

## 6 JUNE 2023 PLANNING COMMITTEE

6a PLAN/2022/1161

WARD: St Johns

**LOCATION:** Corner Garage, 16 - 18 St Johns Road, St Johns, Woking, Surrey, GU21 7SA

**PROPOSAL:** Outline Planning Application for the demolition of existing vehicle garage for MOT and servicing (including showroom) and the erection of up to 11no. dwellings with all matters reserved except access.

**APPLICANT:** Chequers Cars Lightwater Ltd

**OFFICER:** Brooke Bournague

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

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

### **SUMMARY OF PROPOSED DEVELOPMENT**

Outline Planning Application for the demolition of existing vehicle garage for MOT and servicing (including showroom) and the erection of up to 11no. dwellings with all matters reserved except access.

Site Area:	0.098ha
Existing units:	0
Proposed units:	11
Existing density:	0dph
Proposed density:	112dph

### **PLANNING STATUS**

- St Johns Conservation Area
- Thames Basin Heaths SPA ZoneB (400m-5km)
- Urban Area
- Site allocation – UA37
- Local Centre

### **RECOMMENDATION**

Grant planning permission subject to conditions and Section 106 Agreement.

### **SITE DESCRIPTION**

The application is located on a corner plot with St John's Road and St John's Hill Road. The site is currently in use as a garage for MOT, services and repairs together with a car showroom. There are currently dropped kerbs from both St John's Road and St John's Hill Road. The site is in St Johns Conservation Area and St Johns Local Centre.

### **PLANNING HISTORY**

None relevant

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### **CONSULTATIONS**

Housing Services: *‘Woking Borough Council’s Housing Services are satisfied that the 30% policy-compliant affordable housing component is met as per the requirements of core strategy policy CS12, the Site Allocations DPD and Affordable Housing SPD. This element is satisfied through the combination of 3 affordable rent units with the 1 First Homes dwelling’.*

SCC Highways: No objection subject to conditions

Lead Local Flood Authority: No objection subject to conditions

Arboricultural Officer: No objection subject to condition

Environmental Health: No objection subject to conditions

Contaminated Land Officer: No objection subject to conditions

Council’s Conservation Officer: No objection

Natural England: No objection

Thames Water: No objection, recommend an informative

Affinity Water: No comments received

Waste Services: No objection

Environment Agency: No objection

### **REPRESENTATIONS**

60 (2 x people have submitted 2 letters) letters have been received raising the following points:

#### *Impact on character:*

- Should use materials and detailing to reflect the character of the Conservation Area
- Three storeys is out of character with the Conservation Area
- The height would be overbearing and dominate the Conservation Area
- The design is bland, uninviting and characterless
- 11 dwellings at this location represents an out of proportion concentration and urbanisation of St John's
- Density is too high
- Does not respect the character of surrounding buildings
- Should not be higher than adjacent properties
- Contrary to policy CS20
- Too cramped
- The corner garage is a landmark

#### *Impact on amenity:*

- Proposal would result in overlooking
- Proposal would result in an increase in noise
- Proposal would result in overshadowing
- Result in loss of privacy to neighbouring properties and gardens
- Light pollution from proposed flats
- Proposal would result in loss of light to properties and gardens

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- Concerns over balconies overlooking neighbouring properties

### *Parking and traffic impact:*

- No visitor parking is provided
- Increase in congestion in the area
- Increase in traffic in the immediate area
- Concerns over highways safety at the junction for vehicles, cyclist and pedestrians
- Concerns about overspill parking on surrounding roads
- Sufficient pavement should be provided
- Concerns over width of undercroft to provide two way traffic
- Is there a loading bay for deliveries and refuse lorries
- Overflow parking will use public car parks
- No suitable turning area in the parking area

### *Other concerns:*

- Put increased pressure on infrastructure
- Concerned about position of the site notice
- Concerns over flooding
- Impact on wildlife
- Lack of green space

1 x letter has been received in support of the application:

- Will provide affordable housing
- Generate more income for local infrastructure through residents using local shops and utilities

## **RELEVANT PLANNING POLICIES**

### National Planning Policy Framework (NPPF) (2021)

#### Woking Core Strategy (2012):

- CS1 - Spatial strategy for Woking Borough
- CS4 - Local and neighbourhood centres and shopping parades
- CS7 - Biodiversity and nature conservation
- CS8 - Thames Basin Heaths Special Protection Areas
- CS9 - Flooding and Water Management
- CS10 - Housing provision and distribution
- CS11 - Housing mix
- CS12 - Affordable housing
- CS15 - Sustainable economic development
- CS16 - Infrastructure delivery
- CS18 - Transport and accessibility
- CS20 - Heritage and conservation
- CS21 - Design
- CS22 - Sustainable construction
- CS23 - Renewable and low carbon energy generation
- CS24 - Woking's landscape and townscape
- CS25 - Presumption in favour of sustainable development

#### Woking Development Management Policies DPD (2016):

- DM2 - Trees and Landscaping
- DM7 - Noise and Light Pollution
- DM8 - Land Contamination and Hazards

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DM17 - Public Realm

DM20 - Heritage Assets and their Settings

### Site allocations DPD (2021)

UA37 - Corner Garage, 16-18 St Johns Road, St Johns, GU21 7SA

### Supplementary Planning Documents:

Outlook, Amenity, Privacy and Daylight (2022)

Parking Standards (2018)

Design (2015)

Affordable Housing Delivery (2023)

Climate Change (2013)

### Other Material Considerations:

Planning Practice Guidance

National Design Guide (2021)

Thames Basin Heaths Special Protection Area Avoidance Strategy (2022)

Community Infrastructure Levy (CIL) Charging Schedule (2015)

Listed Buildings & Conservation Areas Act 1990

Conservation of Habitats and Species Regulations 2017

Circular 06/2005: Biodiversity and Geological Conservation

Historic England - The Setting of Heritage Assets (2015)

Woking Character Study (2010)

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

Community Infrastructure Levy (CIL) Charging Schedule (2015)

Waste and recycling provisions for new residential developments

Technical Housing Standards - Nationally Described Space Standard (March 2015)

## **PLANNING ISSUES**

### Principle of development

1. The NPPF and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010 and 2027. The reasoned justification text to Policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling.
2. The site is within the Urban Area, outside of fluvial flood zones, and outside of the 400m (Zone A) exclusion zone of the Thames Basin Heaths Special Protection Area (TBH SPA), where the impacts of new residential development upon the TBH SPA are capable of mitigation through the provisions of the adopted Updated TBH SPA Avoidance Strategy.
3. The site is allocated under UA37 of the Site Allocations DPD (2021) for 11 residential units including affordable housing and does not require the commercial use to be re-provided.
4. The application site is currently in use as an MOT garage, servicing, sales and car showroom which falls under use class sui generis. As the application site is not in an employment area or use class B the site is not protected by Policy CS15 of the Woking Core Strategy (2012).
5. The proposal would result in the net gain of upto 11 x dwellings within the Urban Area; the principle of residential development is therefore considered acceptable subject to the detailed material planning considerations set out below.

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### Character of the Area including Conservation Area

6. The application site is located in the St Johns Conservation Area.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering applications within Conservation Areas, Local Planning Authorities shall pay “special attention...to the desirability of preserving or enhancing the character or appearance of that area”. This is reflected in Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the Development Management Policies DPD (2016) and the NPPF (2021). Policy CS20 advises that new development must respect and enhance the character and appearance of the area in which it is proposed.
8. Policy UA37 of the SA DPD (2021) states the development of the site will be required to:
  - iii. Be of a high design quality and visually attractive as a result of good architecture, and with development footprints, scales and densities that maximise the use of the site whilst reflecting the development grain of the surroundings, in a way that is sympathetic to the prevailing local character.*
  - iv. Create an attractive, welcoming and distinctive public realm and provide ground floors that directly address the street, within elevations that respect adjacent properties with the potential to provide development of three-storey scale close to the junction of St Johns Road lowering to two storeys to provide transition with adjacent residential properties’.*
9. The justification text of the policy states ‘The site has the potential to accommodate a two-three storey flatted development. It is anticipated that the site could yield at least 11 dwellings. This indicative residential capacity of the site has been subject to scrutiny as part of the Core Strategy Examination (as part of the Strategic Housing Land Availability Assessment) at an Examination and considered to be reasonable.’
10. The proposal is an outline application for the demolition of all buildings on the site and erection of upto 11 dwellings with all matters reserved except access. Details such as appearance, landscaping, layout and scale will be considered at reserved matters stage.
11. The principle of the use of the site for residential development in a part three storey, part two storey building has been established under Policy UA37 of the SA DPD (2022).
12. The application site is in a prominent location in the St Johns Local Centre and currently in commercial use occupied by an MOT centre and showroom which is visually unattractive and unsympathetic to the character and function of the St Johns Local Centre and does not preserve the character of the Conservation Area.
13. The planning application has been supported by indicative plans including elevations which show a part three storey, part two storey building with the three storey element sited at the junction with St Johns Road and St Johns Hill Road. This is considered to represent an appropriate scale of the proposal. The elevations are finished in red brick with dark tiles which is consistent with other properties within the Conservation Area. The appearance of the building including height, materials and architectural detailing would be fully considered at reserved matters stage.
14. The proposal development would be accessed of St Johns Road where there is currently a dropped kerb.

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15. The Council's Conservation Consultant has been consulted and advised '*Although in outline only, I consider this proposal to be sensitive and appropriate in terms of Heritage Assets*'.
16. Overall, the proposal has shown that a building for residential use can be accommodated. Details of the scale, sitting, appearance and landscaping of the development are all reserved matters and would be determined under reserved matters application(s).

### Impact on Neighbours

17. 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*'.
18. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) recommends minimum separation distances for different relationships including 15m for front to front relationships at three storeys and above and 1m to side boundary and 20m rear to rear relationships at two storeys.
19. The sitting and scale of the proposed development would be determined under a reserved matters application. The applicant has submitted an indicative site plan, floorplans and elevations which show that a part three storey, part two storey building could be accommodated on site achieving the recommended separation distances. The indicative site plans show that a minimum front to front separation distance of 18m would be achieved with the properties along St John's Road sited to the north east of the application site and 22m front to front separation distance with the properties on St Johns Hill Road sited to the south of the application site. A 1m separation distance would be achieved to both side boundaries with Rose Cottage, St John's Hill Road and No.20 St Johns Road. The indicative plans would also comply with the recommended 10m front or rear to boundary/flank for two storey development.
20. Overall, it is considered that a development of upto 11 dwelling could be accommodated on the site while achieving recommended minimum separation distances in Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022).
21. The position of windows and relationship with neighbours would be considered at reserved matters stage.

### Impact on highways and parking

22. Supplementary Planning Document 'Parking Standards' (2018) requires 1 bedroom flats to provide 0.5 parking spaces and 2 and 3 bedroom flats to provide 1 parking space. The indicative scheme for 11 units which includes 5x 1 bedroom flats and 6x 2 bedroom flats would be required to provide 9 parking spaces. The submitted plans show 10 parking spaces would be provided. It is considered that sufficient parking could be accommodated within the site for the maximum number of dwellings. The submitted Transport Statement shows that vehicles can enter and leave the site in a forward gear.
23. Due to the current use of the site as an MOT garage, servicing, sales and car showroom the kerbline along both St John's Road and St John's Hill Road is dropped along most of the sites boundary to display cars for sale. The proposal includes raising the dropped kerbs to create a single access point from St John's Road.
24. The application has been supported by a Transport Statement which shows that the proposed use is likely to result in a net reduction of 18 vehicle movements during a weekday.

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25. Concerns have been raised over highway safety. The submitted Transport Statement includes Personal Injury Accident (PIA) data for an area up to 150m in each direction from the site for the 5 year period up to 31st October 2022. The data shows that 9 PIAs occurred including 5 serious accidents occurred within the study area. There appears to be no pattern to the time or location of the accidents.
26. Supplementary Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per dwelling. The submitted plans indicate that a cycle store will be provided on site and the Transport Statement advise that 22 cycle spaces will be provided. It is considered that sufficient cycle parking could be accommodated within the site for the maximum number of dwellings.
27. SCC Highways have been consulted and raised no objection subject to conditions requiring a scheme for the proposed modified vehicles/pedestrian/cycle access to be submitted and approved, the site to be laid out so vehicles can enter and leave the site in a forward gear, the access from St John's Hill road to be permanently closed and provision of cycle parking and visibility splays.
28. Overall, the proposal is therefore considered to have an acceptable impact on parking and highways and accords with Supplementary Planning Document 'Parking Standards' (2018) and the policies in the NPPF.

### Density and housing mix

29. Policy CS10 of the Woking Core Strategy (2012) sets an indicative density range of between 30 - 60 dwellings per hectare (dph) for infill development in the Local Centres and states '*Higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of an area would not be compromised*'.
30. The proposal would have a density of 112dph based on the maximum number of dwellings proposed (11 dwellings), whilst this is more than the indicative density range, the maximum provision of 11 dwellings is not considered to result in an undue overdevelopment of the site or a development which is out of character with the area. Policy CS11 makes clear that '*The density ranges set out are indicative and will depend on the nature of the site. Density levels will be influenced by design with the aim to achieve the most efficient use of land*'. Overall, the proposal is considered capable of providing an acceptable level of density.
31. Policy CS11 of the Woking Core Strategy (2012) 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.
32. Policy CS11 does however state that lower proportions of family accommodation can be considered acceptable in locations in the Borough, such as the town and district centres, which are suitable for higher density development. The indicative scheme with a maximum of 11 units would provide 54.5% two bedroom units and 45.5% one bedroom units which is considered acceptable in the context of this policy. Overall, it is considered that the proposal can provide an acceptable housing mix. The final number and mix of dwellings would be determined at reserved matters stage.

### Standard of accommodation

33. This application is an outline with details including appearance, landscaping, layout and scale to be dealt with at reserved matters stage. Therefore, the final layout and size of the dwellings and position of windows is not known. The applicant has provided an indicative

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floor plan providing a maximum of 11 dwellings (5 x 1 bed and 6 x 2 bed) which all achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms.

34. The submitted indicative block plan shows that there is space with the site for communal landscaping and for ground floor flats to have direct access to small areas of amenity space. There is also potential for the dwellings at first and second floor to have balconies.
35. Overall, it is considered that the site can accommodate an acceptable level of amenity space although the provision of such would be considered at reserved matters stage.
36. The application site located on a corner plot with St John's Road and St John's Hill Road. Environmental Health have been consulted and raised no objection to the site being used for residential development but recommended a condition to protect occupiers from traffic noise.
37. The submitted indicative plans include a bin store to serve the dwellings. This matter would be considered further at reserved matters stage although is capable providing acceptable bin storage on the basis of the illustrative scheme submitted.

### Impact on trees

38. The application site is within the St Johns Conservation Area where all trees are protected and any works to trees/removal of trees would need to be approved either through an arboricultural report submitted with a planning application or separate tree works application.
39. 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 Core Strategy (2012) Policy CS21 requires new development to include the retention of trees and landscape features of amenity value.
40. The Council's Arboricultural has been consulted and advised that '*there is a tree on adjoining land that could be affected by the demolition of the buildings in the north east of the site therefore a tree protection plan will be required prior to commencement of any works*'. A condition is recommended to secure a tree protection plan.

### Impact on flooding

41. The application site is located in flood zone 1 and adjacent to areas with high and medium surface water flooding.
42. The NPPF (2021) and Policy CS9 of the Woking Core Strategy (2012) state that Local Planning Authorities should seek opportunities to reduce flood risk through the appropriate application of sustainable drainage systems (SUDS). As per the guidance issued by the Department of Communities and Local Government (DCLG) all 'major' planning applications must consider sustainable drainage systems (House of Commons: Written Statement HCWS161 - Sustainable drainage systems).
43. A Drainage Statement has been submitted with the planning application. The Local Lead Flood Authority have been consulted and raised no objection subject to conditions requiring details of a surface water drainage scheme and verification report. Subject to a condition to ensure the submission of additional information the proposal is considered to have an acceptable impact surface water flooding.

### Affordable housing

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44. Policy CS1 of the Woking Core Strategy (2012) sets a target for new housing in the Borough between 2010 and 2027 of approximately 4,964 net additional dwellings. Policy CS12 'Affordable housing' identifies an overall target of 35% of all new homes delivered in this period to be affordable, which is equivalent to 1,737 affordable homes. Taking into account Annual Monitoring Report data from 2010 until 2022, the total amount of affordable housing completed in this period amounts to 627x new dwellings.
45. First Homes were introduced as part of a Written Ministerial Statement (WMS) issued on 24 May 2021 and came into effect on 28 June 2021. As confirmed in the PPG, First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The WMS and the wording of the Site Allocations DPD states (with regard to this site): "Development of the site will also be required to... Contribute towards affordable housing provision in accordance with Policy CS12: Affordable Housing of the Core Strategy." Policy CS12 of the Core Strategy was adopted and reviewed before the introduction of the national First Homes policy. The transitional arrangements for First Homes set out in PPG do not apply to Policy CS12 therefore. As such, the national requirements for First Homes (with regard to decision-taking) apply across the borough, including this site.
46. As the indicative proposal is for between 10 and 14 dwellings, Policy CS12 of the Woking Core Strategy (2012) requires 30% of dwellings to be affordable and this policy establishes a preference for on-site provision. Paragraph ii of Policy UA37 of the SA DPD (2021) states the proposal should '*Contribute towards affordable housing provision in accordance with Policy CS12: Affordable Housing of the Core Strategy*'. Supplementary Planning Document 'Affordable Housing Delivery' (2023) sets out more detailed guidance on the Council's approach to affordable housing provision and seeks 71% of new affordable units to be social/affordable rented, 25% to be First Homes and 4% as other intermediate tenures.
47. The planning application proposes that 30% (4 units) of the units to be affordable. Of these 71% will be affordable rent, 24% First Homes and 4% Intermediate Housing which would equate to 3 affordable rent units and 1 First Homes.
48. As the proposal is for an outline application for upto 11 dwellings the reserved matters application could potentially be for less than 11 dwellings. The legal agreement would require 30% of the dwellings to be affordable housing and of these 71% will be affordable rent, 24% First Homes and 4% Intermediate Housing.
49. The proposal is considered capable of providing on site affordable housing and would comply with Policy CS12 of the Woking Core Strategy (2012), UA37 of the SA DPD (2016) and Supplementary Planning Document 'Affordable Housing Delivery' (2023).

### Energy and water consumption

50. 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. The Planning and Energy Act 2008 allows LPAs to set energy efficiency standards in their Development Plan policies that exceed the energy efficiency requirements of the Building Regulations. However, such policies must not be inconsistent with relevant national policies for England. A Written Ministerial Statement to Parliament, dated 25 March 2015, set out the Government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the (now abolished) Code for Sustainable Homes; this is 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.

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51. Therefore, notwithstanding the requirements of Policy CS22, standards have been 'capped' at the equivalent energy performance standards of Code Level 4. Part L of the Building Regulations was updated in June 2022 and now requires an energy performance improvement of 31% compared to the 2010 Building Regulations. The current Building Regulations therefore effectively require a higher energy performance standard than what policy CS22 would ordinarily require. It is not necessary to attach a condition relating to energy performance as more stringent standards are required by separate legislation.
52. The LPA requires all new residential development to achieve as a minimum the optional requirement set through Part G of the Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. This can be secured by condition.

### Contamination

53. Policy DM8 of the DM Policies DPD (2016) relates to land contamination and seeks to remediate or minimise the risks from contamination.
54. Due to the use of the site as an MOT and car servicing centre there is potential for contamination on the proposal site. The application has been supported by a tan filling certificate from 2000 and report on chemical analysis of top soil from 2009.
55. The Council's Scientific Officer has reviewed the submitted information and advised that the submitted information is not sufficient for the proposed change of use to residential and recommended conditions to secure the investigation and remediation of potential contamination. The proposal is therefore considered acceptable in this regard subject to conditions.

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

56. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Woking Core Strategy (2012) states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
57. 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. As the application is in outline form, and the exact number and unit mix of residential dwellings is not known at this stage (although this would be considered at reserved matters stage) the payment of SAMM (TBH SPA) would be secured through a schedule within the Section 106 Legal Agreement which would take account of the fact that SAMM payments are index linked based on the RPI annual inflation in the particular year. For the avoidance of doubt,

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sufficient SANG at Horsell Common has been identified to mitigate the impacts of the development proposal.

58. Subject to securing the provision of the SMM tariff (through a S106 Legal Agreement) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority would be able to determine that the development would 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.

### Community Infrastructure Levy (CIL)

59. The liability for Community Infrastructure Levy (CIL) would be assessed at reserved matters stage.

### **CONCLUSION**

Subject to detailed design of layout, scale, appearance and landscaping at reserved matters stage, it is considered that the proposal would be capable of resulting in preserving the character of the Conservation Area, an acceptable impact upon neighbouring amenity, providing a good standard of residential amenity to future occupiers and providing sufficient car parking provision. The proposal therefore accords with Policies CS1, CS4, CS7, CS8, CS9, CS10, CS11, CS12, CS15, CS16, CS18, CS20, CS21, CS24 and CS25, Policies DM2, DM7, DM8, DM17 and DM20 of the DM Policies DPD (2016), UA37 of the SA DPD (2021), Supplementary Planning Documents 'Parking Standards' (2018), 'Outlook, Amenity, Privacy and Daylight' (2022) and 'Working Design' (2015) and the NPPF (2021). The proposal is therefore recommended for approval subject to conditions and subject to Section 106 Agreement.

### **BACKGROUND PAPERS**

1. Site visit photographs

### **LEGAL AGREEMENT REQUIREMENTS**

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	Provision of a SMM (TBH SPA) contribution, in accordance with a schedule based on the size of dwellings (bedrooms) and the SMM contribution per dwelling, within the S.106, which would take account of the fact that SMM payments are index linked based on the RPI annual inflation in the particular year, to accord with the Habitat Regulations and Policy CS8.	To accord with the Habitat Regulations, Policy CS8 of the Working Core Strategy (2012) and The Updated Thames Basin Heaths SPA Avoidance Strategy (2022).
2.	The provision of 30% affordable housing.	To accord with policy CS12 of the Working Core Strategy 2012

### **RECOMMENDATION**

Grant planning permission subject to the following conditions and Section 106 Agreement.

### **Conditions**

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1. Application for the approval of the first reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with the provisions of Section 92(2) 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 begun not later than two years from the date of approval of the first reserved matters.

Reason: To comply with the provisions of Section 92(2) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Details of the appearance, landscaping, layout and scale (“the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

P01 Rev A received by the Local Planning Authority on 19.12.2022

P02 Rev A (only in relation to the vehicular access) received by the Local Planning Authority on 19.12.2022

P04 Rev C (only in relation to the vehicular access) received by the Local Planning Authority on 19.12.2022

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

5. The development hereby permitted shall comprise not more than 11 residential units.

Reason: To ensure that the development takes place in accordance with the Application Documentation

6. 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 national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

- b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off

- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and

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maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

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

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

8. Prior to the commencement of development a comprehensive, written environmental desktop study report shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The report to be submitted shall identify and evaluate possible on and off-site sources, pathways and receptors of contamination and enable the presentation of all plausible pollutant linkages in a preliminary conceptual site model. The study shall include relevant regulatory consultations and shall be prepared in accordance with the current best practice and guidance such as LCRM and British Standard BS 10175 (and updates / amendments).

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

9. Prior to the commencement of development and any contaminated land site investigations on site and in follow-up to the environmental desktop study report a contaminated land site investigation proposal shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). This proposal shall provide details of the extent and methodologies of sampling, analyses and proposed assessment criteria required to enable the characterisation of the plausible pollutant linkages identified in the preliminary conceptual model. Following approval, the Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of site investigation works on site. The site investigation works shall then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in

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risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

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

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

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

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

12. Prior to the first occupation of the development hereby permitted, a remediation validation report for the site shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems shall have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in

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risk to construction workers, future users of the land, occupiers of nearby land and the environment.

13. Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any additional requirements that it may specify). The development shall then be undertaken in accordance with the approved details. Should no further contamination be identified then a brief comment to this effect shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

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.

14. ++ Prior to the commencement of any development related works on site (including demolition), a Tree Protection Plan produced in line with BS5837 shall be submitted to and approved in writing by the Local Planning Authority. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

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.

15. ++ Prior to the commencement of any above-ground works (excluding demolition) in connection with the development permitted, written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the dwellings within the development will achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence must be in the form of a Design Stage water efficiency calculator.

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

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), the Climate Change SPD (2013) and the provisions of the National Planning Policy Framework (NPPF).

16. No above ground development associated with the development hereby permitted shall commence until a fully detailed scheme for protecting the proposed development (including where appropriate any garden) from traffic noise from St John's Road and St John's Hill road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise noise mounds and/or barriers and/or acoustic double glazing with ventilation and any other means to protect the building from noise. The approved scheme shall be carried out concurrently with the development of the site and

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shall then be implemented in full as agreed in writing by the Local Planning Authority before each dwelling is occupied and shall be retained thereafter.

Reason: To protect the occupants of the new development from noise disturbance.

17. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans by the Local Planning Authority for the secure parking of at least 11 bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

To ensure that satisfactory facilities for the storage of cycles are provided and to encourage travel by means other than the private car

18. No part of the development shall be first occupied unless and until the proposed modified vehicular / pedestrian / cycle / access to No. 16-18 St Johns Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: In order that the development should not prejudice highway safety nor inconvenience other highway users.

19. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans 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: In order that the development should not prejudice highway safety nor inconvenience other highway users.

20. (a) The means of access to the development hereby approved shall be from St Johns Road only.  
(b) The development hereby approved shall not be first occupied unless and until existing access from the site to St Johns Hill Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development should not prejudice highway safety nor inconvenience other highway users.

21. Before any of the operations hereby approved are started on site, a pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development should not prejudice highway safety nor inconvenience other highway users.

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22. (a) Prior to the occupation of the development hereby approved, both sides of the existing pedestrian crossing facility on St Johns Road shall be upgraded and provided with tactile paving in accordance with the approved plan by the Local Planning Authority.
- (b) The development hereby approved shall not be first occupied unless and until the proposed new informal pedestrian crossing facility with tactile paving has been provided in accordance with the approved plan by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor inconvenience other highway users.

### **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 the National Planning Policy Framework 2021.
2. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. 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.

4. The applicant's attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT(S). Failure to observe this requirement will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices (BCNs) to secure compliance. The applicant is 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(s). A period of between five and eight weeks should be allowed for.
5. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

6. The Contaminated Land Officer would like to draw the applicants/agents/consultants attention to the specifics of the contaminated land conditional wording such as 'prior to commencement', 'prior to occupation' and 'provide a minimum of two weeks notice'.

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The submission of information not in accordance with the specifics of the planning conditional wording can lead to delays in discharging conditions, potentially result in conditions being unable to be discharged or even enforcement action should the required level of evidence/information be unable to be supplied. All relevant information should be formally submitted to the Local Planning Authority and not direct to the Contaminated Land Officer.

7. 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. [www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
8. The applicant is advised that as part of the detailed design of the highway works required by the above conditions 1-5, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant utility companies and the developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
10. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
11. Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.
12. The LPA would expect the reserved matters application to include a 2/3 storey building as per the submitted indicative plans.