes a significant contribution to the BVCA, and its proximity and presence adjacent to the application building would be the focus of heritage matters.

## 14 JANUARY 2025 PLANNING COMMITTEE

29. The existing building is a part three-storey part two-storey flat roofed building which appears as a visual oxymoron amongst the surrounding smaller scale and more ornate buildings including the flanking listed buildings. The three-storey element forms the front of the building which steps down in height to two-storeys towards the rear in an 'L-Shaped' layout. The scale and harshness of the flat roof form coupled with the dark coloured facing brick and regimental fenestration amounts to a building with little architectural or historical interest.
30. The proposal would install a rooftop mansard extension atop the existing two-storey element sitting just below the front three-storey element. This mansard addition and increase the height (discounting the ASHP enclosure) across this section of the building would raise it to approximately 10 metres and approximately 0.5 metres below the height of the three-storey element. Adopting materials such as tile hanging with lead-look finished dormers within the mansard addition, this rooftop extension would provide a contrasting 'cap' to the building on this rear section. The contrasting materials coupled with the inset nature of the mansard goes some way to reducing the bulk and visual presence of the feature and achieving a more visually lightweight element. Furthermore, the proposed dormers windows offer a degree of architectural interest with a lead look finish and proportions to reflect a pleasing pattern.
31. Towards the rear of the existing building, it is proposed to erect a part three-storey part-two storey extension creating a 'book-end' feature between the existing three-storey front element and the midsection. This rear extension would adopt a stepped form with the rear portion stepping down to two-storeys with the roof garden atop the three-storey portion set back from the edge and enclosed by louvred screening. The addition would extend 14.3 metres in total width and 14.7 metres in depth projecting just beyond the eastern side elevation of the existing building. Stepped elevations on all three sides add interest to this element and to some degree offer relief to the more rigid lines of the existing building. Adopting vertical cladding and grey slate roof tiles, the service core of the rear extension would again provide relief along the western elevation with a contrasting feature housing the overrun of the elevator shaft. It is considered that this addition provides a break with a vertical emphasis along the horizontal dominance of the western elevation.
32. In line with the proposed extensions, it is proposed to carry out alterations and additions to the existing building which in its current state includes a façade which lacks any depth and richness in detailing as described above. The most obvious alteration relates to the refacing of the building with a red brick finish, banding and stone heads and cills along with replacement windows increasing a number to facilitate Juliet balconies. Variations to the fenestration layout is considered to offer further articulation on all elevations offering more variety to the current regimental layout. Paragraph 5.332 of the Byfleet Character Area of the Woking Character Study 2010 notes that "*Older more traditional buildings are generally red brick with red/brown clay tile roofing. This includes properties along the High Street and Church Road.*" The proposed red brick finish would tie in closer with the surrounding buildings and importantly the neighbouring Grade II Listed Fire Station, Nos. 26 and 28 High Road as well as the more dominant Ellis Court to the east.
33. Ground works are also proposed around the building including enhancement to the frontage in the form of landscaping, low level metal railings and what appears to be a portion of the site sectioned and allocated to the Fire Station along the eastern boundary of the site. Landscaping is also proposed along this eastern edge to serve as amenity space to ground floor flats which wraps around the rear of the building. This amenity provision appears to be bolstered by the planting of vegetation along

## 14 JANUARY 2025 PLANNING COMMITTEE

the front, side (eastern) and rear of the site, details of which can be secured by way of planning condition.

34. The additional units are to be accommodated by upwards roof extension and three-storey rear extension towards the mid-section and rear of the building as well as roof mansard. Whilst the NPPF supports upwards additions, this is subject to such extensions being consistent with prevailing heights, form of neighbouring properties and overall street scene. The proposed extensions seek to match the height of the existing building. The scale and massing of the building would increase at roof level thereby increasing its presence particularly when viewed from the east and north with respect to the Fire Station with its significance emanating from its design and decorative appearance which in turn makes a strong contribution to the BVCA.
35. Policy CS20 of the Woking Core Strategy 2012 states that *“New development must respect and enhance the character and appearance of the area in which it is proposed whilst making the best use of the land available. New development should also make a positive contribution to the character, distinctiveness and significance of the historic environment, including heritage assets at risk through neglect, decay or other threats”*. This is supported by Policy DM20 which call for *“proposal affecting the character, appearance and/or setting of heritage assets will be required to show:*
- (i) that the works or development preserve and/or enhance the heritage asset and/or its setting in terms of quality of design and layout (scale, form, bulk, height, character, street pattern and features), materials (colour and texture) and historic street pattern of the area;*
  - (ii) how relevant features and elements that contribute to the heritage asset’s significance and character will be conserved and/or reinstated if they have been lost. This includes chimneys, windows and doors, boundary treatments, original roof coverings, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in Listed Buildings;*
  - (iii) where appropriate, that external elements such as street furniture, lighting and paving are sympathetically designed (further guidance is provided within the Design SPD);*
  - (iv) that it would not have an adverse impact on views of or from the heritage asset or of the open spaces, trees or street scene which contributes positively to any asset and its setting; and*
  - (v) that the use of the heritage asset is compatible with the conservation of its significance (i.e. uses that are not compatible with or damaging to the significance of the asset should be avoided). In appropriate cases the relaxation of policies controlling change of use may be considered to secure the retention of the building.”*
36. The submitted Heritage Statement notes that *“The application building is of no architectural or historic interest and is therefore judged to be a negative feature within the Byfleet Village Conservation Area. Emerald House was constructed significantly later than the Old Fire Station, with which it shares no functional or associative relationship. It is a negative feature within the setting of the adjacent listed Old Fire Station, resulting in harm to its wider townscape context, and makes no positive contribution to the heritage asset’s significance”*. Whilst the uplift in height would affect the backdrop of the Fire Station from this perspective, it has to be borne in mind that the existing building somewhat undermines this view currently. The combination of the mansard roofs form which adopt a subordinate yet complimentary appearance, external alterations to the existing building, enhancement to the publicly visible portions of the site and scale of development, which aligns with that of the existing building, holistically amounts to a scheme which improves and makes a

## 14 JANUARY 2025 PLANNING COMMITTEE

positive contribution to the character of the application building as well as the distinctiveness and significance of the historic environment, including the setting of the Fire Station.

37. It is further expressed in the Heritage Statement that *“it is not considered that the proposals would result in any meaningful impact to the significance of either the Byfleet Conservation Area or the Old Fire Station. There would be no change to the character or the ability to appreciate the special historic and architectural interest of the identified designated heritage assets.”* Whilst this is accepted in part, it is considered that the alterations and additions proposed to the existing building as part of the proposal would go some way to improving the setting of the heritage assets with a building which would appear more sympathetic than that of the existing to the wider character with a softening of both the landscape and façade thereby improving the quality of the BVCA. Furthermore, the additional mass at the rear and increase in height of the two-storey element are not deemed to undermine the significance of the Fire Station for the reasons set out above.
38. For these reasons, it is considered that the proposed development would preserve the special interest and settings of the relevant statutory listed buildings, avoiding any harm to the significance of these proximate designated heritage assets (by reason of indirect effect, development within setting) and rather going some way to improve the setting of these. Insofar as the proposed development would preserve the significance of a range of heritage assets, it is consistent with the objectives of Policy CS20 of the Woking Core Strategy 2012 and Policy DM20 of the Development Management Policies DPD 2016 as well as Section 16 of the NPPF.

### Impact on Neighbouring Residential Amenities

39. 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 the Council's Supplementary Planning Documents (SPDs) 'Outlook, Amenity, Privacy and Daylight' 2022 and 'Design' 2015.
40. 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, Paragraph 4.11 of the SPD on 'Outlook, Amenity, Privacy and Daylight' 2022 states that *“For three storey or taller accommodation (including dwellings with second floor dormer windows), a separation distance of approximately 30m 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. The key neighbouring amenity considerations are those of the flatted units within Ellis Court to the east, No. 26 and 28 High Road and Now. 1-7 Derisley Court to the west and properties within Stream Close to the south.

#### - Daylight

41. The impact of the proposed development upon nearby residential properties has been assessed by the applicant within a Daylight and Sunlight Assessment carried out by EAL Consult dated June 2024 in compliance with the methodology outlined within the BRE's 'Site Layout Planning for Daylight and Sunlight' (BR209, 2022), a

## 14 JANUARY 2025 PLANNING COMMITTEE

recognised industry tool for assessing these effects. The BRE guide is however a guide and compliance is not mandatory, since the actual effect can be influenced by other factors. The BRE Guide is referred to within SPD Outlook, Amenity, Privacy and Daylight 2022.

42. Where the BRE guidelines are exceeded then daylighting and/or sunlighting may be adversely affected. The BRE Guide provides numerical guidelines although emphasizes that advice given is not mandatory and the BRE Guide should not be seen as an instrument of planning policy; the (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout and design.
43. It is also a material consideration that Paragraph 130(c) of the NPPF 2024 states that *“local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”*.
44. Rooms in adjoining or nearby housing where daylight is required include living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed as daylight is not required to these rooms. Vertical Sky Component (VSC) is the primary test used to assess the impact of new development upon the daylighting of existing buildings.
45. Vertical Sky Component (VSC) quantifies the amount of skylight falling on a vertical wall or window, measured on the outer pane of the window. This is a measure of the amount of light reaching a window. It is the ratio of that part of illuminance, at a point on a given vertical plane, that is received directly from a CIE standard overcast sky, to illuminance on a horizontal plane due to an unobstructed hemisphere of this sky. Usually the ‘given vertical plane’ is the outside of a window wall. The VSC does not include reflected light, either from the ground or from other buildings. According to the BRE Guide if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times (ie. a greater than 20% reduction) of its former value (pre-development), occupants of the existing building will notice the reduction in the amount of skylight. The maximum VSC value obtainable at a flat window in a vertical wall is effectively 40%. Clearly ‘noticeable’ is a different test than that set out within Policy CS21 of the Woking Core Strategy 2012, which refers to ‘significant’ harm rather than a ‘noticeable’ effect.
46. As part of the VSC assessment a total of 60 no windows were assessed on 1-44 High Road (Ellis Court) as well as Nos. 60-62 Stream Close, No. 28 High Road and properties within Derisley Close as well as flatted properties within Nos. 54-59 Steam Close. Results demonstrate the difference of the Vertical Sky Component, at pre- and post- construction phase, has been kept to none or minimum (less than 0.8 ratio) for all existing neighbouring windows. The proposed development would, therefore, not result in a noticeable impact on daylighting levels to surrounding properties.

### - Sunlight

47. Unlike daylight, which is non-directional and assumes that light from the sky is uniform, the availability of sunlight is dependent on the orientation of the window, or area of ground, being assessed relative to the position of due south. The BRE

## 14 JANUARY 2025 PLANNING COMMITTEE

guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.

48. For sunlight studies the APSH (annual probable hours) test calculates the percentage of statistically probable hours of sunlight received by each window in both the summer and winter months. From March 21st to September 21st – Summer period and from the 21st September to 21st of March – Winter period. Sunlight is measured using a sun indicator which contains 100 spots, each representing 1% of APSH. Therefore, where no obstruction exists the total annual probable sunlight hours would amount to 1486 and therefore each spot equates to 14.86 hours of the total annual sunlight hours.
49. The results of this assessment are set out on Tables 4-9 of the Daylight and Sunlight Assessment where results show that all the assessed neighbouring windows will receive adequate sunlight hours during the year and winter periods.
  - Overshadowing to Gardens
50. The BRE Guide sets out that the availability of sunlight should be checked for all open spaces where sunlight is required, including gardens and sitting out areas (such as those between non-domestic buildings and in public squares) and recommends that the test should be run on 21 March which is the midpoint between the summer and winter solstices (equinox). According to BRE, the sunlight hours on this day should be no less than 2 hours and the area which can receive two hours of sunlight on 21st March is less than 0.8 times its former value (ie. a greater than 20% reduction), then the loss of sunlight is likely to be noticeable.
51. The following properties were assessed as part of the overshadowing assessment and the detailed model study in Ecotect Analysis demonstrates that more than 50% of each rear garden will receive the minimum of 2 hours of sunlight on the 21st March;
  - No 62 Stream Close – Will receive approximately: 4.20hrs
  - No 60 & 61 Stream Close – Will receive approximately: 4.75hrs & 4.82hrs
  - No 5-7 Derisley Close – Will receive approximately 4.00hrs, 4.05hrs & 3.80hrs
  - No 1-4 Derisley Close – Will receive approximately 7.64hrs, 5.55hrs & 5.03hrs
  - No 28 High Road - Will receive approximately 4.80hrs
  - Overlooking/Loss of Privacy
52. The Council's SPD on 'Outlook' 2022 set separation distances for achieving on three storey building and above at 30 metres. Section 4.12 states that "*separation distances may be relaxed by about one quarter where there is a significant change of angle of orientation between the siting of dwellings opposite (over 30 degrees).*" The relationship between the application building and Ellis Court is a splayed relationship and not a direct back-to-back one so a degree of flexibility can apply. The eastern (side) elevation of the application building and the south-western (rear) elevation of Ellis Court has a 45° relationship (approximately) and a 50° relationship (approximately) with the north-western (side) elevation. Ellis Court contains habitable rooms at ground, first and second floors on the south-western elevation (rear) within 13 metres of the application building albeit with a splayed relationship and 17 metres



## 14 JANUARY 2025 PLANNING COMMITTEE

if taken direct. This is a splayed relationship and not a direct back-to-back one so a degree of flexibility can apply.

53. Whilst the extant permission for Prior Approval to convert the existing building into 23no flats would not typically form part of the assessment for the current proposal, a number of changes to the external makeup of the building in its entirety is proposed as part of this application which includes replacing some windows on the eastern and western elevations with Juliet balconies. It must be noted, however, that Juliet balconies are viewed in the same manner as windows and in this sense would not present additional overlooking as views from such openings would be regarded as similar to views obtainable from standard windows.
54. Submitted drawing 'Proposed Block and Constraint Plan' Drawing No. PL012 Rev A illustrates direct sightlines from the proposed roof top addition and three-storey rear extension towards Ellis Court. These sightlines illustrate a splayed sightline ranging in distance from approximately 14.5 metres to 26.2 metres. Of the 9no second floor eastern elevation habitable room windows within the proposed extensions, 4no of these, with a relatively straight sightline to Ellis Court, fall below 22.5 metres (applying the 25% reduction to the recommended 30 metres separation distance where a splayed relationship exists). The living/kitchen/dining room for Flat 24 would include a sightline towards the north-western side elevation of Ellis Court with an approximate 21 metre separation. Whilst this falls below the 22.5 metre separation the splayed relationship is such that it is not considered there would be significant harm by way of overlooking. 3no of the proceeding windows on this second-floor elevation all serve bedrooms and again fall short of the 22.5 metres separation.
55. A number of mitigation measures have been explored to address the failing of meeting the recommended separation distance and the installation of directional fin on 3no bedroom windows at second floor level serving annotated Flats 24 and 25 was considered the least obtrusive and most effective. These directional fins would restrict views from these bedroom windows towards Ellis Court ensuring significant harmful overlooking is mitigated. The fins would be positioned at a 15° angle, splaying the views from these windows mitigating direct lines of sight and increasing the splayed angle of views from these bedrooms. The next window along would serve a living room to Flat 25 which is set approximately 20 metres from the south-western elevation windows on Ellis Court. A degree of flexibility can be applied to this window with the angle of relationship at 45° such that the splayed views would not lead to a significant impact.
56. As such, given the splayed relationship with Ellis Court, mitigation measures proposed as part of the development as well as the extant relationship between first floor windows within the application building and Ellis Court, the impact on these neighbouring residential units would not amount to a significant one or a relationship which would be unexpected in a sustainable location such as Byfleet Local Centre.
57. To the west, two-storey terraced properties with accommodation within the roof Derisley Close back on the western boundary of the application site. A mix of hedging, trees and 2-metre-high close timber board fencing separates the amenity spaces of these properties from the application site. Under the extant Prior Approval (PLAN/2023/1051) the building would be converted to 23no flats with the western elevation of the first floor of the two-storey rear element containing the single aspect habitable room windows. Appendix A of the Council's SPD 'Outlook, Amenity, Privacy and Daylight' 2022 notes that "*dimensions for both front and rear elevations of single aspect dwellings should be treated as other rear elevations*". A gap of approximately 15 metres currently exists between the existing building and these rear

## 14 JANUARY 2025 PLANNING COMMITTEE

boundaries. The recommended separation distance between three + storey buildings is 15 metres which is met between the proposed rooftop addition and the shared western boundary. Furthermore, the detached single storey cycle and bin store would be sited along this western boundary providing some concealment to the property at No.1 Derisley Close with examples of trees within Nos. 2 and 3 Derisley Close providing natural concealment to this private amenity space.

58. The Supplementary Planning Document on Outlook 2022 goes on to recommend a separation distance of 30 metres between three storey buildings and building of a lesser height to prevent overlooking. In terms of the proposed rooftop extension and three storey rear extension, the gap between this and the rear elevations of the terraced row of properties within Derisley Close (Nos. 1 – 4 & 5-7) would be approximately 27-32 metres splaying as you progress southwards given the stepped nature of these terraced dwellings. Whilst this separation distance falls short of the recommended 30 metres, it has to be borne in mind that a degree of overlooking would already occur from the extant permission of flats along the western elevation, albeit these are at a lower level and would meet the recommended separation distance of a two-storey building. Further to this, it is considered reasonable to take account to the circumstances of the application site notably the sustainable location of the Local Centre where a minor shortfall in recommended separation distances could be expected in circumstances where overall public realm improvements are proposed as part of the wider application as well as the benefit of 10no additional residential units in this location. When taken holistically, it is considered that although not strictly in accordance with recommended guidance set out in the Outlook SPD, this failure is relatively minor. It is, therefore, considered that a recommendation for refusal based upon this failure could not be substantiated when weighted together with the wider benefits of the proposed scheme.
59. To the south, two-storey terraced properties along Stream Close back onto the application site. No.62 is stepped with the adjoining Nos. 60 and 61 set along a similar rear building line. 2-metre-high close timber board fencing acts as the boundary treatment between the site and these properties. The proposed three-storey extension would enclose the separation between the southern boundary by approximately 15 metres with a stepped form dropping to two-storey at the terminus. The proposed first and second floor windows on the southern elevation of this extension are windows acting as secondary windows to the kitchen/living/dining room of Flats 30 at first floor level and 32 and 33 on the second floor. These windows are proposed to be obscurely glazed and non-opening below 1.7 metres of floor level. A planning condition can be attached to ensure they remains obscurely glazed and non-opening below 1.7 metres in perpetuity to ensure the amenity of these neighbouring properties is not unduly harmed.
- Noise
60. Policy CS21 of the Woking Core Strategy 2012 requires proposals for new development to *“be designed to avoid significant harm to the environment and general amenity, resulting from noise”*. For noise generating forms of development, or proposals that would affect noise-sensitive uses, Policy DM7 of the Development Management Policies DPD 2016 requires a statement detailing potential noise generation levels and any mitigation measures proposed to ensure that all noise is reduced to an acceptable level, stating that development will only be permitted where mitigation can be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites.

## 14 JANUARY 2025 PLANNING COMMITTEE

61. Paragraph 198 of the NPPF requires new development to be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
62. A Noise Assessment Report (KP acoustics Ref: 27436.NIA.01) has been submitted in support of the planning application. This assessment focuses on the internal noise levels for proposed occupiers noting that the external building fabric would need to be carefully designed to achieve recommended internal noise levels. The Council's Environmental Health Team have been consulted on this assessment and note that *"There is no objection to the above application on EH grounds providing a condition is attached to require the mitigation works and recommendations of the Noise Impact Assessment (NIA) report dated July 2024 by K P Acoustics Ltd to be carried out in full prior to occupation"*. These mitigation measures are set out in Section 5, 6 and 7 of the submitted Noise Assessment Report (KP acoustics Ref: 27436.NIA.01) and can be conditioned.
63. Although no technical information or acoustic details have been submitted in respect of the proposed Air Source Heat Pump (ASHP) installation which forms part of this application, a condition is considered necessary and reasonable. This condition should include a noise assessment of the ASHP by a Suitably Qualified Acoustician (SQA) which should take into account the local circumstances and tonal or intermittent sound factors that could be perceived by noise sensitive receptors and to prevent an adverse impact on neighbouring residents.
64. A communal roof terrace is proposed (66 sq.m). It is considered that the issue of potential noise and disturbance arising from use of this roof terrace can be addressed via the submission of a management plan secured by recommended Condition 12. Such a management plan would need to include (i) hours of access to the communal roof terrace (ii) means of controlling access to the communal roof terrace and (iii) signage regarding hours of use and any activities which are prohibited (ie. barbeques / late night gatherings etc).

### Amenities of Future Occupiers

65. Paragraph 135(f) of the NPPF 2024 states that planning decisions should ensure that developments, inter alia, *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*
66. All proposed apartments would comply with, or exceed, the relevant minimum gross internal floor areas set out by The Technical housing standards - nationally described space standard (March 2015), although these standards are not locally adopted. The proposed development is, therefore, considered to provide a good standard of amenity, in terms of the size of accommodation, to future occupiers. The residential flats proposed within the rear three-storey extension would all include living/kitchen/dining rooms each with dual outlook perspectives although the first-floor units and one of the second-floor units would include obscurely glazed southern elevation windows to prevent overlooking issues to neighbours. It is considered, nevertheless, that the living spaces and bedrooms are likely to be well daylighted with windows primarily facing due east, south and west.

## 14 JANUARY 2025 PLANNING COMMITTEE

67. The Council's SPD 'Outlook, Amenity, Privacy and Daylight' 2022 states that *"Whilst generally dwellings specifically designed not to be used for family accommodation do not require any specific area to be set aside for each as private amenity space"*. Section 3.5 of this SPD notes that *"For the purposes of this document, family accommodation will be taken to mean all houses with two bedrooms or more and exceeding 70 sqm. gross floor space, and all flats or duplex apartments with two bedrooms or more and exceeding 61 sqm. gross floor space."* As part of the proposed scheme, a number of the ground floor units approved under Prior Approval PLAN/2023/1051 will be allocated small sections of amenity spaces along the eastern extent of the site. These spaces would be enclosed by close timber board fencing with community amenity space towards the front and rear of the building.
68. For the purposes of the current proposed development, 8no of the proposed 10no units would meet the definition of family accommodation as set out in Section 3.5 of the Outlook SPD. Only one of these would be allocated private amenity provision at ground floor. In any event, the Outlook SPD also states at Section 3.10 that *"In the densest urban locations such as Woking Town Centre and West Byfleet District Centre, where multi storey developments including flats, duplex apartments and townhouses are intended for family accommodation, alternative forms of on-site amenity provision may be permitted in lieu of a conventional private garden. Use of a communal amenity space or, where it is safe to do so, a suitable area of landscaped roof garden or terrace, may be acceptable for this purpose, although care is needed in siting to avoid problems of overlooking and noise disturbance other dwellings."* Whilst not specifically referred to, Local Centres can form part of dense urban locations and as already established, the site has extant permission for a multi storey residential building. Communal spaces towards the rear and front as well as a roof top garden is proposed which would be considered in line with what would be expected on such a development in this location. The approach to external amenity provision is considered to be acceptable.

### Transport, Parking and Highways

69. Paragraph 116 of the NPPF 2024 sets out 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, taking into account all reasonable future scenarios. 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.
70. Existing vehicular access is via the existing access from High Road, which would be unaffected by the proposal. The current application has to be considered in the context of the current building retaining an office use as well as the scenario in which the Prior Approval for the change of use of the building is carried out concurrently. As set out in the above section, 'Compatibility of Uses', *"It is, therefore, considered necessary to include an obligation within the legal agreement for any permission, that this development should not commenced unless and until the commencement/implementation of the development approved under PLAN/2023/1051."* As such, only the 6no units proposed within the proposed three-storey rear extension will be assessed under Scenario A as the 4no additional units within the rooftop addition could not be carried out unless concurrently or after the conversion of the existing office space.

- Car Parking

**14 JANUARY 2025 PLANNING COMMITTEE**

71. The Council’s Supplementary Planning Document ‘Parking Standards’ 2018 sets out the following minimum residential parking standards, in the two potential scenarios:

Scenario A - Current proposal implemented in conjunction with retention of ground, first and second floor levels (inclusive) within office use:

<b>Number of bedrooms</b>	<b>Vehicle parking spaces per flat, apartment or maisonette (i)</b>	<b>Number of flats, in proposal (ii)</b>	<b>Overall vehicle parking standard (ie. i x ii)</b>
1 bedroom	0.5	2	1
2 bedroom	1	8	8
<b>Total (Residential) spaces (min.)</b>			<b>9</b>
<b>Gross floor area (GFA) (sq.m)</b>	<b>Maximum per sq.m GFA</b>		<b>Overall maximum parking standard</b>
1,436 sq.m	1 car space per 100 sq.m		15
<b>Total (Office) spaces (max.)</b>			<b>15</b>
<b>Total combined spaces</b>			<b>24</b>

72. The preceding table sets out the minimum parking standard for the residential development proposed under the current application for reference purposes. In the event the current proposed three-storey rear extension was implemented, the minimum parking standard for the residential element would be 9 spaces. If the remainder of the subject building (ground, first and second floor levels (inclusive)) remained within office use the maximum parking standard for this element would be 15 spaces. This results in a combined total of 24 parking spaces.

Scenario B - Current proposal implemented in conjunction with prior approval:

<b>Number of bedrooms</b>	<b>Vehicle parking spaces per flat, apartment or maisonette (i)</b>	<b>Number of flats, apartments or maisonettes in proposal (ii)</b>	<b>Overall vehicle parking standard (ie. i x ii)</b>
1 bedroom	0.5	16	8
2 bedroom	1	17	17
<b>Total</b>			<b>26</b>

73. In the event the current proposal was implemented in conjunction with the prior approval the preceding table sets out the resulting minimum residential parking standards. The resulting car parking provision, taking account of the proposed bin and cycle store, would be 29no spaces, which would meet and exceed the minimum provision.
74. In proposing 29no parking spaces the proposal meets the threshold for both scenarios as set out above.
75. Supplementary Planning Document ‘Climate Change’ 2023 states at Paragraph 6.2.3 that *“Policy CS22 of the Core Strategy states that new development in Woking Borough will be expected to contribute to charging infrastructure. This SPD sets out the minimum requirements for the provision of EV charge points in accordance with*

## 14 JANUARY 2025 PLANNING COMMITTEE

*the current Building Regulations Part S as summarised in Table 6.2*". Table 6.2 of the SPD provides a summary of the installation and charge point requirements in Part S to the Building Regulations which applies to new residential and non-residential buildings. EV charging point provision is now a requirement of Part S to the Building Regulations for such development. As such, a planning condition requiring such EV charging points would not meet the test of 'necessity', because it would replicate the requirements of other regulatory provisions.

### - Cycle Parking

76. The Council's SPD 'Parking Standards' 2018 requires x2 cycle parking spaces per dwelling, regardless of bedroom provision. The submitted plans make provision for the provision of 40no cycle parking spaces within a cycle store proposed to the rear; this equates to 1.2 spaces to serve each of the apartments proposed under the current proposal and the Prior Approval. As the assessment of this application is based upon the proposed 10no units, the proposed provision of 40no spaces would meet and exceed the requirements of the assessment.

### - Trip Generation

77. The submitted Transport Statement (Pulsar dated July 2024) utilises TRICS to forecast that the current proposal is likely to generate an additional 3 two-way vehicle trips are anticipated in the peak hours of 08:00-09:00 and 17:00-18:00 in line with the Prior Approval. This level of additional traffic is not considered to result in a material impact on the operation, or safety, of the local highway network, particularly having regard to the vehicle trips generated during the AM and PM peak hours by the lawful office use of the building.
78. Overall, it is considered that the level of car parking proposed has been justified in this instance, in the case of both potential Scenarios A and B and having regard to the local centre location of the site. It is considered that it has been sufficiently demonstrated that the resultant level of car parking provision would not give rise to undue pressure upon the availability of off-site and on-street parking within the locality and would not have a subsequent materially adverse impact upon the free flow of traffic and highway safety.

### Air Quality

79. The application has been submitted with an Air Quality Assessment carried out by EAL Consult (Ref: 0193 dated July 2024) which identifies that the Council has an Air Quality Management Area (AQMA) declared for exceedances of the annual mean NO<sub>2</sub> (Nitrogen Dioxide) Air Quality Strategy (AQS) objective. The closest AQMA is noted to be within the Runnymede Borough Council (RBC) M25 AQMA at approximately 950m to the northwest. This AQMA is declared due to elevated levels of nitrogen dioxide (NO<sub>2</sub>), associated with road traffic emissions.
80. Paragraph 199 of the NPPF 2024 sets out that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas and that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 199 of the NPPF also sets out that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

## 14 JANUARY 2025 PLANNING COMMITTEE

81. Policy CS21 of the Woking Core Strategy 2012 requires new development to be designed to *“avoid significant harm to the environment and general amenity resulting from noise, dust, vibrations, light or other releases”*.
82. Policy DM5 of the Development Management Policies DPD 2016 states that *“When assessed individually or cumulatively, development proposals should ensure that there will be no unacceptable impacts on [inter alia] air quality.”* It goes on to state that *“Development that has the potential, either individually or cumulatively, for significant emissions to the detriment of air quality, particularly in designated Air Quality Management Areas or in areas at risk of becoming an Air Quality Management Area, should include an appropriate scheme of mitigation which may take the form of on-site measures or, where appropriate, a financial contribution to off-site measures. An Air Quality Assessment will be required for schemes that meet the thresholds set out in paragraph 4.15”*.
83. The submitted Air Quality Assessment found that the existing and future concentration of pollutants across the Site are predicted to be below the relevant air quality standards, and therefore the application site is considered suitable for its proposed use, in the absence of any further mitigation. It found that the proposed residential extensions would have no significant impact on local air quality, in isolation or cumulatively with other development and has, nevertheless, incorporated several measures to actively improve local air quality, in line with the requirements of national and local planning policy.
84. After the implementation of an appropriate level of construction dust mitigation, there would be no significant impacts during the construction phase. Activities associated with the demolition and construction of the development will give rise to a risk of dust impacts at existing sensitive receptors during demolition, earthworks and construction, as well as from trackout of dust and dirt by vehicles onto the public highway. The assessment of effects from dust during demolition and construction has been undertaken in accordance with Institute of Air Quality Management, 2024 IAQM (2024) Guidance on the Assessment of Dust from Demolition and Construction; the dust emission magnitude is considered to be small for all project specific dust emissions. Mitigation measures set out in Section 6 of the assessment refer to matters incorporated into the overall development relating to electric vehicle parking and cycle spaces.
85. Overall, there will be no significant impacts to existing or proposed sensitive receptors during the construction or operational phases of the proposed development. The proposal therefore complies with Policy CS21 of the Woking Core Strategy 2012, Policies DM5 and DM6 of the Development Management Policies DPD 2016, and the National Planning Policy Framework (NPPF), in respect of air quality.

### Contamination

86. The application site is located in an area which is situated on or in close proximity to land that could be potentially contaminated. A Preliminary Desk Study (Crossfield Consulting CCL03776 CU57 - May 2024) assesses the proposed new layout / design. The Proposed Site Plan - OPTION 2 - drawing 2023-009 - PL022. Indicates

## 14 JANUARY 2025 PLANNING COMMITTEE

private and communal soft landscape areas. Crossfield have recommended intrusive site investigation to determine the nature of the ground under the soft landscaping.

87. The Council's Scientific Officer has been consulted on this application and raised no objection to the scheme subject to conditions securing investigating, remediation, risk assessment and validation assessment to deal with contamination of the site which has been submitted to and approved in writing by the Local Planning Authority.

### Archaeology

88. In respect of archaeological impacts, the site does not fall within an area of high archaeological potential nor does it exceed 0.4 hectares which calls for archaeological assessment and evaluation within the Woking Core Strategy Policy CS20. Nevertheless, an Archaeological Desk Based Assessment (Stantec ref: 333100204 dated July 2024) has been submitted in support of the application.
89. The County Archaeologist has reviewed the submitted information and finds that the supporting assessment is of good quality and suitable to support the application demonstrating a history of development and redevelopment at this site that will have reduced the archaeological potential significantly to the point where any surviving assets are likely to be severely damaged and of little significance. The County Archaeologist goes on to note that it would not be reasonable to apply any further tests to these proposals given they do not meet local plan requirements and low potential has otherwise been already identified and as such has no archaeological concerns.

### Landscaping

90. Policy CS21 of the Woking Core Strategy 2012 states that *"Proposals for new development should...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"*.
91. Policy DM2 of the Development Management Policies DPD 2016 states that *"Trees, hedgerows and other vegetation of amenity and/or environmental significance or which form part of the intrinsic character of an area must be considered holistically as part of the landscaping treatment of new development. When considering development proposals, the Council will...require landscape proposals for new development to retain existing trees and other important landscape features where practicable...require any trees which are to be retained to be adequately protected to avoid damage during construction...require adequate space to be provided between any trees to be retained and the proposed development (including impervious surfaces)"*.
92. Paragraph 136 of the NPPF 2024 states that *"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible"*.
93. The submitted Design and Access Statement includes a 'Landscape Strategy' at Section 6 which sets out the proposed hard and soft landscaping proposed as part of



## 14 JANUARY 2025 PLANNING COMMITTEE

the development. Much of the soft landscape would occur towards the front of the building and wrapping around the eastern side and around the rear providing elements of private and communal amenity space. A mix of close timber board timber fencing and low-level metal railing are proposed as well as planting and hedging to provide an element of privacy to ground floor windows. Details of these can be secured by way of planning condition.

94. A roof top communal space is also proposed as part of the development which will be enclosed by 2-metre-high louvres with edge planters. Again, details of these planters and vegetation can be secured within the landscaping condition.
95. The Council's Senior Arboricultural Officer has been consulted on the application and raises no objection to the proposal.

### Ecology and Biodiversity

96. The NPPF 2024 states at Paragraph 187 that *"planning policies and decisions should contribute to and enhance the natural and local environment by:*
  - a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*
  - d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs"*
97. Circular 06/05 – Biodiversity and Geological Conservation requires the impact of a development on protected species to be established before planning permission is granted and in relation to habitat types of principal importance to assess the impact of development on these as part of the planning application process. This approach is reflected in Policy CS7 of the Woking Core Strategy 2012.
98. A Preliminary Ecological Appraisal (Ecology Partnership dated July 2024) has been submitted in support of the application. This assessment found that there were no priority habits on site, or within the immediate area. The site is dominated buildings and hardstanding with limited habitats on the edges of the site. The alteration of these habitats is considered unlikely to impact upon the ecological functionality of the landscape. The assessment goes on to note that *"The site does not support suitable habitat for protected species. Therefore, no further surveys are considered necessary. The building on site is considered to be of negligible value for roosting bats"*
99. A number of enhancements are set out in Section 4.17 onwards in a bid to address on site Biodiversity Net Gain (BNG). These include communal gardens as proposed with a number of wildflower species tolerant of regular management, native scrub species along the southern boundary, shrub and vegetation planting with rear amenity spaces along the eastern boundary as proposed as well as bee bricks and rain gardens. Surrey wildlife Trust (SWT) have been consulted on the proposed scheme and make a number of suggestions. Despite the lack of bat roosts in the building, unidentified bat roosts may still be present. A precautionary approach to works should therefore be implemented. In line with Paragraph 192 of the NPPF 2024, the applicant should be encouraged to incorporate bat roosting opportunities as integral design features within the built development.

## 14 JANUARY 2025 PLANNING COMMITTEE

100. Paragraph 198(c) of the NPPF 2024 states that planning policies and decisions should “*limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*” It is advised the applicant should ensure that the proposed development will result in no net increase in external artificial lighting. To comply with the above referenced legislation, any external lighting installed should follow the recommendations in BCT & ILP (2023) Guidance Note 08/23. Bats and artificial lighting at night. Bat Conservation Trust, London & Institution of Lighting Professionals, Rugby. Suggestions regarding nesting pigeons are also set out in the response from SWT.
101. SWT make a number of general recommendations which appear in line with those set out between Sections 4.17 and 4.20 of the submitted Ecological Walkover and Biodiversity Net Gain Assessment which can be secured by way of planning condition.
102. Further to the above, BNG is inherent under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Paragraph 24 of the Biodiversity Net Gain PPG notes that:

*“Planning conditions are normally imposed on the grant of planning permission under section 70 (1) and section 72 of the Town and Country Planning Act 1990.*

*By contrast, the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.*

*To ensure applicants are clear about this distinction, the local planning authority are strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission.”*
103. The PEA includes a section on BNG with a baseline set out in Section 5. This section along with the Biodiversity Metric sets the on-site baseline of habitat units at 0.14 with an on-site net change at 0.41, a 301.76% increase. The metric, therefore, seeks to satisfy the trading rules with over 300% net change. These findings along with the proposed landscaping would all be required to be submitted as a Biodiversity Gain Plan prior to the commencement of development on site.
104. The need to secure BNG and its monitoring via a condition is, therefore, not considered wholly necessary as the Biodiversity Net Gain Plan along with habitat monitoring management plan and other requirements regarding BNG need to be submitted to and approved to the LPA prior to the commencement of development. Please refer to Informatives 12, 13 and 14 of this decision.
105. A 30-year Habitat Management and Monitoring Plan (HMMP) should set out the detailed habitat creation and enhancement specifications and long-term management prescriptions, that will be required to ensure the scheme will achieve its conservation objectives over the lifespan of the project. This HMMP should also be inclusive of a long-term monitoring strategy to measure progress against conservation objectives and inform an adaptive approach to long-term management. As noted above,

## 14 JANUARY 2025 PLANNING COMMITTEE

requirements regarding BNG need to be submitted to and approved to the LPA prior to the commencement of development.

### Flood Risk and Drainage

106. Policy CS9 of the Woking Core Strategy 2012 states that “*the Council expects development to be in Flood Zone 1 as defined in the SFRA*”. Paragraphs 170-182 (incl.) of the NPPF 2024 relate to planning and flood risk.
107. 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 a small part of the site to be at a ‘Medium’ risk of surface water flooding with immediate areas in and around the site at no risk.
108. Objection was initially raised by the Lead Local Flood Authority due to proposed surface water drainage scheme not meeting the requirements set out in the NPPF, the accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems. Updated information (Flood Risk Assessment and Sustainable Drainage Strategy, November 2024, Ref: 19-5820RevB, SYNTEGRA Consulting) has been submitted in response to this which was found to have addressed the concerns raised initially. A number of conditions relating to a final design of a surface water drainage scheme and verification report has been suggested.
109. Subject to recommended Conditions 19 and 20 the proposal accords with Policy CS9 of the Woking Core Strategy 2012, the FRA and the provisions of the NPPF in respect of flooding and water management.

### Affordable Housing

110. As the proposal is for 10no residential flats, Policy CS12 of the Woking Core Strategy 2012 states that 30% of dwellings should be affordable and this policy establishes a preference for on-site provision.
111. Policy CS12 also sets out that the proportion of affordable housing to be provided by a particular site will take into account, among other factors, the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model). The Council’s Supplementary Planning Document ‘Affordable Housing Delivery’ 2023 sets out more detailed guidance on the Council’s approach to affordable housing and establishes which proportions of different tenures of affordable housing the Council expects to be delivered.
112. Paragraph 59 of the NPPF 2024 sets out that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage and that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
113. A Financial Viability Assessment applicant has submitted in support of the application which shows that is not viable for the applicant to provide any affordable housing within the proposed development or make any financial affordable housing contribution to the Council. The Council has retained specialist advisors to assess the submissions made in this respect. Kempton Carr Croft have analysed the submitted viability appraisal, including an interrogation of build costs, and have

## 14 JANUARY 2025 PLANNING COMMITTEE

undertaken further research into the Gross Development Values, Benchmark Values, Build Costs and other inputs adopted for the development.

114. Kempton Carr Croft have concluded that the scheme is unable to provide an affordable housing contribution. Kempton Carr Croft conclude that *“that on the basis of a 100% private sale scheme, by deducting the costs (including land value) of the development from the Gross Development Value that the proposed scheme has a negative land value of -£346,701, equating to an adjusted developer’s profit of 7.9% which is a slightly improved position from ULL Property’s assertion of a negative land value of -£525,282, equating to an adjusted developer’s profit of 2.8%. Whilst a developer’s profit of 7.9% is on the cusp of pushing the scheme into undeliverability, we would argue that a scheme with a developer’s profit of 2.8% is undeliverable.”*
115. It goes on to note at Paragraph 19.4 that *“However, given that the applicant is already undertaking a conversion of the existing offices and the areas upon which the extension is being carried out is essentially free, the £285,399 in profit derived from the extension scheme would in this case, make it worthwhile for the applicant to undertake this additional development, albeit it is being carried out at a significantly lower level than the target profit rate of 17.5%.”*
116. On this basis, it has been demonstrated and accepted by independent assessors that no affordable housing provision can be offered given the viability situation of the proposed development.

### Sustainability

117. 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.
118. 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. It is, therefore, not necessary to attach a condition relating to energy performance as more stringent standards are required by separate legislation.
119. 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. This can be secured by way of planning condition.
120. The submitted Energy and Sustainability Assessment (prepared by EAL Consult dated June 2024) and Sustainability Checklist is considered to demonstrate compliance with the relevant requirements of Policies CS22 and CS23 of the Woking Core Strategy 2012, Supplementary Planning Document Climate Change 2023 and the provisions of the National Planning Policy Framework (NPPF) 2024.

## 14 JANUARY 2025 PLANNING COMMITTEE

121. Concern has been raised regarding the impact of the proposed development on the PV performance of the panels on the roof of the neighbouring Ellis Court and could, therefore, reduce these PV panels efficiency in generating green energy.
122. The High Court judgment *William Ellis McLennan v Medway Council & Ken Kennedy [2019] EWHC 1738 (Admin)* confirmed, in short, that the material planning considerations that local planning authorities have to take into account in deciding whether to grant planning permission do include any effect that a development proposal might have on a renewable energy system, including on solar panels on a residential property, and that this applies where the renewable energy system is addressing the issues of climate change, even where the impact is modest. This is because there is a public interest at stake if there is a reduction in the generation of low carbon and renewable energy from the installed equipment. It furthermore established that if additional overshadowing of any solar panels may occur, it is not reasonable to assume – without any informed assessment – that the additional level of overshadowing would be negligible in its impact (para 52 of the judgment). Paragraph 167 of the NPPF supports renewable and low carbon energy and associated infrastructure to support the transition to a low carbon future and states that “*Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic*”.
123. Paragraph 5.1.2 of the Council’s SPD ‘Climate Change’ 2023 states that “*Solar electricity systems capture the sun’s energy using photovoltaic (PV) cells which convert the sunlight into electricity*” and that “*Solar energy can minimise the energy demand of buildings by reducing space heating demand...supply heat for solar heated hot water, and generate electricity with PV panels. To maximise passive solar gain, buildings should be oriented with the longest facade being south facing (+/- 30°)*”. Policy CS22 (relating to sustainable construction) of the Woking Core Strategy 2012 states that the design of new developments will be required to take account of layout, landform, orientation and landscaping to maximise efficient use of energy and adapt to the impacts of climate change. Policy CS23 of the Woking Core Strategy 2012, relating to renewable and low carbon energy generation, also states that applicants should take appropriate steps to mitigate any adverse impacts of proposed development through careful consideration of location, scale, design and other measures.
124. The BRE Site layout planning for daylight and sunlight: A guide to good practice (Third Edition, 2022) (the BRE Guide) provides advice at Paragraph 4.3.1 on impacts solar photovoltaic (PV) modules and notes that “*Overshadowing, either from buildings or trees or from nearby obstructions such as chimneys or vents can have a considerable negative impact on PV performance*”. Furthermore, it states at Paragraph 4.5.1 that “*Where a proposed development of any type is near to an existing solar installation or a building designed to make use of solar radiation, it is good practice to try to minimise any loss of that solar radiation*”. It also advises how loss of radiation to solar panels (either photovoltaic or solar thermal) should be calculated, stating at Paragraph 4.5.3 “*For solar PV, it is often the case that the loss of radiation falling on the module is disproportionate to the loss of renewable electricity generation; the latter can be much higher*”.
125. An updated Daylight and Sunlight Assessment was submitted during the course of the application dated December 2024. This updated assessment carries out an assessment to the neighbouring PV Panels atop Ellis Court. The conclusions note that Ellis Court, is equipped with seven photovoltaic (PV) modules installed on its southwest-facing roof. Whilst concerns were raised in respect of the potential impact

## 14 JANUARY 2025 PLANNING COMMITTEE

of these panels “it should be noted that the proposed design does not exceed the height of the Ellis Court property. Consequently, it is anticipated that the redevelopment will have no adverse impact on the performance or efficiency of the PV modules.”

126. A table is also provided to supplement this showing that annual probable daylight hours to the 7no panels. This table points out that the loss of sunlight hours to the panels is negligible with 3no of the panels experiencing less annual sunlight hours post development with PV1 showing 10 less hours, PV2 showing 4 less hours and PV3 showing 1 less hour. This works out at a reduction of between 0.16 - 1.75% which is not considered to adversely impact the efficiency of the PV panels.

### Thames Basin Heaths Special Protection Area (TBH SPA)

127. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Woking Core Strategy 2012 states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an ‘Appropriate Assessment’ stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the “Habitat Regulations 2017”). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
128. 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 applicant has agreed to make a SAMM contribution of £6,031 in line with the Thames Basin Heaths SPA Avoidance Strategy tariff (2024 update). This would need to be secured through a S106 Legal Agreement.

Size of dwelling (bedrooms)	SAMM contribution per dwelling (i)	Number of dwellings in proposal (ii)	Overall SAMM contribution (ie. i x ii)
Studio/1 bedroom	£690	2	£1,380
2 bedroom	£935	8	£7,480
<b>Total SAMM contribution</b>			<b>£8,860</b>

129. 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 development therefore accords with Policy CS8 of Woking Core Strategy 2012, the measures set out in the Thames

## 14 JANUARY 2025 PLANNING COMMITTEE

Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

130. It should be noted that the prior approval apartments, if implemented, would also be liable to make a SAMM contribution although the SAMM contribution for these apartments would be secured through a separate process under the requirements of the Habitat Regulations 2017.

### Local Finance Considerations

131. 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 £101,957.43.

### CONCLUSION

132. In conclusion, the principle of development is considered to be acceptable and the housing mix is considered to be appropriate given the Byfleet Local Centre location of the site. It is also considered that the proposed development would preserve the special interest and settings of the Grade II Listed Fire Station and Byfleet Village Conservation Area avoiding any harm to the significance of these designated heritage assets and going some way to improve the setting of these. Furthermore, subject to recommended conditions and S106 legal agreement, the development is considered to result in acceptable impacts with regard to design and the character of the area, neighbouring amenity, amenities of future occupiers, parking, highways implications, Thames Basin Heaths Special Protection Area (TBH SPA), affordable housing, energy and water consumption and flooding and water management.
133. The proposal is therefore considered to accord with Sections 2, 4, 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework (NPPF) 2024, Policies CS1, CS7, CS8, CS9, CS10, CS11, CS12, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012, Policies DM2, DM5, DM6, DM7, DM8 and DM20 of the Development Management Policies DPD 2016, the Council's Supplementary Planning Documents (SPD's) 'Design' 2015, 'Parking Standards' 2018, 'Outlook, Amenity, Privacy and Daylight' 2022, 'Climate Change' 2023 and 'Affordable Housing Delivery' 2023, the Supplementary Planning Guidance (SPG) 'Heritage of Woking' 2000, the Planning Practice Guidance (PPG), South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area, Thames Basin Heaths Special Protection Area Avoidance Strategy and Woking Borough Council Strategic Flood Risk Assessment 2015.

### BACKGROUND PAPERS

1. Site visit photographs
2. Responses from WBC Arboricultural Officer (06.09.2024)
3. Responses from Scientific Officer (05.09.2024)
4. Responses from WBC Environmental Health Team (02.12.2024)
5. Response from County Highway Authority (03.10.2024)
6. Response from Surrey Wildlife Trust (26.11.2024)
7. Response from Surrey Council SuDS Team (04.12.2024)
8. Response from SCC Archaeologist (09.09.2024)
9. Response from heritage and Conservation Officer (05.09.2024)
10. Site Notice (Major Development) (24.05.2024)

## 14 JANUARY 2025 PLANNING COMMITTEE

11. Site Notice (Conservation Area) (03.09.2024)

### **PLANNING OBLIGATIONS**

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	£8,860 SAMP (TBH SPA) contribution.	To accord with the Habitat Regulations 2017, Policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy.
2.	Section 106 Legal Agreement Monitoring Fees.	In accordance with The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.
3.	Obligation to ensure that this development should not commenced unless and until the commencement/implementation of the development approved under PLAN/2023/1051.	To ensure the development of the third-floor rooftop extension is compatible with the layout of the building.

### **RECOMMENDATION**

1. It is recommended that Planning Permission be Granted subject to the following Conditions listed below as well as the SAMP (TBH SPA) contribution and ensuring the proposed development does not commence unless and until the commencement/implementation of the development approved under PLAN/2023/1051 secured by way of S106 Legal Agreement

### **CONDITIONS**

#### Time Limit

1. 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).

#### Materials

2. Notwithstanding the details shown on approved plans or the application form, no works other than demolition, below ground works or commencement of superstructure works for the extension hereby permitted, should take place until full details (including samples) of all external facing materials are submitted to and approved in writing by the Local Planning Authority. The submitted details must include details of all facing/cladding materials/panels/ roof covering materials, details of balustrades and soffits, details of external terrace and plant enclosures, 1:50 detailed drawing of rooftop layout showing plant, machinery and building services equipment required for the functioning of the building, downpipes/gutters/verges



## 14 JANUARY 2025 PLANNING COMMITTEE

(including colour and material) and RAL colour(s) and material for window(s), loading doors and personnel door frames.

The submitted details must generally accord with the type and quality of materials indicated within the application. The development must thereafter be carried out and permanently maintained in accordance with the approved details unless the Local Planning Authority first agrees in writing to any variation.

Reason: To ensure a high-quality development in the interests of visual amenity of the site and surrounding area, including the Byfleet Village Conservation Area in accordance with Policies CS20 and CS21 of the Woking Core Strategy 2012, Policy DM20 of the Development management Policies DPD 2016, the Council's SPD Design 2015 and the NPPF.

### Approved Plans

3. The development hereby permitted should be carried out in accordance with the approved plans listed in this notice:

- Location Plan Drawing No. PL001 Rev A (Received by the LPA on 15.08.2024)
- Proposed Block and Constraints Plan (Amended Plan) Drawing No. PL012 Rev B (Received by the LPA on 12.12.2024)
- Proposed Site Plan Option 2 Drawing No. PL022 Rev A (Received by the LPA on 15.08.2024)
- Proposed North and West Elevations Drawing No. PL016 Rev A (Received by the LPA on 15.08.2024)
- Proposed East and South Elevations Drawing No. PL017 Rev B (Amended Plan) (Received by the LPA on 12.12.2024)
- Proposed Ground Floor Plan Option 2 Drawing No. PL021 Rev A (Received by the LPA on 15.08.2024)
- Proposed First and Second Floor Plan Drawing No. PL014 Rev C (Amended Plan) (Received by the LPA on 12.12.2024)
- Proposed Roof Plan Drawing No. PL015 Rev b (Amended Plan) (Received by the LPA on 12.12.2024)
- Proposed Sections A-A and C-C Drawing No. PL018 Rev A (Received by the LPA on 15.08.2024)
- Proposed Sections B-B Drawing No. PL019 Rev A (Received by the LPA on 15.08.2024)
- Bin and Cycle Store Drawing No. PL020 Rev A (Received by the LPA on 15.08.2024)
- Window Fin Details Plans and Sections Drawing No. PL023 Rev A (Received by the LPA on 12.12.2024)

### Technical Documents

- Noise Impact Assessment Report, 27436.NIA.01 carried out by KP Acoustics (Received by the LPA on 15.08.2024)
- Daylight, Sunlight & Overshadowing Assessment (Amended Report) dated December 2024 (Received by the LPA on 10.12.2024)
- Air Quality Assessment (EAL Consult) Ref: 0193 dated July 2024

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

## 14 JANUARY 2025 PLANNING COMMITTEE

### Landscaping

4. ++ The overall concept, layout, extent and type of hard and soft landscaping for the development hereby permitted (including to all of the roof terrace) must generally accord with the approved plans listed within Condition 3 of this notice. Prior to the commencement of any superstructure works details of the hard and soft landscaping scheme must first be submitted to and approved in writing by the Local Planning Authority. The submitted details must include:
  - A. full details of all proposed tree planting, including planting and maintenance specifications, including cross-section drawings, details of tree planter size and design, and confirmation of location, species and sizes;
  - B. soft planting, planter details, shrubs and herbaceous areas detailing species, sizes and numbers/densities;
  - C. specifications for operations associated with plant establishment and maintenance that are compliant with best practice;
  - D. enclosures including type, dimensions and treatments of any balustrades, walls, fences, screen walls, and railings;
  - E. hard landscaping, including samples and specifications of all ground and roof terrace surface materials, kerbs, edges, steps and any synthetic surfaces;
  - F. any other landscaping features forming part of the scheme, including any associated outdoor structures;
  - G. a landscape management plan for the public and private areas to include a maintenance schedule for all landscaped areas.

All landscaping must be completed/planted in accordance with the approved details prior to the first occupation of the development hereby permitted or in accordance with a programme otherwise first agreed in writing with the Local Planning Authority. All soft landscaping must have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased must be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting must be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting must be in accordance with the approved details.

Reason: In the interests of visual amenity of the site and surrounding area, including the Byfleet Village Conservation Area, in accordance with Policies CS20, CS21 and CS24 of the Woking Core Strategy 2012, Policies DM2 and DM20 of the Development Management Policies DPD 2016 and the National Planning Policy Framework (NPPF).

### Highway Safety and Parking

5. The development hereby approved must not be first occupied unless and until space has been laid out within the site in accordance with the approved plan Drawing No. PL012 Rev B (Received by the LPA on 12.12.2024) by the Local Planning Authority for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas must be retained and maintained for their designated purposes.

Reason: To ensure that the development should not prejudice highway safety nor cause inconvenience to other highway users.

6. The development hereby approved must not be first occupied unless and until facilities for the secure, lit and covered parking of bicycles and the provision of a

## 14 JANUARY 2025 PLANNING COMMITTEE

charging point with timer for e-bikes by said facilities have been provided within the development site in general accordance with the approved drawing No. PL020 Rev A and an e-bike charging facility scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities must be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 Promoting Sustainable Transport in the National Planning Policy Framework 2024, to satisfy objectives of the SCC LTP4 2022-2032 and Policy CS18 'Transport and Accessibility' of the Woking Borough Council Core Strategy 2012

### Construction Management

7. ++ No development of Phase 1 should commence until a Construction Transport Management Plan (CTMP), to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway
  - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - (j) no HGV movements to or from the site should take place between the hours of 8.30 am and 9.15 am and 3.15 pm and 4.00 pm nor should the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in adjoining to the site during these times
  - (k) on-site turning for construction vehicles

Only the approved details should be implemented during the construction of the development.

Reason: To ensure that the development should not prejudice highway safety nor cause inconvenience to other highway users.

### Boundary Treatments

8. No above ground works for the development, hereby approved, should take place until details (in general accordance with the approved plans listed within Condition 3 of this notice) have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments must thereafter be retained and maintained in accordance with the approved plans and must not be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual and neighbouring amenity and to comply with Policy CS21 of the Woking Core Strategy 2012 and the NPPF.

9. Prior to the first occupation of the development, hereby permitted, details of the ASHP enclosure as shown on the approved plans must be submitted to and approved in writing by the Local Planning Authority. Thereafter the enclosure treatments must be retained in accordance with approved details unless otherwise first agreed in writing by the Local Planning Authority to any variation.

## 14 JANUARY 2025 PLANNING COMMITTEE

Reason: In the interests of visual amenity of the site and surrounding area, including the Byfleet Village Conservation Area, in accordance with Policies CS20, CS21 and CS24 of the Woking Core Strategy 2012, Policies DM2 and DM20 of the Development Management Policies DPD 2016 and the National Planning Policy Framework (NPPF).

### Residential Layout/Restrictions/Neighbour Amenity

10. The windows in the first and second-floor rear (southern) elevation shown to serve the living/kitchen/dining areas for annotated Flats 30, 32 and 33, hereby permitted, must be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the rooms in which the windows are installed. Once installed the windows must be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority to any variation.

Reason: To protect the residential amenity of the occupants of all residential units forming part of the development in accordance with Policy CS21 of the Woking Core Strategy 2012, SPDs Design 2015 and Outlook, Amenity, Privacy and Daylight 2022 and the NPPF.

11. Prior to the occupation of the respective flats, the windows in the second-floor side (eastern) elevation shown to serve the bedroom window in Flat 24 and both bedroom windows in Flat 25, hereby approved, must be fitted with the directional window fins in accordance with the details specified on approved plan Drawing No. PL023 Rev A (Received by the LPA on 12.12.2024) including the obscuring levels of the directional fins. Once installed the windows and directional fins including their obscuring must be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority to any variation.

Reason: To protect the residential amenity of the occupants of Ellis Court to the east in accordance with Policy CS21 of the Woking Core Strategy 2012, SPDs Design 2015 and Outlook, Amenity, Privacy and Daylight 2022 and the NPPF.

12. Prior to the first beneficial use of the communal roof terrace, hereby permitted, a communal roof terrace management plan must be submitted to and approved in writing by the Local Planning Authority which shall set out:
  - i. hours of access to the communal roof terrace
  - ii. means of controlling access to the communal roof terrace
  - iii. signage regarding hours of use and any activities which are prohibited (i.e. barbeques / late night gatherings etc)

The measures approved must be implemented upon first beneficial use of the communal roof terrace and thereafter be permanently maintained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason: To protect the general amenities of the area and the residential amenities of neighbouring and nearby properties from undue noise and disturbance in accordance with Policy CS21 of the Woking Core Strategy 2012, Policy DM7 of the Development Management Policies DPD 2016 and the provisions of the National Planning Policy Framework (NPPF).

## 14 JANUARY 2025 PLANNING COMMITTEE

13. Prior to the first beneficial use of the communal roof terrace, hereby permitted, details of the louvre screens as shown on the approved plans must be submitted to and approved in writing by the Local Planning Authority. Thereafter the louvre screens must be retained in accordance with approved details unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason: To protect the residential amenity of the occupants of Ellis Court to the east, properties within Stream Close to the South and properties to the West within Derisley Close in accordance with Policy CS21 of the Woking Core Strategy 2012, SPDs Design 2015 and Outlook, Amenity, Privacy and Daylight 2022 and the NPPF.

14. No external lighting must be installed on the development, hereby approved, (with the exception of any temporary demolition/construction required external lighting) until full details (to include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles)) and demonstrating compliance with both the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and The Built Environment Series" (or any future equivalent) and the recommendations of the Institute of Lighting Professionals Guidance Note GN01/21 for The Reduction of Obtrusive Light (2021) (or any future equivalent) have been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme must thereafter be installed and permanently maintained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason: To protect the general environment, the amenities of the area, the residential amenities of neighbouring and nearby existing properties and the habitat for bats and other nocturnal animals. Nocturnal animals, including bats, are sensitive to any increase in artificial lighting of their roosting and foraging places and commuting routes. To accord with Policies CS7 and CS21 of the Woking Core Strategy 2012, the provisions of the National Planning Policy Framework (NPPF) and Circular 06/05 Biodiversity and Geological Conservation.

### Refuse/Recycling

15. The waste and recycling bin storage areas shown on the approved plans listed within Condition 3 of this notice must be provided prior to first occupation of the development and thereafter be made permanently available for the lifetime of the development.

Before the development is first occupied or brought into use, details of the refuse and recycling collection arrangements (including arrangements for bin store access for bin crews, and for bin collection more generally) and a strategy for its management must first be submitted to and approved in writing by the Local Planning Authority. The development must thereafter be carried out in accordance with the approved details and permanently retained thereafter for the lifetime of the development.

Reason: To ensure the provision of satisfactory facilities for the storage and recycling of waste 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 National Planning Policy Framework (NPPF).

### Contamination

## 14 JANUARY 2025 PLANNING COMMITTEE

16. ++ Prior to the commencement of the development a contaminated land site investigation and risk assessment, that determines the extent and nature of contamination on site and reported in accordance with the current best practice and guidance such as Land contamination risk management (LCRM) and British Standard BS 10175, shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). If applicable, ground gas risk assessments should be completed in line with CIRIA C665 guidance.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. 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.

17. ++ Prior to the commencement of the development a detailed remediation method statement must be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The remediation method statement must detail the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identify receptors at the site and shall detail the information to be included in a validation report. The remediation method statement must also provide information on a suitable discovery strategy to be utilised on site should contamination manifest itself during site works that was not anticipated. The Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of the remediation works on site. The development must then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. 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.

18. Prior to the first occupation of the development hereby permitted, a remediation validation report for the site must be submitted to and approved in writing by the Local Planning Authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems must have regard to current best practice and guidance for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

### Surface Water Drainage

## 14 JANUARY 2025 PLANNING COMMITTEE

19. ++ The development hereby permitted must not commence until details of the final design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The final solution should follow the principles set out in the approved drainage strategy. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details must include:
- A. The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - B. Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off including multifunctional sustainable drainage systems.
  - C. Detailed drainage design drawings and calculations to include: a finalised drainage layout the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
  - D. A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
  - E. Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - F. Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

20. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.

### Ecology and Biodiversity

21. The development must be carried out in accordance with the recommendations and mitigation measures proposed between Paragraphs 4.17 to 4.20 of The Ecological Walkover and Biodiversity Net Gain Assessment (The Ecology Partnership dated July 2024). Should any of the recommendations and mitigation measures require updating, then an update report(s) should be prepared by a suitably qualified ecologist and submitted to the LPA, with appropriate justification and reasoning.

## 14 JANUARY 2025 PLANNING COMMITTEE

Reason: In the interest of preserving and enhancing protected species and biodiversity in compliance with Policy CS7 of the Woking Core Strategy 2012 and the National Planning Policy Framework.

### Energy and Water

22. No fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall be installed until details, including acoustic specifications, a noise assessment of the ASHP by a Suitably Qualified Acoustician (SQA) which takes into account the local circumstances and tonal or intermittent sound factors that could be perceived by noise sensitive receptors have been submitted to and approved in writing by the Local Planning Authority. Such plant and equipment shall not be installed otherwise than in strict accordance with the approved specifications.

Reason: To ensure a high standard of sustainability and to protect the residential amenity of the occupants of Ellis Court to the east, properties within Stream Close to the South and properties to the West within Derisley Close in accordance with Policy CS21 of the Woking Core Strategy 2012, SPDs Design 2015 and Outlook, Amenity, Privacy and Daylight 2022 and the NPPF.

23. Prior to the commencement of superstructure works on development, hereby approved, written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the flats within the development will 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 relevant dwelling(s) 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, the Climate Change SPD 2023 and the provisions of the National Planning Policy Framework (NPPF).

24. The residential flats, 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 the flats have 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, the Climate Change SPD 2023 and the provisions of the National Planning Policy Framework (NPPF).

### Permitted Development Rights



## 14 JANUARY 2025 PLANNING COMMITTEE

25. The Notwithstanding the provisions of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any orders amending or re-enacting that Order(s), or superseding equivalent Order, with or without modification(s)), the following development must not be undertaken without prior specific express planning permission in writing from the Local Planning Authority:

The installation of any structures or apparatus for purposes relating to telecommunications on any part the development hereby permitted, including any structures or development otherwise permitted under Part 16 “Communications”.

Reason: To ensure that any structures or apparatus for purposes relating to telecommunications on the development hereby permitted do not adversely affect the appearance of the area, including of the Byfleet Village Conservation Area, in accordance with Policies CS20, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM20 of the Development Management Policies DPD 2016 and the National Planning Policy Framework (NPPF).

26. Notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any equivalent Order(s) revoking and/or re-enacting and/or modifying that Order with or without modification(s)), no cables, wires, aerials, pipework (except for the rainwater goods as shown on the approved plans listed within Condition 3 of this notice) meter boxes or flues must be fixed to any elevation of the building hereby permitted without the prior written consent of the Local Planning Authority. Any such works must be undertaken only in accordance with the approved details and thereafter permanently maintained for the lifetime of the building.

Reason: In the interests of visual amenity of the site and surrounding area, including the Byfleet Village Conservation Area, in accordance with Policies CS20, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM20 of the Development Management Policies DPD 2016 and the National Planning Policy Framework (NPPF).

### **Informatives:**

1. 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 National Planning Policy Framework 2024.
2. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

## 14 JANUARY 2025 PLANNING COMMITTEE

3. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.
4. You are 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.
5. The applicant is advised that works related to the construction of the development, including works of demolition or preparation prior to building operations, should not take place other than:

Mondays - Fridays (inclusive) working only between 08:00 - 18:00 hrs

Saturday working only between 08:00 - 13:00 hrs

No work to take place on Sundays or Bank/Public Holidays

If works are intended to take place outside of the hours set out above the applicant should contact the Council's Environmental Health Service beforehand.

6. It is recommended that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
7. Is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
8. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.
9. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
10. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

## 14 JANUARY 2025 PLANNING COMMITTEE

11. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
12. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Woking Borough Council.

13. If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

14. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.
15. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.
16. The applicant is advised that, in accordance with the Town Improvement Clause Act 1987 Sections 64 & 65 and the Public Health Act 1925 Section 17, Woking Borough Council is the authority responsible for the numbering and naming of properties and new streets. You should make a formal application electronically to Woking Borough Council using the following link: [www.woking.gov.uk/planning-and-building-control/street-naming-and-numbering/about-street-naming-and-numbering](http://www.woking.gov.uk/planning-and-building-control/street-naming-and-numbering/about-street-naming-and-numbering) before addressing any property or installing or displaying any property name or number or street name in connection with any development the subject of this Planning Permission.