



Appeal Decision

Site visit made on 1 February 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/A3655/W/22/3293685

26A High Street, Woking GU21 6BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Rollings-Kamara against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/1060, dated 28 September 2021, was refused by notice dated 14 December 2021.
 - The development proposed is extension to facilitate sub-division of existing unit to create 1 bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for extension to facilitate sub-division of existing unit to create 1 bedroom flat at 26A High Street, Woking GU21 6BW in accordance with the terms of the application, Ref PLAN/2021/1060, dated 28 September 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. During the appeal a Unilateral Undertaking (UU) was submitted which includes a mechanism to contribute towards mitigation of the effects of the proposed development on the Thames Basin Heath Special Protection Area (TBHSPA) and a Housing Infrastructure Fund contribution. The application was refused on the grounds that the development would have an adverse effect on the TBHSPA. The Council have confirmed that this UU addresses this reason for refusal and as such it should be removed. I will return to these matters later in this decision.

Main Issues

3. The main issues are, therefore, the effect of the proposed development on; the supply of a mix of dwelling sizes, and the delivery of the Site Allocation UA6 at 2-24 Commercial Way and 13-28 High Street Woking.

Reasons

Supply of a mix of dwelling sizes

4. Policy CS11 of the Woking Core Strategy (2012) (CS) requires a mix of dwelling types and sizes to meet local needs and states that it will not permit the loss of family homes on sites capable of accommodating a mix of residential units. Of relevance to this appeal, Policy DM11 of the Development Management Policies Development Plan Document (2016) (DMPDPD) provides

criteria for dwelling sub divisions which includes that the proposal would not result in an overall loss of a family home.

5. The existing property is a second floor two bedroom flat, with two reception rooms with internal floorspace stated to be between 65-70sqm. It is accessed via an enclosed side passage and external, metal stairs spanning two storeys which are narrow in places and did not appear to be well lit after dark. This access would generally be unsuitable for families.
6. The supporting text for policies CS11 of the CS and DM11 of the DMPDPD states that family accommodation is 2+ bedroom units. The advice in the Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (2022) adds that flats should also exceed 61sqm floor space to be family accommodation. However, whilst the size and arrangement of the unit would be large enough for a family to occupy, taking into account the specific circumstances of this site, in particular the access, this property is not family accommodation. Consequently, the appeal scheme would not result in the loss of a family home.
7. Therefore, the proposed development would not have a harmful effect on the supply of a mix of dwelling sizes. As such it would be in accordance with Policy CS11 of the CS and DM11 of the DMPDPD, the aims of which are set out above.

Site allocation

8. Policy UA6 of the Site Allocations Development Plan Document (2021) (SADPD) allocates an area bounded by Chapel Street, High Street and Commercial Way for mixed use development (the allocated site). Within this area the policy seeks residential, including affordable housing, retail and offices, with an anticipated 50 new dwellings. It appears that it would be likely such development would involve either the demolition or refurbishment of the existing buildings. The property sits within, but towards the end of, the High Street terrace. Therefore, the LPA's assertion that the envisaged comprehensive development of this site would require the acquisition of this property is reasonable.
9. The development before me now would result in an extension to an existing property, and although it would create a single additional residential unit the overall use of the appeal site would not change. In the absence of firm proposals for the development of the allocated site, the limited scale of the appeal scheme would be unlikely to significantly alter the ability to undertake the comprehensive development of the allocated site. Therefore, the proposed development would not compromise the ability to deliver the aims of Policy UA6 of the SADPD.
10. The main parties agree that the scheme is acceptable with regard to character and appearance, and for the reasons above it would not prevent the delivery of the improvements to the town centre envisaged by Policy UA6 of the SADPD.
11. Therefore, the proposed development would not have a harmful effect on the delivery of the Site Allocation UA6 at 2-24 Commercial Way and 13-28 High Street Woking. As such it would not conflict with Policy UA6 of the SADPD.

Other Matters

TBHSPA

12. The TBHSPA is a habitats site that has a high level of protection. It is designated because it supports breeding populations of Dartford Warbler, Woodlark and Nightjar. The Updated Thames Basin Heath Avoidance Strategy (2022) (the Avoidance Strategy) states that any net new residential development within 5km of the SPA may harm the protected bird populations for reasons including human activity, particularly recreational activity such as dog walking. Although the effect from 1 new dwelling would be small, when combined with other plans and projects there would be likely to be a significant effect on the protected site.
13. The Conservation of Habitats and Species Regulations 2017 therefore require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects. I am therefore required to undertake an AA.
14. Policy CS8 of the CS together with the Avoidance Strategy set out that the pressures from recreational activities can be appropriately mitigated via an identified programme of works to manage and monitor visitors use of the SPA, known as Strategic Access Management and Monitoring (SAMM). Along with the provision and maintenance of Suitable Alternative Natural Green Space (SANG). The approach was formulated based on the Thames Basin Heaths Special Protection Area Delivery Framework, produced by Natural England and its partners as such I am satisfied that the mitigation measures proposed within it would be effective in this case. Natural England has also been consulted on this specific application and raised no objection to the proposal on this basis. I have taken these comments into account.
15. The contribution towards SANG is part of the Community Infrastructure Levy (CIL) for this development. Taking into account the CIL amount set out in the LPA's report, and the 39.5% share set out in the Avoidance Strategy this would total £902 in this case. I am also presented with a Planning obligation (UU) which would secure a payment of £583 to secure a SAMM contribution. I have been provided with evidence which sets out a justified methodology for calculating an amount which is index linked, and the figure in the UU appears to be in line with this. I am also satisfied that the proposed SAMM mitigation does not constitute infrastructure for the purpose of the CIL regulations.
16. Therefore, I am satisfied that the CIL and UU provide adequate mitigation for the effect on the SPA and consequently I can be certain that there would be no adverse effect on the integrity of the SPA.

Housing Infrastructure Fund.

17. The submitted UU includes a Housing Infrastructure Fund Contribution of £2000 towards the Victoria Arch Scheme. The proposed development would not result in additional capacity over that which has been planned in the development plan and it could be accommodated within the existing transport infrastructure. As such this obligation is not necessary in order to make the development acceptable. Therefore, I will not take it into account in determining this appeal.

Conditions

18. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy Framework (2021) and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that conditions would not unnecessarily delay the delivery of development.
19. The proposed development would create a new residential unit and the property is directly opposite the railway line, as well as being in a busy town centre, with a commercial use below. These are likely to be sources of noise and vibration. Building regulations cover sound insulation requirements. However, planning seeks to ensure that development has a high standard of amenity for future occupiers. Given the circumstances at this site and the limited evidence before me relating to noise and sound insulation, it appears likely that mitigation measures over and above those required by building regulations would be needed. Therefore, it would be reasonable and necessary to secure these details by planning condition to ensure that the proposed development would meet this important planning aim. Consequently, conditions are attached relating to the acoustic performance of the party ceilings/floors and walls, as well as a survey of and mitigation measures relating to noise from road and railway noise and vibration.
20. Given the lack of a detailed assessment of noise and the location of this site, it is possible that air moving equipment may be required. As such a condition relating to the acoustic specifications of such equipment is reasonable and necessary in this case, in the interests of the living conditions of existing and future occupiers.
21. The site is small with no parking and limited space for storage in a busy town centre location, as such the submission of a construction transport management plan is required in the interests of highway safety and the free flow of traffic. However, given these constraints it would not be possible for construction vehicles to come onto the site. As such details of on site turning and depositing materials onto the highway are unnecessary and have been removed. This condition is required to be pre commencement as the measures are required for the full duration of the works and this has been agreed by the appellant.
22. A condition requiring details of cycle parking is required in order to promote sustainable travel modes. Details of arrangements for waste and recycling are required in the interests of the living conditions of neighbours and future occupiers.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR

Schedule of 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.
- 2) The development hereby permitted shall be carried out in accordance with approved plans; Drawing No. PL-04-01-A Rev A, Drawing No. PL-04-04-B Rev B, Drawing No. PL-04-02-A Rev A
- 3) The materials to be used in the construction of the external surfaces of the extension hereby approved shall match those used in the existing building.
- 4) No development shall commence until a Construction Transport Management Plan, to include details of:
 - i) parking for vehicles of site personnel, operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials
 - iv) programme of works (including measures for traffic management)
 - v) provision of boundary hoarding behind any visibility zoneshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details should be implemented and adhered to throughout the construction of the development.
- 5) No above ground development associated with the development hereby permitted shall commence until details of the measures to be undertaken to upgrade the acoustic performance of the party ceilings/floors and walls have been submitted to and approved in writing by the Local Planning Authority. These details shall be fully implemented prior to the occupation of the development hereby permitted and shall be retained thereafter.
- 6) No above ground development associated with the development hereby permitted shall commence until a detailed survey of road and railway noise and vibration including a study of measures necessary to mitigate adverse effects upon the occupants has been submitted to and approved in writing by the Local Planning Authority. These measures shall be fully implemented prior to the occupation of the development hereby permitted and shall be retained thereafter.
- 7) No above ground development associated with the development hereby permitted shall commence until details of secure cycle parking and any associated facilities for the occupants of and visitors to the development have been 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 occupation of the development hereby permitted and shall thereafter be retained for this use at all times.
- 8) The development hereby permitted shall not be first occupied until details of the proposed waste and recycling management arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full prior to the first occupation of the development and shall thereafter be retained for this use at all times.

- 9) No fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall be installed until details, including acoustic specifications have been submitted to and approved in writing by the Local Planning Authority. Such plant and equipment shall not be installed otherwise than in strict accordance with the approved specifications.