

15 APRIL 2025 PLANNING COMMITTEE

6b PLAN/2024/0692

WARD: Byfleet And West Byfleet

LOCATION: Former Scout Hut, Walnut Tree Lane, Byfleet, West Byfleet, Surrey, KT14 7AQ

PROPOSAL: Erection of a detached dwelling, together with associated car parking, cycle and refuse storage and landscaping, following demolition of the Scouts hut and outbuildings.

APPLICANT: Mr Giovanni Di Palma

OFFICER: Brooke Bournague

UPDATE for 15 April 2025 committee

At 11th February 2025 Planning Committee members resolved to grant planning permission subject to conditions and a legal agreement. The applicant has now advised that the dwelling will no longer be a self-build and therefore the development will now have to comply with Biodiversity Net Gain (BNG) and provide a CIL contribution.

Biodiversity Net Gain (BNG)

The Environment Act (2021) inserts Schedule 7A into the Town and Country Planning Act 1990 which establishes a statutory requirement for Biodiversity Net Gain to be a condition of planning permissions in England. This came into effect on 12th February 2024 and planning applications submitted after this date will need to demonstrate a 10% Biodiversity Net Gain.

A BNG Assessment and metric have been submitted with the application which show that the proposal results in a 172.27% net gain the habitat units and a 0.0% net change in hedgerow units. Due to the creation of private garden the options to replace the scrub habitat and hedgerows are therefore limited. The BNG will therefore need to be provided off site either on their own land outside the development site, or buy off-site biodiversity units on the market. Or alternatively buy statutory biodiversity credits if off site provision is not possible. Surrey Wildlife Trust have been consulted and advised that the proposal will need to comply with the BNG condition and a legal agreement will be required to secure any off site BNG provision.

Community Infrastructure Levy (CIL)

The proposed development would be CIL liable and the CIL charge would be £23,022.20.

Updated RECOMMENDATION

- A. That authority be delegated to the Head of Planning (or their authorised deputy) to **Grant Planning Permission** subject to:
 - (i) Planning conditions set out in this report; and
 - (ii) Prior completion of a Section 106 Legal Agreement to secure the required SAMM (TBH SPA) contribution.
 - (iii) Securing the required Biodiversity Net Gain provision for the proposal.

- B. In the event that the S.106 agreement referred to at A(ii) above is not completed within 1 year of a resolution to Grant and/or the Biodiversity Net Gain provision at A(iii) above is not adequately demonstrated to have been secured, authority be delegated to the Head of Planning (or their authorised deputy) to refuse the application.

REASON FOR REFERRAL TO COMMITTEE

The land within the application site is owned by Woking Borough Council and therefore the application falls outside of the Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

Erection of a detached dwelling, together with associated car parking, cycle and refuse storage and landscaping, following demolition of the Scouts hut and outbuildings.

| | |
|-----------------------|------------------------------|
| Site Area: | 0.04 ha |
| Existing dwelling(s): | 0 |
| Proposed dwellings: | 1 |
| Existing density: | 0dph (dwellings per hectare) |
| Proposed density: | 25dph |

PLANNING STATUS

- TBH SPA Zone B (400m-5km)
- Urban Areas
- Byfleet Neighbourhood Area

SITE DESCRIPTION

The proposal relates to a Former Scout Hut, Walnut Tree Lane which comprises a large single storey detached prefabricated building and smaller detached building to the south of the main building. There is an area of hardstanding to the east of the application site with some soft landscaping to the south west of the site.

PLANNING HISTORY

PLAN/2023/0600: Erection of a pair of semi-detached dwellings following demolition of the Scouts hut and outbuildings. Withdrawn

CONSULTATIONS

Arboricultural Officer: No objection subject to condition

SCC Highways: No objection subject to conditions

Local Lead Flood Authority: No objection subject to condition

Surrey Wildlife Trust: Conditions have been recommended to secure details of lighting prior to installation, submission and approval of an amphibian and reptile precautionary method of working and Ecological Enhancement Plan.

Also advise that the Statutory Biodiversity Metric and accompanying Biodiversity Net Gain Assessment be amended to take into account the guidance regarding habitat creation in private gardens.

(Case Officer note: this is no longer required as the applicant has now applied for an exemption).

Contaminated Land Officer: No objection subject to conditions

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Asset Management: No objection

Byfleet, West Byfleet, Pyrford Residents' Association: No comments received

Forestry Commission: Standing advice provided

REPRESENTATIONS

4 letters have been received raising the following points:

- Although this current proposal is a vast improvement to the previous plans this will still have a considerable impact on our privacy
- The two properties will be facing each other, the proposed dwelling will be looking directly down to our habitable rooms
- Loss of privacy
- The proposed dwelling is not in keeping with the neighbouring bungalows
- A single storey dwelling will avoid overlooking
- Comments will be welcome on how construction traffic and heavy good vehicles will access the site

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2024):

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
- CS10 - Housing provision and distribution
- CS11 - Housing Mix
- CS12 - Affordable housing
- CS17 - Open space, green infrastructure, sport and recreation
- CS18 - Transport and accessibility
- CS19 - Social and community infrastructure
- CS21 - Design
- CS24 - Woking's landscape and townscape
- CS25 - Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):

- DM10 - Development on Garden Land

Supplementary Planning Documents (SPD):

- Design (2015)
- Parking Standards (2018)
- Outlook, Amenity, Privacy and Daylight (2022)
- Updated Thames Basin Heaths Avoidance Strategy (February 2022)

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PLANNING ISSUES

Principle of development

1. The application site is currently vacant but was last in use as a Scout Hut (Class F2). The proposal is to demolish the existing building and build a detached dwelling which would result in the loss of the use of the building as a Scout Hut.
2. Policy CS19 (Social and Community Infrastructure) of the Woking Core Strategy (2012) sets out that *“the loss of existing social and community facilities or sites will be resisted unless the Council is satisfied that:*
 - *there is no identified need for the facility for its original purpose and that it is not viable for any other social or community use, or*
 - *adequate alternative facilities will be provided in a location with equal (or greater) accessibility for the community it is intended to serve*
 - *there is no requirement from any other public service provider for an alternative social or community facility that could be met through change of use or redevelopment.”*
3. Section 5.175 of the Woking Core Strategy (2021) states that *‘social and community infrastructure includes: schools, higher education facilities, health centres, GP surgeries, dentists, child care premises, supported accommodation, libraries, museums, community halls, places of worship, church halls, day centres, children’s centres, indoor and outdoor recreation and sports facilities and any other facility owned by a publicly funded body to provide front line services’.*
4. The use is understood to have operated until the Scout Group moved to a new purpose-built centre at Murrays Lane which was granted planning permission under ref: PLAN/2014/0517. The Design, Access and Planning Statement submitted with planning application PLAN/2014/0517 advises that the Scout building at Walnut Tree Lane is of steel and concrete ‘prefabricated’ construction *and ‘is now well beyond a reasonable service life and beyond economic repair’.* Information submitted also advises that significant investment would be required to bring the building up to modern standards which would be hard to justify due to the location of the building and constraints of surrounding properties. A larger scout hut being built on the site would result in the loss of outside space and parking.
5. As the building has remained vacant since the Scout Group moved to their new purpose-built premises the site is now overgrown and the building is now in a state of disrepair.
6. Due to the very poor state of the building and level of investment needed to repair and bring the building up to a modern standard it is considered that it would not be viable to undertake a significant refurbishment of the building. The Scout Group that operated from this building have moved to a purpose-built facility that provides sufficient facilities, parking and outdoor space to enable them to follow the activities outlined by the Scout Association.
7. The location of the building surrounded by residential properties and the lack of parking restricts the redevelopment of the site for an alternative social and community facility. This is the main reason why the Scout Group relocated to another location in West Byfleet.
8. The proposal would therefore comply with Policy CS19 of the Woking Core Strategy (2012).

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9. The National Planning Policy Framework (2024) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development with the overarching policies of both the NPPF and the Development Plan as a whole emphasising the need for new housing. Policy CS10 of the Woking Core Strategy seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place and identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010 and 2027. Policy CS10 sets an indicative number of 750 net additional dwellings to be provided through redevelopment, change of use, conversion and refurbishment of existing properties, or through infilling, in the rest of the Urban Area (i.e., outside of Woking Town Centre/West Byfleet District Centre/Local Centres etc), as is applicable in this instance. The site lies within the designated Urban Area and is within the 400m-5km (Zone B) Thames Basin Heaths Special Protection Area (SPA) buffer zone where net additional dwellings can be considered acceptable subject to appropriate mitigation.
10. The principle of residential development is therefore considered acceptable subject to further material planning considerations, specific development plan policies and national planning policy and guidance as discussed below.

Impact on character

11. The application site comprises a large 'T' shaped concrete 'prefabricated' single storey building and smaller detached building to the south of the main building. The large building is sited approximately 1m from the west boundary and at present there is no boundary treatment between the building and rear amenity space of No.23 Queens Avenue. The application site currently has vehicular access from Walnut Tree Lane.
12. The application site was last in use as a Scout Hut. The site is surrounded by residential properties which include a mix of detached, semi-detached and terraced single storey and two storey dwellings. The dwellings immediately to the north and east boundary are single storey. The plot sizes in the immediate area vary in size and shape. The character of the area is therefore mixed in nature.
13. The proposal involves the demolition of all buildings on the site and the erection of a detached dwelling. It is considered that changing the use of the site from a Scout Hut to a residential use would not detract from the character of the area.
14. The proposed dwelling would have a smaller footprint than the existing larger building on the site and would be set further back from the east and west boundaries. The front elevation of the proposed dwelling would be orientated towards the east with an area of private amenity space provided to the west (rear) of the proposed dwelling.
15. The proposed dwelling would have a dual pitched roof with the first-floor accommodation sited in the roofspace. It is considered that the design approach would not detract from the character of the area.

Impact on Neighbours

16. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to '*Achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook*'.
17. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) recommends minimum separation distances for different relationships including 20m for rear-to-rear relationships, 10m for front-to-boundary relationships and 10m for front or back to boundary/flank at two storey level. The document does on to state '*However,*

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these dimensions are for advice only and evidence of design quality and compatibility with context will be of overriding importance'.

18. The Conifers, Walnut Tree Lane is a single storey dwelling sited to the east of the application site. The proposed dwelling would be sited approximately 11m from the east boundary and 16m from the front elevation of The Conifers, Walnut Tree Lane. The proposal would comply with minimum recommended front to front separation distances for two storey development in Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022). It is considered that the first-floor window in the east elevation would not result in a significant loss of privacy to The Conifers, Walnut Tree Lane. Due to the position of the dwelling and separation distance to The Conifers, Walnut Tree Lane it is considered that the proposed dwelling would not have a significant loss of daylight, loss of privacy or overbearing impact to The Conifers, Walnut Tree Lane.
19. Sunnyside, Walnut Tree Lane would be sited to the north of the proposed dwelling. The proposed dwelling would be sited a minimum of approximately 2.5m from the boundary with Sunnyside, Walnut Tree Lane. There is a timber building sited on the boundary and single garage providing a separation to the main dwelling at Sunnyside, Walnut Tree Lane. The proposal would comply with minimum recommended side to boundary separation distances for two storey development in Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022). One rooflight serving a stairwell is proposed in the north elevation orientated towards Sunnyside, Walnut Tree Lane, due to the separation distance a condition is recommend requiring the rooflight to be obscure glazed and top opening only to retain the privacy of Sunnyside, Walnut Tree Lane. There are no windows in the side elevation of Sunnyside, Walnut Tree Lane and the proposed dwelling would not result in a loss of daylight to the windows in the front or rear elevation of Sunnyside, Walnut Tree Lane. Overall, it is considered that the proposed dwelling would not have a significant loss of daylight, loss of privacy or overbearing impact to Sunnyside, Walnut Tree Lane.
20. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) recommends minimum separation distances for different relationships including 20m for rear-to-rear relationships and 10m for front or back to boundary/flank at two storey level. However, the document makes it clear that these dimensions are for advice only and evidence of design quality and compatibility with context will be of overriding importance. The existing building is sited approximately 1m from the west boundary with No.23 and No.24 Queens Avenue and has a height of approximately 2.3m at the rear. At present there is no boundary treatment between the building and rear amenity space of No.23 Queens Avenue.
21. The proposed dwelling would be sited a minimum of approximately 9m from the west boundary but 32m overall from the rear elevations of No.23 and No.24 Queens Avenue. The proposal would comply with the recommended rear-to-rear separation distance. Whilst it but falls very marginally short of the 10m back-to-boundary/flank separation distance, the proposed dwelling would be set further into the application site than the existing boundary and a condition would ensure that appropriate boundary treatment is placed along the west boundary with No.23 and No.24 Queens Avenue. The dwellings along Queens Avenue also have a change in orientation and No.23 and No.24 Queens Avenue also have deep gardens measuring a minimum of approximately 22.5m deep. Furthermore, the resulting relationship would be comparable or better than that existing between Bude and Sunnyside and their corresponding neighbours in Queens Avenue (albeit these are conventional bungalows). Due to these factors it is considered that the proposed dwelling would not result in a significant loss of privacy to No.23 and No.24 Queens Avenue.

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22. Due to the separation distance to No.23 and No.24 Queens Avenue it is considered that the proposed dwelling would not have a significant overbearing or loss of daylight impact to these properties.
23. The submitted location plan is inaccurate in that it labels No.16 Lake Close as No.15 Lake Close and does not include the property at No.15 Lake Close or the boundary of this plot. The land within the curtilage of No.15 Lake Close is included in the amenity space of No.14 Lake Close. The dwelling at No.13 Lake Close is also not shown on the location plan. However, the application has been assessed on the correct location of the boundaries and dwellings at No.13, 14, 15 and 16 Lake Close.
24. No.13, 14 and 15 Lake Close are sited to the south of the application site. No.13 and No.14 are sited at an angle with the application site.
25. No.15 Lake Close is sited to the south of the application site and the south boundary just adjoins the corner of the rear boundary of No.15 Lake Close. There would be an approximate separation distance of 11m between the front elevation of the proposed dwelling and corner of the rear boundary of No.15 Lake Close. The proposal would comply with the minimum recommended front or rear to boundary/flank separation distances for two storey development in Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022). It is considered that the proposed dwelling would not result in a significant loss of privacy to No.15 Lake Close. Due to the position of the proposed dwelling and relationship with No.15 Lake Close it is considered that there would not be a significant loss of daylight or overbearing impact to No.15 Lake Close.
26. The proposed dwelling would be sited approximately 2m from the south boundary and a minimum of approximately 12m from the rear elevation of No.14 Lake Close. The proposal would comply with the minimum recommended front or rear to boundary/flank separation distances for two storey development in Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022). One rooflight serving a stairwell is proposed in the north elevation orientated towards No.14 Lake Close, due to the separation distance a condition is recommend requiring the rooflight to be obscure glazed and top opening only to retain the privacy of No.14 Lake Close. The proposed dwelling would be sited approximately 2m from the rear boundary and would have an eaves height of approximately 3.5m and ridge height of approximately 6.1m. The proposed dwelling would be readily apparent in views from this neighbour's private amenity space due to the separation distance and eaves and ridge height of the proposed dwelling it is considered that there would not be a significant loss of daylight or overbearing impact to No.14 Lake Close.
27. No.13 Lake Close is also sited to the south of the application site and to the rear of the site just beyond the rear elevation of the proposed dwelling. The proposed dwelling would be sited approximately 2m from the south boundary. Due to the position of the dwelling and separation distance to The Conifers, Walnut Tree Lane it is considered that the proposed dwelling would not have a significant loss of daylight, loss of privacy or overbearing impact to No.13 Lake Close.
28. A condition restricting dormer windows is recommended to retain the privacy of neighbouring properties.
29. Overall, the proposal is considered to have an acceptable impact on the amenities of neighbours in terms of potential loss of light, overbearing and overlooking impacts.

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Standard of accommodation:

30. The proposed dwellings achieve the space standards in the National Described Space Standard (2015) with good quality outlooks to habitable rooms.
31. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) advises that family dwelling houses with two bedrooms or more and over 65 sq.m. gross floorspace should provide a suitable area of private garden amenity in scale with the building but always greater than the building footprint.
32. The proposed dwelling would have footprint of approximately 87sqm and a private amenity space measuring approximately 165sqm. It is considered that sufficient private amenity space would be provided for the proposed dwelling. The proposal is therefore considered to provide an acceptable standard of amenity for the future occupants.
33. The submitted proposed site plans includes indicative landscaping. A landscaping condition is recommended to secure a landscaping plan.

Impact on Car Parking Provision & the Highway

34. The proposed dwelling would use the existing vehicular access from Walnut Tree Lane.
35. SCC Highways have been consulted and raised no objection subject to conditions requiring space to be provided for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear and provision of cycle parking and EV charging points in accordance with the submitted plans. Conditions are recommended to secure space to be provided for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear and provision of cycle parking. A condition is not recommended to provide an EV charging point as this would be secured under building regulations.
36. Supplementary Planning Document 'Parking Standards' (2018) requires a 3 bedroom dwelling to provide a minimum of 2 onsite parking spaces. The hardstanding to the front of the proposed dwelling is large enough to accommodate 2 onsite parking spaces. A cycle store is shown in the rear amenity space. Therefore, the proposal would comply with onsite parking standards within Supplementary Planning Document 'Parking Standards' (2018).

Impact on Flood Risk & Drainage

37. The application site is in and adjacent to areas with medium surface water flooding. The areas at risk of medium surface water are located along the west (rear) boundary of the site and would be located in the rear garden of the proposed dwelling and the north (side) boundary by the existing and proposed vehicular access and in the rear garden of the proposed dwelling.
38. The Local Lead Flood Authority have been consulted and raised no objection subject to a condition requiring the submission of a surface water drainage scheme.
39. Subject to a condition to ensure the submission of additional information the proposal is considered to have an acceptable impact surface water flooding.

Impact on ecology

40. The NPPF (2023) states that the planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. This approach is supported by Circular 06/05 – Biodiversity and Geological Conservation and is reflected in Policy CS7 'Biodiversity and Nature

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Conservation' of the Woking Core Strategy (2012). The Natural Environment and Rural Communities (NERC) Act (2006) (Section 40) states, "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

41. Bats and their roosts are protected under the Wildlife and Countryside Act (1981) (as amended), as are other species such as reptiles, amphibians, Great Crested Newts, hedgehogs and breeding birds. The Conservation of Habitats and Species Regulations (2017) (as amended) transpose the Habitats Directive into national law. Schedule 2 of the Regulations lists all species of bats as being European Protected Species; it is an offence to kill or disturb bats or their roosts.
42. The application has been supported by an Ecology Report and Bat presence/likely absence survey report.
43. The Bat presence/likely absence survey report states '*Two soprano pipistrelle day roosts will be impacted by the development proposals, which will have a negative significant impact at a site level, though the loss of these roosts will not adversely impact the conservation status of soprano pipistrelle bats due to roosting opportunity available in close proximity of the site within open greenspace and along networks of hedgerows, trees and nearby gardens within wider landscape and buildings that will not be impacted. The loss of these roosting sites can be mitigated for through the installation of alternative roost sites for soprano pipistrelle and compensated for through the installation of a second alternative roosting site that would need to be done under a bat mitigation licence*'.
44. The ecology report also sets out precautions and recommendations with regards to bats and other species. The mitigation measures identified in the report can be secured by planning condition.
45. Surrey Wildlife Trust have been consulted and advised '*The above referenced Bat presence/likely absence survey report has confirmed the presence of active bat roosts within the development site and that these roosts would be subject to loss, or disturbance as a result of development. Works would therefore be contrary to the above referenced legislation in absence of derogation licensing. Should they be minded to grant this planning application, the LPA should advise the applicant that they will be required to appoint a registered consultant under the bat mitigation class licence to undertake the works*'.
46. For the avoidance of doubt, there is a legal requirement under The Conservation of Habitats and Species Regulations (2017) for the applicant to obtain an EPS Mitigation Licence from Natural England prior to the carrying out of any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. A planning condition requiring the applicant to acquire an EPS Mitigation Licence from Natural England is not necessary as it is required by alternative legislation and secured by a separate permitting regime.
47. Due to the presence of bats a condition is recommended to ensure that the proposal would not result in a net increase in external artificial lighting.
48. With regards to amphibians and reptiles Surrey Wildlife Trust have advised '*Ecological surveys submitted identified the presence of suitable habitat for amphibians (in their terrestrial phase) and common reptile species. Appropriate mitigation is therefore required to ensure that amphibians and reptiles are adequately protected, in line with the legislation*'.

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49. Conditions are recommended to the submission and approval of an amphibian and reptile precautionary method of working prior to commencement of works and Ecological Enhancement Plan (EEP).
50. It is therefore considered that the proposed development would not result in any significant or unacceptable harm to protected species or other species, subject to compliance with the relevant legislation referenced above. It is therefore considered that the proposed development would accord with the Development Plan and would have an acceptable impact on ecology.

Impact on Trees

51. There are trees within and adjacent to the application site that could be affected during construction. Policy DM2 of DM Policies DPD (2016) states the Council will *'require any trees which are to be retained to be adequately protected to avoid damage during construction'* and Policy CS21 of the Woking Core Strategy (2012) requires new development to include the retention of trees and landscape features of amenity value.
52. The Council's Arboricultural Officer has been consulted and advised a Tree Protection Plan would be required prior to any works on site. A condition to secure a tree protection plan, including details of all trees is recommended to ensure that trees are adequately protected during construction.

Affordable Housing

53. Policy CS12 of the Woking Core Strategy (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site. However, Paragraph 65 of the NPPF (2024) states that *'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'*. Moreover, Supplementary Planning Document Affordable Housing Delivery (2023) states (at para 5.2) that *'In taking account of the change to the NPPF and PPG as a material consideration, the council will therefore no longer require affordable housing or affordable housing financial contributions for sites of less than 10 dwellings unless the site is 0.5ha or larger'*.
54. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that more significant weight should be afforded to Paragraph 65 of the NPPF (2024) and Supplementary Planning Document Affordable Housing Delivery (2023), both of which are more recent documents. The proposal is not major development and is not within a designed rural area, therefore no affordable housing contribution is sought.

Energy and Water Consumption

55. 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 (2024).

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56. 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 of the Woking Core Strategy (2012) would ordinarily require. As such, it is unnecessary (and would be unreasonable) to recommend a planning condition relating to energy performance because more stringent standards are required by separate regulatory provisions (i.e., by the Building Regulations).
57. However, the LPA requires all new residential development to achieve, as a minimum, the optional requirement set through Part G of the Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. Conditions are recommended to secure the submission of design stage and as built water calculations
58. Subject to conditions to ensure the submission of additional information the proposal is considered to have an acceptable impact on energy and water consumption.

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

59. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes of the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
60. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The proposed development would require a SAMM financial contribution of **£1,273** based on a net gain of 1x three bedroom dwelling which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted.
61. Subject to securing the provision of the SAMM tariff 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 Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

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CONCLUSION

62. The proposal is considered an acceptable form of development which would have an acceptable impact on the character of the surrounding area, on the amenities of neighbours, in transportation terms and in respect of other planning considerations as noted in this report. The proposal would result in the net gain of one family dwelling in a sustainable location in the urban area which weighs in favour of the proposal. The proposal therefore accords with the relevant Development Plan policies, guidance and other material considerations as noted in this report and is recommended for approval subject to conditions and a Legal Agreement to secure the relevant SAMM contribution.

BACKGROUND PAPERS

1. Site visit photographs

RECOMMENDATION

- A. That authority be delegated to the Head of Planning (or their authorised deputy) to **Grant Planning Permission** subject to:
- (i) Planning conditions set out in this report); and
 - (ii) Prior completion of a Section 106 Legal Agreement to secure the required SAMM (TBH SPA) contribution.
 - (iii) Securing the required Biodiversity Net Gain provision for the proposal.
- B. In the event that the S.106 agreement referred to at A(ii) above is not completed within 1 year of a resolution to Grant and/or the Biodiversity Net Gain provision at A(iii) above is not being adequately being demonstrated to have been secured, authority be delegated to the Head of Planning (or their authorised deputy) to refuse the application.

Conditions

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

Reason:

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

02. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

CDA-351-001 received by the Local Planning Authority on 25.09.2024
CDA-351-002 received by the Local Planning Authority on 25.09.2024
CDA-351-003 Rev B received by the Local Planning Authority on 01.10.2024
CDA-351-004 Rev A received by the Local Planning Authority on 25.09.2024
CDA-351-005 Rev A received by the Local Planning Authority on 25.09.2024

CDA-351-006 received by the Local Planning Authority on 04.10.2024
CDA-351-007 received by the Local Planning Authority on 04.10.2024

Reason:

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

03. ++Prior to the commencement of any above ground works in connection with the development hereby permitted (excluding demolition), a written specification of all external materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area.

04. ++Prior to the commencement of the development hereby permitted (excluding demolition), a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted, details of materials for areas of hardstanding and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping and boundary treatments shall be carried out prior to the first occupation of the development hereby permitted and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. All soft landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the first occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area.

05. ++No works pursuant to the development hereby permitted must be undertaken until tree protection details (including details of all trees and a method statement) have been submitted to and approved in writing by the Local Planning Authority. These details must adhere to the principles embodied in British Standard 5837 'Trees in relation to design, demolition and construction - Recommendations' (or any future equivalent) and make provision for the convening of a pre-commencement site meeting. Full details must be provided to indicate exactly how and when retained trees will be protected during the course of site works. No works must take place until the tree protection measures have been fully implemented in accordance with the approved details. All tree protection measures must be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing must be stored or placed in any area fenced in accordance with this condition. Any deviation from the works prescribed or methods agreed will require prior written approval from the Local Planning Authority.

Reason:

To ensure retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development.

06. ++ Prior to the commencement of the development hereby permitted written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that dwellings within the development will achieve a maximum water use

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of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence must be in the form of a Design Stage water efficiency calculator.

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

Reason:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources within a water stressed area. 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.

07. Prior to first occupation written documentary evidence must be submitted to and approved in writing by the Local Planning Authority demonstrating that the respective dwelling(s) within the development has 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 within a water stressed area.

08. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG.

Reason:

To ensure the development does not increase flood risk on or off site.

09. The north and south facing rooflights (serving bathroom and hallway) hereby permitted shall be glazed entirely with obscure glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the local planning authority.

Reason:

To safeguard the amenities of the adjoining properties

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-

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enacting that Order with or without modification) no building, structure or other alteration permitted by Class B and C of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason: To protect the amenity and privacy of the occupants of neighbouring properties.

11. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans in writing by the Local Planning Authority for vehicles 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 shall be retained and maintained for their designated purposes.

Reason:

To ensure the development does not prejudice highway safety or cause inconvenience to other highway users and in the interests of public safety

12. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure parking of bicycles. All cycle parking should be secure, covered and lit. Thereafter the parking areas shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

To ensure that satisfactory facilities for the parking of cycles are provided.

13. Prior to the installation of any external lighting including floodlighting, details of the lighting (demonstrating compliance with the recommendations of the Bat Conservation Trusts' "Bats and Lighting in the UK - Bats and The Built Environment Series" guidance) shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be installed and maintained in accordance with the agreed details thereafter.

Reason:

In the interests of visual and neighbouring amenity and biodiversity.

14. ++Prior to commencement of development an amphibian and reptile precautionary method of working shall be submitted and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason:

In order to protect and enhance biodiversity on the site.

15. ++The development hereby permitted shall not commence until a Ecological Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The Ecological Enhancement Plan shall include the following elements:

- a) Description and evaluation of features to be provided
- b) Location plan of all ecological enhancement features being provided

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- c) Ecological trends and constraints on site that might influence management
- d) Prescriptions for management actions
- e) Ongoing monitoring and remedial measures

Reason:

To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site.

16. The development hereby permitted must take place in accordance with Section 7 'Ecological impact assessment' and Section 8 'Biodiversity enhancements' set out in the within the Ecology Report ref: 6183-A dated 26.12.2023 August 2024 by Surrey Wildlife Trust Ecology Services received by the LPA on 25.09.2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to protect and enhance biodiversity on the site.

17. If, prior to or during development, ground contamination is suspected or manifests itself then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted an appropriate remediation strategy to the Local Planning Authority and the written approval of the Local Planning Authority has been received. The strategy should detail how the contamination shall be managed.

The remediation strategy shall be implemented in accordance with such details as may be approved and a remediation validation report shall be required to be submitted to Local Planning Authority to demonstrate the agreed strategy has been complied with."

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.

18. ++Prior to demolition works the asbestos containing materials identified in the Asbestos Management Survey Report by Tersus ref:J894893 must be removed, in accordance with best practice / guidance and relevant regulations.

Upon completion of demolition works, the applicant shall provide in writing to the Local Planning Authority suitably detailed confirmation that demolition works were carried out after the removal of all asbestos containing materials.

Reason:

To order to safeguard the environment, the surrounding areas and prospective occupiers of the site.

Informatives

01. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2024).

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02. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
03. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.
04. The applicant is advised that under the Control of Pollution Act 1974, works which are audible at the site boundary are restricted to the following hours: 8.00 a.m. - 6.00 p.m. Monday to Friday, 8.00 a.m. - 1.00 p.m. on Saturdays and not at all on Sundays and Bank Holidays.
05. 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 Local Planning Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

06. 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.

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 not require the approval of a Biodiversity Gain Plan before development is begun because one of the statutory exemptions is considered to apply. In this case the statutory exemption is as follows:

Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015)

07. 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

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developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (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.

08. 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.
09. 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).
10. All species of Bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. All Bats are therefore European Protected species. Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. Destruction of a Bat roost is therefore an offence, even if the bat is not present at the time of roost removal. An EPS Mitigation Licence will be required from Natural England before any actions which may affect bats are undertaken.
11. All native UK reptile species are legally protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended) and as such are protected from killing or injuring. Great Crested Newts are protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Great Crested Newts are therefore European Protected species. Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual.
12. The applicant should take action to ensure that development activities such as demolition and vegetation clearance are timed to avoid the breeding bird season of early March to August inclusive.
13. To prevent its spread Virginia creeper should be eradicated using qualified and experienced contractors and disposed of in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991. Further information on this species can be obtained from the GB Non-native Species Secretariat at 'www.nonnativespecies.org'.
14. 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 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.

Please note that from April 2023 Woking Borough Council will be introducing Street Naming and Numbering (SNN) fees. This is to ensure that administrative costs incurred by the Council to provide this statutory function are recovered.

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15. The submitted Asbestos Management Survey Report by Tersus ref:J894893 has identified asbestos containing materials. Whilst it is noted the report assumed continued use of the scout hut. It is understood the scout hut will be demolished.

Therefore all asbestos-containing materials need removal in accordance with best practice and relevant regulations / guidance.

16. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from:

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

Claims for relief must be made on the appropriate forms which are available on the Council's website at: <https://www.woking.gov.uk/planning/service/contributions>

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

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

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

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

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).