

16th MARCH 2021 PLANNING COMMITTEE

6a PLAN/2020/0907

WARD: BWB

LOCATION: Woodlands, Sheerwater Road, West Byfleet, Surrey, KT14 6AH

PROPOSAL: Erection of a three storey building including accommodation in the roof space comprising 8x self-contained flats following demolition of existing dwelling and ancillary buildings and provision of associated bin and cycle storage, parking, retaining walls and landscaping

APPLICANT: Mr Guarino Pasqualino

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The proposal falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation due to the number of dwellings proposed.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the erection of a three storey building including accommodation in the roof space comprising 8x self-contained flats (7x two bedroom and 1x one bedroom) following demolition of existing dwelling and ancillary buildings. The proposal includes car parking with 16x spaces along with a detached cycle store building to the rear and an integral bin store in the main building.

PLANNING STATUS

- Urban Area
- Urban Open Space (part of site)
- Basingstoke Canal Conservation Area (part of site)
- Surface Water Flood Risk Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

GRANT planning permission subject to conditions and Section 106 Agreement..

SITE DESCRIPTION

The proposal site forms a large, prominent corner plot and is accessed via Woodlands Avenue and is bounded by Sheerwater Road to the west. The site is occupied by a single storey dwelling dating from the 1950s which is orientated at an angle in its plot. The proposal site features a large rear garden and includes an area of mature tree cover to the rear. The rear portion of the site forms part of the Basingstoke Canal Conservation Area which lies to the north and the rear portion of the site is also formally designated as Urban Open Space. Woodlands Avenue is a tree-lined residential road characterised predominately by two storey and chalet-style detached dwellings of similar ages. Sheerwater Road is characterised by larger detached dwellings in a lower density layout and dwellings to the south form part of the Old Avenue Conservation Area. There is a change in levels across the site with the site sloping down towards the canal to the rear; Sheerwater Road is positioned at a higher level than the majority of the site and an embankment borders the site to the west.

RELEVANT PLANNING HISTORY

- PLAN/2018/1193 - Erection of a three storey building comprising 9x self-contained flats (8x two bedroom & 1x one bedroom) following demolition of existing dwelling and ancillary buildings and provision of associated bin and cycle storage, parking, retaining walls and landscaping – REFUSED 10/01/2019 for the following reasons (subsequently dismissed at appeal under ref: APP/A3655/W/19/3222813):

01. The proposed development, by reason of the height, bulk, siting and design of the development and the extent of development across the site, would result in an unduly prominent, dominating and incongruous development which fails to respect the prevailing character, height, scale, pattern and grain of development in the area and would result in a cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, and would consequently fail to preserve or enhance the special character or setting of the Basingstoke Canal and Old Avenue Conservation Areas, contrary to Woking Core Strategy (2012) policies CS20 'Heritage and Conservation', CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM20 'Heritage Assets and their Settings', the Core Objectives and policies BE1 'Development Character' and BE2 'New Housing Quality' of The West Byfleet Neighbourhood Development Plan (2017), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2018).

02. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the proposed additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

- PLAN/2018/0378 - Erection of a three storey building and detached two storey building to the rear comprising a total of 10x self-contained flats (9x two bedroom & 1x one bedroom) following demolition of existing dwelling and ancillary buildings and provision of associated bin and cycle storage, parking, retaining walls and landscaping – REFUSED 18/10/2018 for the following reasons (subsequently dismissed at appeal under ref: APP/A3655/W/18/3218094):

01. The proposed development, by reason of the height, bulk, siting and design of the development and the extent of development across the site, would result in an unduly prominent, dominating and incongruous development which fails to respect the prevailing character, height, scale, pattern and grain of development in the area and would result in a cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, and would consequently fail to preserve or enhance the special character or setting of the Basingstoke Canal and Old Avenue Conservation Areas, contrary to Core Strategy (2012) policies CS20 'Heritage and Conservation', CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM20 'Heritage Assets and their Settings', the Core Objectives and policies BE1 'Development Character' and

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BE2 'New Housing Quality' of The West Byfleet Neighbourhood Development Plan (2017), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2018).

- 02. In the absence of appropriate surface water drainage information, it has not been demonstrated that the proposed development would incorporate an adequate sustainable surface water drainage system. The proposal is therefore contrary to Core Strategy (2012) policy CS9 'Flooding and water management', House of Commons: Written Statement (HCWS161) 'Sustainable drainage systems' and the NPPF (2018).*
- 03. The proposed development would fail to meet the minimum parking standards set out by The West Byfleet Neighbourhood Development Plan (2017) and it has not been demonstrated that the under-provision would not lead to undue pressure on local on-street parking. Consequently the Local Planning Authority cannot be satisfied that there would be no adverse effect upon the free flow of traffic or car parking provision within the locality; the proposal is therefore contrary to policy BE6 'Residential parking provision' of The West Byfleet Neighbourhood Development Plan (2017).*
- 04. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the proposed additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").*
- 05. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards affordable housing, it cannot be determined that the proposed dwelling would make sufficient contribution towards affordable housing. The proposal is therefore contrary to Core Strategy (2012) policy CS12 'Affordable Housing', Supplementary Planning Document 'Affordable Housing Delivery' (2014) and the NPPF (2018).*

CONSULTATIONS

- **County Highway Authority:** No objection subject to conditions.
- **Drainage and Flood Risk Engineer:** No objection subject to conditions.
- **Arboricultural Officer:** No objection subject to conditions.
- **Scientific Officer:** No objection subject to conditions.
- **County Archaeological Officer:** No objection.
- **Surrey Wildlife Trust:** No objection subject to conditions.
- **West Byfleet Neighbourhood Forum:** Object for the following reasons:

"The Forum OBJECTS to the application on the following grounds with reference to the West Byfleet Neighbourhood Development Plan (WBNDP) as well as the Woking

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Core Strategy, the Woking Management Policies Development Plan and the Woking Design Supplementary Planning Document. Further direction is taken from the Appeal Inspector's Report dated 27th February 2020.

- *The introduction of a bulky block of flats, which is still effectively three storey, in an area of modestly sized two storey detached family houses and maisonettes is incongruous and fails to respect the existing built environment. The resiting of the building closer to the corner to improve access makes it even more prominent and intrusive. (WBNDP BE1&2).*
- *The prominence of the site increases its sensitivity to the proposed inappropriate and inconsonant building.*

Each amendment in the current application compared to the previous Applications is relatively minor and even cumulatively are clearly insufficient to overcome the reasons the first two Applications were refused and the subsequent Appeals dismissed."

REPRESENTATIONS

A total of 26x objections have been received, including one from the Byfleet, West Byfleet and Pyrford Residents' Association, raising the following summarised concerns:

Highways and Parking:

- Proposal would provide insufficient parking
- Woodlands Avenue is already heavily parked and the proposal would exacerbate this
- The proposed access is close to the junction with Sheerwater Road which is already dangerous and congested
- Parking on verges is a problem on Woodlands Avenue
- Proposal would impact on highway and pedestrian safety
- Proposal would increase congestion in the area

Impact on Character:

- Proposal is out of character and out of scale with the area
- The proposed building is too tall
- The local area is characterised by two storey development whereas the proposal would be three storeys
- Proposal would result in an overdevelopment of the site
- Proposal should not be compared to blocks of flats to the north; these are a considerable distance away, are not close to the Conservation Area and are set-back from the road
- Proposal does not comply with The West Byfleet Neighbourhood Development Plan which seeks to maintain a strong green character and to maintain the character of Housing Character Zones
- Flats are out of character with the area; the proposal site would be better developed with houses
- Proposal is on Woodlands Avenue and should not be compared to other developments on Sheerwater Road
- Proposal would detract from nearby Conservation Areas
- Proposed building would be sited too close to boundaries and would breach the building line
- The proposal site is garden land and not brownfield land
- Other applications have been refused along Woodlands Avenue in the past (PLAN/2008/1092, PLAN/2010/0477 & PLAN/2010/1205)

Impact on Ecology and Trees:

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- The current garden acts as a buffer to the Basingstoke Canal Site of Special Scientific Interest (SSSI) which would be lost
- The proposed development would impact on wildlife, including bats
- The applicant has already removed a significant number of trees

Other concerns:

- The proposal is very similar to two previously refused applications which were both dismissed at appeal
- The applicant has not overcome the previous reasons for refusal
- Proposal would result in overlooking
- Vehicle movements would cause noise disturbance
- There is more of a need for family houses, there is no shortage of flats
- The Rive Ditch is prone to flooding and the proposal could increase risk of flooding
- Proposal would place further pressure on the existing sewerage system

In addition to the above, a total of 8x representations have been received expressing support for the proposal. These representations make the following summarised comments:

- More homes are needed in the area
- The bulk and mass has been reduced
- Proposal has addressed the comments from the appeal Inspector

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019):

Section 2 - Achieving sustainable development

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 16 - Conserving and enhancing the historic environment

Woking Development Management Policies DPD (2016):

DM2 - Trees and Landscaping

DM10 - Development on Garden Land

DM20 - Heritage Assets and their Settings

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

CS17 - Open space, green infrastructure, sport and recreation

CS18 - Transport and accessibility

CS20 - Heritage and Conservation

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

The West Byfleet Neighbourhood Development Plan (WBNDP) (2017):

Core Objectives

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BE1 - Development character
BE2 - New housing quality
BE6 - Residential parking provision

Supplementary Planning Documents (SPDs):

Parking Standards (2018)
Woking Design (2015)
Affordable Housing Delivery (2014)
Outlook, Amenity, Privacy and Daylight (2008)

Other guidance:

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Waste and recycling provisions for new residential developments
South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area

In addition to the above, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty on decision makers to have 'special regard' to preserving or enhancing the character of conservation areas and states that: 'with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in sub section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

PLANNING ISSUES

Impact on Character and on Conservation Areas:

Background:

1. Two previous applications on the proposal site have been refused (PLAN/2018/0378 and PLAN/2018/1193; see Planning History). Both planning applications involved the erection of three storey blocks of flats and were refused by the Local Planning Authority partly due to the height, bulk, siting and design of the development, the extent of development across the site and the resulting detrimental impact on the character of the area and a failure to preserve or enhance the special character of the Basingstoke Canal and Old Avenue Conservation Areas. Both applications were subsequently dismissed at appeal (APP/A3655/W/18/3218094 and APP/A3655/W/19/3222813) in a linked appeal decision.
2. The contents of this appeal decision is considered a very strong material consideration in the determination of the current application and the current application must overcome the concerns of the appeal Inspector in order to be considered acceptable.

Policy Context:

3. Woking Core Strategy (2012) policy CS21 'Design' requires development proposals to "*respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land*". Section 12 of the NPPF (2019) states that "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*" and requires proposals to "*add to the overall quality of the area...*", to be "*visually attractive as a result of good*

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architecture...” and “sympathetic to local character and history, including the surrounding built environment...”.

4. The proposal site is in the West Byfleet Neighbourhood Plan area and The West Byfleet Neighbourhood Development Plan (WBNDP) (2017) therefore applies. One of the Core Objectives of the WBNDP (2017) is *“To ensure that changes to the built environment in West Byfleet complement the strong green character and ‘village feel’ of The Area, sustain the distinctiveness of the different housing character zones (see Section 2.3.1) and conserve local heritage assets”* and *“To maintain, enhance and protect the distinctive and special character of West Byfleet by ensuring high quality design and construction in both residential and commercial development”*. Policy BE2 ‘New Housing Quality’ of the WBNDP (2017) states that *“Proposals for new residential development should demonstrate good design and should contribute positively to creating a sense of place”* whilst policy BE1 ‘Development Character’ states that *“Residential development should complement the character of the Housing Character Zone in which it is located”*. The proposal site falls within Housing Character Zone B ‘Hollies and Woodlands Avenue’ which is defined as comprising 1930s development of bungalows and two storey houses.

5. Part of the proposal site forms part of the Basingstoke Canal Conservation Area and opposite the site to the south is the Old Avenue Conservation Area. Woking Core Strategy (2012) policy CS20 ‘Heritage and Conservation’ and Woking DMP DPD (2016) policy DM20 ‘Heritage Assets and their Settings’ establish a presumption in favour of preserving or enhancing the character of Heritage Assets. Furthermore, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty on decision makers to have ‘special regard’ to preserving or enhancing the character of conservation areas. The NPPF (2019) attaches great weight to the desirability of preserving and enhancing Heritage Assets, including Conservation Areas and 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...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... Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

6. The special character of the Basingstoke Canal Conservation Area is considered to be derived from the green and open character along the length of the canal, the absence of development and the predominance of tree cover and vegetation which creates a green ‘oasis’ running through the Borough. Similarly, the Old Avenue Conservation Area is characterised by low density development and a spacious, green and sylvan character. The characteristics of the Conservation Areas can be found in the immediate area outside the boundaries of the Conservation Areas.

Appeal Decision:

7. In dismissing the appeals against the two previously refused applications on the proposal site, the Inspector noted that the proposed building:

“...would be clearly seen from the road as a largely 3-storey building. The significant south-eastern end of the building, due to its height, scale, general massing effect, position on the higher part of the site and with the tallest section

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very close to the site boundary, would be a particularly prominent feature of that corner plot location...

... Due to the above factors relating to its prominence, in the context of the plot's current open and spacious nature, the openness of the CA's setting, and the verdant character of the CA, that main building relating to both appeals would be a jarring and dominating built form. As a result, although the proposed development would be well screened from the footpath alongside the canal within the CA, as seen from the above vantage points on adjacent roads, the setting of the CA would be harmfully compromised. Furthermore, due to those same factors, when compared with other existing development in the immediate vicinity, it would be an uncharacteristically dominant feature within the Sheerwater Road streetscene"

8. With regards to the impact on the Hollies and Woodlands Avenue Housing Character Zone (HWAHCZ) and the impact on the character of the street scene along Woodlands Avenue, the Inspector felt that:

"...there would be a greater separation between the proposed building and the adjacent No 132 Woodlands Avenue than the generally closer relationship between the existing dwellings in the street. Together with the height progression of the proposed building away from No 132, the highest part being set well away from that property, the increase in height from that of No 132 would not be stark or jarring, particularly given the location at the periphery of the HWAHCZ. The proposed development would also complement those existing houses in Woodlands Avenue in terms of use of materials and degree of set back from the road It would therefore not be a dominating feature of the HWAHCZ in itself"

9. The Inspector did not therefore agree with all the concerns raised by the Local Planning Authority in the refusal reasons. The appeals were dismissed primarily due to the height, scale and massing of the building and it's largely three storey appearance. The Inspector felt that the previously refused developments would be jarring and dominant forms of development which would harm the setting of the Basingstoke Canal Conservation Area which is open, verdant and spacious in nature, and the character of the street scene along Sheerwater Road generally.

Assessment:

10. The current proposal is also for a block of flats however the building has been designed as a predominately two storey building with accommodation in the roof space served by dormer windows and gables. This is considered a significant change compared to the previously refused schemes which had three fully expressed storeys. The proposed building would have an eaves height which is 1.7m lower in height than the previously refused schemes and with a maximum ridge height which is 1.8m lower.
11. The projecting element to the rear, which is the element closest to the Basingstoke Canal Conservation Area to the rear, would be 1.7m lower in height than the previously refused schemes and would project into the rear of the site by 8.4m, which is 3m less than the previously refused schemes. Coupled with being predominately two storeys with accommodation in the roof space facilitated by dormer windows, this element of the proposal is considered to have a significantly reduced bulk and mass compared to the previously refused schemes and the proposed building would have a more consolidated footprint and form.

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12. The Council considered parts of the roof form of the previously refused schemes to be awkward and contrived in nature. These elements have been removed from the current scheme and the proposal is considered to present an acceptable overall roof form. Whilst the Council previously objected to the spread of development across the site and the visual impact of the car parking and retaining walls, the Inspector did not object to these elements. In this context, these elements are considered acceptable and further details of hard and soft landscaping, retaining walls and boundary treatments can be secured by condition.
13. The proposed changes described above are considered to have significantly reduced the overall scale, bulk and massing of the proposed building compared to the previously refused schemes and the proposal is considered to constitute a predominately two storey building with accommodation in the roof space. As a result of the above the proposal is considered to be less prominent in the street scene and less prominent when viewed from surrounding Conservation Areas. Whilst the building remains in the same position and the same distance to the south-western corner of the site, the changes described above are considered to result in a development which is more consistent with the prevailing scale and form of development in the area.
14. The building would adopt the use of projecting gable features and bay windows along with hipped roof dormer windows. The building would be finished in a mixture of brickwork and tile hanging and would utilise decorative stringcourses and soldier courses. The building adopts a traditional overall design approach and is considered a well-proportioned building which respects the characteristics of surrounding development on both Sheerwater Road and Woodlands Avenue.
15. When considering the points discussed above, overall the proposal is considered of an acceptable height, scale, bulk and massing for this location. The proposal is therefore considered to have sufficiently overcome the previous reasons for refusal and the concerns of the appeal Inspector. The proposal is therefore considered a visually acceptable form of development which would have an acceptable impact on the character of the area and would preserve the special character and settings of the Basingstoke Canal and Old Avenue Conservation Areas.

Transportation Impact:

16. The proposed development comprises 7x two bedroom flats and 1x one bedroom flat and the plans identify a total of 16x parking spaces in a communal car park to the rear. The Council's Parking Standards SPD (2018) sets minimum parking standards of 1x space per two bedroom flat and 0.5x spaces per one bedroom flat; this equates to a minimum overall requirement of 7.5x spaces.
17. Policy BE6 of the WBNDP (2017) also sets minimum parking standards however these set higher minimum standards. Policy BE6 requires a minimum of 2x spaces to be provided for two and three bedroom dwellings and 1x space per one bedroom dwelling which equates to a minimum requirement of 15x spaces. The proposal therefore meets the minimum requirements set out in the Council's Parking Standards (2018) and policy BE6 of the WBNDP (2017) and is considered to achieve an acceptable level of parking provision.
18. Concerns are raised in the representations about the level of parking proposed and the potential impact on highway safety due to the proximity of the site to the junction with Sheerwater Road. One of the previously refused applications (PLAN/2018/0378)

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failed to meet the minimum parking standards set out in the WBNDP (2017) and was refused partly for this reason. However the appeal Inspector found both applications to be acceptable in terms of parking provision and highway safety and felt that the proposal site is in a relatively sustainable location. The Inspector stated that the appeal scheme: “...*would be unlikely to unacceptably disrupt the free flow of traffic or reduce the availability of on-street car parking, or to pose a risk to highway and pedestrian safety in the locality, having particular regard to the provision for on-site parking*”. When considering this appeal decision, along with the fact that the currently proposed scheme proposes two fewer units than PLAN/2018/0378 and one additional parking space, the proposal is considered to have an acceptable impact on parking provision and highway safety.

19. The proposal would utilise the existing vehicular access onto Woodlands Avenue. The County Highway Authority raises no objection on highway safety or capacity grounds subject to conditions. The proposed plans identify an integral bin store and a separate building with secure cycle storage to the rear; further details can be secured by condition.
20. Overall the proposal is therefore considered to provide sufficient off-street parking and is considered to have an acceptable transportation impact.

Impact on Neighbours:

21. The nearest neighbours to the proposal site potentially most affected by the proposed development are neighbours on Woodlands Avenue to the east and south-east and neighbours on Sheerwater Road to the west.
22. No.132 Woodlands Avenue is a detached two storey dwelling which adjoins the site to the east. The proposed building would be sited 5.6m from the side boundary with this neighbour at its nearest point. The shape of the building means the building steps-in from the boundary with the rear projecting element set-in 9.3m from the boundary with this neighbour. The main body of the proposed building nearest this neighbour would be approximately aligned with the front and rear elevations of No.132 and the proposed building passes the ‘45° test’ in plan and elevation form with this neighbour. No.132 features a side-facing window in a single storey rear extension however this is a high-level window serving as a secondary window to a habitable room; given the secondary nature of this window, the proposal is not considered to result in an undue impact on this window. Overall the proposal is not therefore considered to result in an undue loss of light impact on this neighbour. The separation distance to the boundary is considered sufficient to avoid an undue overbearing impact on this neighbour and its rear garden area.
23. In terms of potential overlooking, all the side-facing windows in the east flank elevation facing towards No.132 and neighbours beyond serve as secondary windows or serve bathrooms or hallways. These windows can therefore be required to be obscurely glazed with restricted opening by condition to avoid undue overlooking.
24. The Council’s ‘Outlook, Amenity, Privacy and Daylight’ SPD (2008) recommends minimum separation distances for different forms of development including a recommended minimum of 15m for front-to-front relationships at three storey level and above. The nearest neighbour opposite the site on Woodlands Avenue is at No.131; the proposed building would be located a minimum of approximately 31m from the front elevation of this neighbour. The proposed building would be sited a minimum of 27.5m from Norfolk Farm Cottage on the opposite side of Sheerwater Road. Other neighbours in the surrounding area have a greater separation distance. These

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separation distances are considered sufficient to avoid an undue loss of light, overbearing and overlooking impact and are considered acceptable for front-to-front relationships. To the rear of the site is undeveloped land bordering the Basingstoke Canal.

25. Overall the proposed development is therefore considered to have an acceptable impact on the amenities of neighbours in term of loss of light, overbearing and overlooking impacts.

Impact on Trees:

26. The proposal site features various mature trees which area concentrated towards the rear of the proposal site within the boundary of the Conservation Area and along the Sheerwater Road frontage. Arboricultural information has been provided detailing how trees would be retained and protected during construction. The majority of the trees would be retained apart from three trees which would be removed for arboricultural reasons. Two of the trees are 'U' category trees which is the lowest quality category for trees, and these would be removed due to their poor health/condition. The third tree is a 'C' category Oak tree which is identified as being in declining health. Some trees have already been removed from the proposal site however this had consent from the Local Planning Authority. The Council's Arboricultural Officer has reviewed the proposal and raises no objection subject to conditions, including a condition requiring details of new drainage and service runs. Details of a soft landscaping scheme to include new tree planting can be secured by condition. Overall the proposal is therefore considered to have an acceptable impact on trees and the removal of the three trees identified above is considered acceptable.

Standard of Accommodation:

27. The proposal includes 7x two bedroom flats and 1x one bedroom flat. The units would range from 50m² to 79.4m² in area which meet the National Technical Housing Standards (2015) and are considered acceptable in terms of size. Habitable room windows would have generally open outlooks. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) states that family accommodation (which is defined as including flats of two bedrooms or more exceeding 65m²), should provide a suitable are of predominately soft landscaped private amenity space. In the most dense urban locations, alternative forms of on-site amenity provision may be permitted.
28. Whilst the development would not deliver areas of private amenity space, there would be landscaped areas within the development which would have amenity value for future residents and the treed area to the rear of the plot would also be accessible. It is borne in mind that it would be difficult to achieve an area of private amenity space for every flat and this could result in a proliferation of enclosures on the site which could harm the character of the development and surrounding area. The absence of dedicated private amenity space can therefore be considered acceptable in this instance.
29. Overall the proposed development is considered to achieve an acceptable standard of amenity for future residents.

Impact on Ecology:

30. The site is largely undeveloped and characterised by garden land and more informal scrubland with mature trees towards the rear; there is therefore potential for the

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proposal to impact on ecology. The applicant has provided an Ecological Appraisal which concludes that the existing house and outbuildings and the trees to be removed have a negligible or low bat roosting potential and the rest of the site has a low potential for other protected species to be present. The report makes a series of recommendations in the event that development goes ahead in order to protect existing ecology and enhance the biodiversity of the site. Surrey Wildlife Trust has reviewed the submission and raises no objection subject to these recommendations. The proposal is therefore considered to have an acceptable impact on ecology subject to conditions.

Drainage and Flood Risk:

31. The proposal site is not within a designated Flood Zone however parts of the proposal site and the carriageway on Woodlands Avenue and Sheerwater Road are at risk of surface water flooding. The Council's Drainage and Flood Risk Engineer has reviewed the information submitted with the current application and raises no objection subject to several conditions. The proposal is therefore considered acceptable in this regard subject to conditions.

Housing Mix:

32. Core Strategy (2012) policy CS11 requires proposals to address local needs as evidenced in the Strategic Housing Market Assessment (SHMA) which identifies a need for family accommodation of two bedrooms or more. The most recent published SHMA (September 2015) is broadly similar to the mix identified in policy CS11. The proposal would provide 7x two bedroom dwellings and 1x one bedroom dwelling which is considered an appropriate and acceptable housing mix for a development of this nature. As the proposal would provide two bedroom flats of over 65m², the proposal is not considered to result in the undue loss of family housing.

Urban Open Space:

33. The rear portion of the site is designated as Urban Open Space by the Core Strategy (2012). There is a policy presumption against the loss of open space as set out by the NPPF (2019) and Core Strategy (2012) policy CS17 'Open space, green infrastructure, sport and recreation'. The portion of the site designated as Urban Open Space would largely remain open and undeveloped; the cycle store structure to the rear would be positioned directly on the boundary with this area. There are various existing outbuildings in the rear garden, some of which are positioned within the designated Urban Open Space which would be demolished and removed as part of the proposed development. Considering this, the proposal would therefore not result in a material loss of designated open space.

Contamination:

34. The Council's Scientific Officer has reviewed the proposal and raises no objection subject to a condition securing the investigation and remediation of any unexpected contamination. The proposal is therefore considered acceptable in this regard subject to conditions.

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

35. 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

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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.

36. 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 **£4,824** based on a net gain of 6x two bedroom dwellings and 1x one bedroom dwellings which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. For the avoidance of doubt, sufficient SANG at Horsell Common has been identified to mitigate the impacts of the development proposal.
37. 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.

Community Infrastructure Levy:

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

CONCLUSION

39. Overall the proposed development is considered of an acceptable height, scale, bulk and massing for this location. The proposal is considered to have sufficiently overcome the previous reasons for refusal and the concerns of the appeal Inspector. The proposal is therefore considered a visually acceptable form of development which would have an acceptable impact on the character of the area and would preserve the special character and settings of the Basingstoke Canal and Old Avenue Conservation Areas. The proposal is considered to form an acceptable relationship with neighbours and is considered acceptable in transportation terms and in all other respects subject to conditions.
40. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions and a S106 Agreement.

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BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations
4. Appeal Decision ref: APP/A3655/W/19/3222813 and APP/A3655/W/18/3218094

PLANNING OBLIGATIONS

The following obligation has been agreed by the applicant and will form the basis of the Legal Agreement to be entered into.

	Obligation	Reason for Agreeing Obligation
1.	SAMM (SPA) contribution of £4,824	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2010-2015.

RECOMMENDATION

PERMIT subject to the following conditions:

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).

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

P1475.SUR.01 (Survey of Existing Dwelling, Floor and Roof Plans) received by the LPA on 16/10/2020

P1475.SUR.02 (Survey of Existing Dwelling, Elevations) received by the LPA on 16/10/2020

P1475.PL.201 Rev.A (Planning Layout & Location Plan) received by the LPA on 14/01/2021

P1475.PL.202 Rev.A (Proposed Flats, Lower Ground Floor Plan) received by the LPA on 14/01/2021

P1475.PL.203 Rev.A (Proposed Flats, Ground Floor Plan) received by the LPA on 14/01/2021

P1475.PL.204 (Proposed Flats, First Floor Plan) received by the LPA on 16/10/2020

P1475.PL.205 (Proposed Flats, Second Floor Plan) received by the LPA on 16/10/2020

P1475.PL.206 (Proposed Flats, Roof Plan) received by the LPA on 16/10/2020

P1475.PL.207 Rev.A (Proposed Flats, Front Elevation) received by the LPA on 14/01/2021

P1475.PL.208 (Proposed Flats, Side Elevations) received by the LPA on 16/10/2020

P1475.PL.209 Rev.A (Proposed Flats, Rear Elevation) received by the LPA on 14/01/2021

P1475.PL.210 Rev.A (Proposed Flats, Side Elevations) received by the LPA on 14/01/2021

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P1475.PL.211 (Proposed Cycle Store Plans & Elevations) received by the LPA on 16/10/2020

P1475.PL.212 Rev.A (Proposed Street Scenes) received by the LPA on 14/01/2021

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

3. ++Prior to the commencement of any above-ground works (excluding demolition) in connection with the development hereby permitted, a written specification of all external materials to be used in the construction of the development hereby approved 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.

4. ++Prior to the commencement of any above-ground works (excluding demolition) in connection with the development hereby permitted, 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 and retaining walls, 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. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the 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. The approved hard landscaping, boundary treatments and retaining walls shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of the visual amenities of the area.

5. The development hereby permitted shall take place in strict accordance with the Arboricultural Impact Assessment and Method Statement from ACD Environmental dated 22/03/2018 ref: PMH21713aia-ams (revised 9/10/2020) and Tree Protection Plan numbered PMH21713-03B including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity.

6. ++Prior to the commencement of the development hereby permitted, full details method of construction and position of any new drainage and service runs on the site shall be submitted to and approved in writing by the Local Planning Authority. The method shall adhere to the principles embodied in BS 5837:2012 and the involvement of an arboricultural consultant and engineer will be necessary. The development shall thereafter be carried out strictly in accordance with the agreed details.

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Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity.

7. ++ Prior to the commencement of the development hereby permitted a Construction Transport Management Plan, to include details of points (a) to (c) below, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented during the construction of the development hereby approved.
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials

Measures will be implemented in accordance with the approved Method of Construction Statement and shall be retained for the duration of the construction period. Only the approved details shall be implemented during the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity

8. Prior to the first occupation of the development hereby permitted, space shall be laid out within the site in accordance with the approved plans 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 permanently retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity.

9. ++Prior to the commencement of any above-ground works (excluding demolition) in connection with the development hereby permitted, a scheme detailing the proposed waste and recycling management arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development and maintained thereafter at all times.

Reason: In the interests of amenity and to ensure the appropriate provision of waste infrastructure.

10. ++Prior to the commencement of any above-ground works (excluding demolition) in connection with the development hereby permitted, details of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained and made available for use at all times.

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

11. The development hereby permitted shall take place in accordance with the precautions and recommendations set out in the within the Ecological Appraisal (ref: P1129.001) dated 16/06/2020 prepared by Crossman Associates unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site.

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12. ++Prior to any above ground works in connection with the development hereby permitted (excluding demolition), details of the measures for the enhancement of biodiversity on the site, in accordance with the recommended actions within the Ecological Appraisal (ref: P1129.001) dated 16/06/2020 prepared by Crossman Associates, and a timetable for their provision on the site, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the agreed details prior to the first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site.

13. No external lighting or floodlighting shall be installed until details (demonstrating compliance with the recommendations of the Institute of Lighting Engineers "Guidance Notes for Reduction of Light Pollution" and the provisions of BS 5489 Part 9) have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity and biodiversity.

14. The windows in the north-east facing flank elevations of the development hereby permitted at first floor level and above shall 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 levels of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties.

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or addition to the development hereby permitted, shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development.

16. ++Prior to the commencement of the development hereby permitted, construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and Flow drainage calculations prior to the first occupation of the development hereby permitted. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF.

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17. ++Prior to the first occupation of the development hereby permitted, a Verification Report, (appended with substantiating evidence demonstrating the approved drainage construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF.

18. ++Prior to first occupation of the development hereby permitted, a detailed management and maintenance plan for the drainage scheme for the lifetime of the development. The management and maintenance plan shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policy CS9 and CS16 of the Woking Core Strategy 2012

19. ++Prior to the commencement of the development hereby approved, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:
- Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
 - 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 shall be in the form of a Design Stage water efficiency calculator.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

20. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has:
- Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - 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

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

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

21. 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.

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 (2019).
2. 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.
3. The provisions of the Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet, prepared by the Ministry of Housing, Communities and Local Government, and setting out your obligations, is available at the following address: <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#explanatory-booklet>
4. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs: <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>

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6. 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).
7. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours:-

8.00 a.m. - 6.00 p.m. Monday to Friday
8.00 a.m. - 1.00 p.m. Saturday
and not at all on Sundays and Bank Holidays.

8. 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).

9. 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 THE RELEVANT TRIGGER POINT. 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.

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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.