

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250980
Site Address:	68-70 Peach Street, Wokingham, RG40 1XH
Expiry Date:	15 July 2025
Site Visit Date:	8 May 2025
Proposal: Prior approval submission for proposed change of use of the commercial premises on the first floor to 2 no. dwellings.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Conservation Area – Wokingham Town Centre
Contaminated Land Consultation Zone
Heathrow Aerodrome Consultation Zone
Affordable Housing Thresholds
Scale and Location of Development Proposals – Wokingham (Major Development Location)
Great Crested Newt Consultation Zone
Primary Shopping Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones – 5km Linear Mitigation Zone

PLANNING POLICY/LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings.
Section 57	Planning permission is needed for all development of land.
Section 187a	Enforcement for breach of conditions

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 7	Prior approval applications: time periods for decision
Article 3	In conjunction with Schedule 2, Part 3, Class MA grants planning permission for the change of use of a building and any land within its curtilage within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellings) of Schedule 1 to that order.
Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3

PLANNING HISTORY

Application No.	Description	Decision & Date
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990474	Proposed Erection Of Internally Illuminated Fascia Sign And Projecting Sign (Retrospective)	Approved 27/05/1999
980981	Proposed Installation Of New Shop Front And Automatic Telling Machine	Approved 21/12/1998
062579	Proposed change of use of pay phone box to ATM & pay phone.	Approved 07/04/2006
141855	Proposed change of use from Open A1 retail to D2.	Approved 13/02/2015
151159	Advertisement application for new signage, to include 1no fascia sign, 1no hanging sign and 2no other signage.	Approved 06/07/2015
242027	Prior approval submission for proposed change of use of the commercial premises on the first floor to 2 no. dwellings.	Refused 26/09/2024
242941	Full application for the proposed installation of 4 no. first floor windows	Approved 13/03/2025

CONSULTATION RESPONSES

Internal

WBC Environmental Health – Concerns regarding noise impacts
WBC Drainage – No objections
WBC Highways – No objection subject to conditions
WBC Built Heritage Officer – No objections
WBC CIL – Development is CIL liable

External

REPRESENTATIONS

Parish/Town Council	No objections
Ward Member(s)	No comments received
Neighbours	No comments received

PART MA.1 APPRAISAL

			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	✓	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt. MA	6	Does it consist of a change of use from a use falling within Class E (commercial, business and service) to a	✓	

		dwellinghouse?		
MA.1(1)(b)	8	Has the use of the building fallen within Class E (commercial, business and service) for a continuous period of at least 2 years prior to the date of the application for prior approval?	✓	
MA.1(1)(d)	10	Is the land covered by, or within the curtilage of, the building (i) In a site of special scientific interest; (ii) A listed building; (iii) A schedule monument; (iv) In a safety hazard area; or (v) In a military explosives storage area?		✓
MA.1(1)(e)	11	Is the building within (i) An area of outstanding beauty; (ii) An area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii) The Broads; (iv) A National Park; or (v) A World Heritage Site?		✓
MA.1(1)(f)	12	Is the site occupied under an agricultural tenancy?		✓
MA.1(1)(g)	13	Before 1 August 2022, (i) The proposed development is of a description falling within Class O as that Class had effect immediately before 1st August 2021; and (ii) The development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3?		N/A

Site Description:

The application site consists of a two storey flat roofed building that connects to the rear of nos.68-70 Peach Street. Access to the site is via Cross Street to the rear of the existing commercial units, with the units accessed from a ground floor door in the existing car park/commercial yard that serves the units that front Peach Street to the south.

Application Description:

This application seeks approval for the proposed change of use of the building's first floor into 2no. residential flats.

PART MA.2 APPRAISAL

Development under Class MA is permitted subject to the developer applying to the local planning authority for a determination as to whether the prior approval will be required as to –

(a) Transport impacts of the development, particularly to ensure safe site access

No parking provision is proposed for the 2no. flats. The lack of such does not warrant a reason for refusal as the site is located within a highly sustainable location, meaning access to alternative modes of transport are readily available. It should also be noted that MA.2 (a) does not require an assessment of the development's parking provision, rather consideration for how it would impact highway safety and ensure safe access.

In this context, there is an existing access to the site via Cross Street and due to its low speed limits, the Council's Highways Officer has raised no objection to its continued use in association with the dwelling. Overall, the proposals would have no notable transport impacts and complies with MA.2 (a).

(b) Contamination risks in relation to the building

Section 78A(2) of Part 2A of the Environmental Protection Act 1990(a) states that 'contaminated land' is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that (a) significant harm is being caused; or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.

The site does fall within a potentially contaminated land consultation area, but the development proposed does not involve any external changes to the building which may affect residents. The Council's Environmental Health Officer has indicated that they have no objection to the proposal. It is therefore acceptable in this regard.

(c) Flooding risks in relation to the building

The building is located within Flood Zone 1 with low risk from surface water flooding. No external works are proposed and as such the Council's Drainage and Flood Risk Officer has raised no objection to the proposals.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

No noise impact assessment has been submitted with this application.

The site would be immediately adjacent to several commercial units, with Flat 1's windows all facing onto the rear parking area/yard that serves them. The Case Officer's visit to the site concluded that this area is likely to be consistently busy during most times of the day by reason of the vehicle movements associated with the businesses. The yard is also used to facilitate deliveries to and collect waste from the businesses which would involve large vehicles unloading and loading within it, causing adverse noise spikes (potentially within unsociable hours) within immediate proximity to Flat 1's windows:



Whilst the majority of Flat 2's windows face northwards and therefore less impacted by the commercial operations of the adjacent units, Flat 1 would be immediately impacted by the noise emissions of the adjacent commercial units, to the detriment of the occupier's amenities.

The Council Environmental Health Officer (EHO) has commented that a noise impact assessment is required to fully understand the impacts of the commercial premises on the 2no. dwellings proposed. However, they have suggested that these measures could be secured via a pre-commencement condition to satisfy the requirements of Class MA(d).

Potential mitigation measures suggested by the EHO are likely to include double or triple glazing and mechanical ventilation. Without them, it is unlikely that the development can ensure that all noise implications are mitigated so that internal ambient noise levels for the dwellings meet the BS8233 sound insulation and noise reduction for buildings design range 'good' for living accommodation. However, if this application was acceptable in all other respects, a condition could be added to secure these measures, notwithstanding the fact that a noise impact assessment has not been submitted to support these proposals.

Hence, if the application is to be approved, subject to compliance with any suitable noise mitigation condition, the proposal would comply with MA.2(d).

(e) The impact of that change of use on the character or sustainability of the conservation area

The site falls within the Wokingham Town Centre Conservation Area. No external changes are proposed to the building and the Built Heritage Officer has concluded that the proposals would have no legible impact on the character or sustainability of the Conservation Area.

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

Aside from the noise concerns raised above, Flat 1's windows would exclusively face west/south-west. Combined with the number of windows proposed to serve each of the flat's rooms, the proposals would ensure the provision of adequate natural light to the dwelling.

With regards to flat 2, application 242027 was previously refused on the lack of natural light to this dwellinghouse; the flat's windows originally faced north exclusively, partly obscured by tree coverage. The bedroom also had no window provision.

Since this refusal, consent for additional windows on the northern and western elevations of the building was given under application 242941, which have since been implemented. As per the proposed floor plans, these windows provide additional openings in flat 2's bedroom.

Overall, the additional west-facing window provision for Flat 2 ensures adequate light provision to the proposed bedroom. It is acknowledged that the windows for Flat 2's living area would be partly obscured by tree coverage and north facing but when viewing the photo below, there is a clear gap in the tree coverage to ensure sufficient overspill of light to the windows which are generous in number.



Further to the above, the tree coverage is not substantial and is deciduous in nature, meaning screening in the Autumn/Winter months of the year would be minimal. Overall, it is considered that sufficient light provision can now be achieved for Flat 2 and the proposals comply with MA.2(f).

Other conditions of MA.2 (g-i)

These are not applicable in this case as the site is not within an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and the change of use will not impact on the local provision of registered nurseries or health centres. The development does not meet the fire risk condition.

And the provisions of paragraph W (prior approval – where relevant)

The application must be accompanied by—

a written description of the proposed development, which, in relation to development proposed under Class C, M, MA, N or Q of this Part, must in the same application include any building or other operations;

A plan indicating the site and showing the proposed development.

in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);

in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in sqm of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

the developer’s contact address;

the developer’s email address if the developer is content to receive communications electronically; and

where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment,

Together with any fee required to be paid.

A written description as contained in the application form and supporting planning statement along with the relevant plans, assessments, fee and contact details. Contact details were provided and the correct fee was paid.

Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses

The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to the development in question.

It is possible to assess the application based on the details provided.

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

The Council's Highways Officer raises no objection on highways or traffic grounds. There is no increase for on-site parking spaces and as such, there is unlikely to be any increase in traffic generation.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency(8) where the development is in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The Council's Drainage Officer has no objection to the proposal. The Environment Agency do not need to be consulted.

The local planning authority must give notice of the proposed development by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which describes the proposed development; provides the address of the proposed development; specifies the date by which representations are to be received by the local planning authority; or by serving a notice in that form on any adjoining owner or occupier.

Letters were sent to neighbouring properties on 15th August 2024.

The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include assessments of impacts or risks, statements setting out how impacts or risks are to be mitigated; or details of proposed building or other operations.

In relation to sub paragraph (3), this is noted.

The local planning authority must, when determining an application, take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); b) have regard

to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and in relation to the contamination risks on the site, determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and if they determine that the site will be contaminated land, refuse to give prior approval.

No representations have been received.

Class MA is also subject to the following requirements:

- (a) development under Class MA, if any, must be completed within a period of 3 years starting with the prior approval date; and*
- (b) any building which has changed use under Class MA is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.*

These are noted.

Thames Basin Heath Special Protection Area:

Policy CP8 states that where there is a net increase in dwellings within 5km of the SPA, contributions to access management measures and monitoring in line with the Delivery Framework will be required.

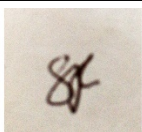
The application site is located within the 5km Linear Mitigation Zone for the Thames Basin Heath Special Protection Area and therefore meets the threshold required to mitigate its impact on this through contributing to the Council's mitigation strategy as per policy CP8 of the Core Strategy. The Appropriate Assessment relevant to this application is outlined below.

As this is a Prior Notification application process, a S106 legal agreement to secure the mitigation contributions is not being sought prior to determination. Therefore, a negatively worded condition requiring the applicant to engage in a S106 agreement prior to the commencement of development will be imposed on the decision notice, should the application be recommended for approval.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Yes
Recommendation:	Prior Approval – Approval
Date:	7 October 2025
Earliest date for decision:	22 May 2025

Recommendation agreed by: (Authorised Officer)	
Date:	7.10.25

The Conservation of Habitats and Species Regulations 2017 Screening Assessment and Appropriate Assessment

In the light of the “Sweetman Judgement” (People Over Wind and Sweetman v Coillte Teoranta, April 2018), the comments below comprise an Appropriate Assessment which includes advice on necessary avoidance and mitigation measures which is consistent with the advice provided to the Planning Inspectorate on such matters.

Summary of Response

WBC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out which includes regard to mitigation requirements.

This site is located approximately **4.95 km** (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

On commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC’s Infrastructure Delivery Contributions Supplementary Planning Document (SPD).

The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

In this instance, the proposed development would result in a net increase of **2no. 1 bedroom dwellings** within 5km of the SPA which results in a total SANG contribution of **£3,135.96**.

The proposed development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of **£1,126.00**.

The total SPA related financial contribution for this proposal is **£4,261.96**. The applicant **must agree** to enter into a S106/s111 agreement to secure this contribution prior to occupation of each dwelling. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, policy CP8 of the Core Strategy, and the NPPF.

1. The Conservation of Habitats and Species Regulations (2017) as amended

In accordance with The Conservation of Habitats and Species Regulations (2017) as amended, Regulation 63, a competent authority (in this case Wokingham Borough Council (WBC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as WBC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

WBC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), WBC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, WBC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stage 1 Screening for Likely Significant Effects

WBC accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of a European Site. The Thames Basin Heaths Special Protection Area (SPA) is a European designated site which affects the borough, and WBC must ensure that development does not result in an adverse impact on the SPA. The potential adverse effects on the integrity of the SPA include recreational activities from inside

the SPA and air pollution from inside and outside the SPA.

At this stage WBC cannot rule out 'likely significance effects' on the SPA (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of these sites. This is because the proposal lies within **4.2 km** of the SPA and:

- represents a net increase in dwellings within 400m - 5km of the Thames Basin Heaths Special Protection Area (SPA) which will lead to an increase in local population and a potential increase in recreational activity on the SPA

As the 'likely significance effects' cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 2 Appropriate Assessment

Based on the information proposed by the applicant, WBC must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal is altered to avoid or reduce impacts.

The following policies and guidance set out WBC's approach to relevant avoidance and mitigation measures which have been agreed with Natural England. For the majority of housing developments this will comprise the provision of (or contribution towards) Suitable Alternative Natural Greenspace (SANG) and a contribution towards the Strategic Access Management and Monitoring (SAMM) Project. The financial contributions towards SANG would be either through an obligation in a s106 agreement that requires WBC to allocate an appropriate amount of the development CIL receipt towards the provision of SANG, or through an obligation in an agreement under s111 of the Local Government Act, that requires the developer to make an appropriate financial contribution towards the provision of SANG (to be used in the event that the developer successfully seeks CIL relief). Developers will be required to secure an appropriate financial contribution to the SAMM project through an obligation in a s106 agreement.

For SDL development (and occasionally some other larger non SDL developments) within 5km of the SPA, SANG is required at a minimum of 8 ha per 1,000 new residents, constructed and delivered to Natural England's quality and quantity standards and a contribution towards pan SPA access management and monitoring (as advised by the Thames Basin Heaths Joint Strategic Partnership Board). For SDL development (and occasionally some other larger non SDL developments) between 5 and 7km, the proposals will need to be individually assessed but it is likely that SANG will be required on site in line with Natural England's quality and quantity standards, although the exact requirement will be agreed having regard to evidence supplied.

a. Policies and Guidance

For this proposal the following guidance and policies apply:

- South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)
<http://webarchive.nationalarchives.gov.uk/20100528160926/http://www.gos.gov.uk/gos/e/planning/regionalPlanning/815640/>
- Wokingham Borough Core Strategy (2010) Policy CP8 (Thames Basin Heaths Special

Protection Area) sets out the approach WBC will take in order to protect the TBH SPA
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>

- Wokingham Borough Core Strategy (2010) Policy CP7 (Biodiversity) sets out the approach WBC will take in order to protect national and international nature conservation sites <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Managing Development Delivery Local Plan (2014) Policy TB23 (Biodiversity and Development)
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20MDD.pdf>
- Infrastructure Delivery and Contributions SPD (2011)
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20Infrastructure%20De~nd%20Contributions%20SPD.pdf>

The project as proposed would not adversely impact on the integrity of the SPA if avoidance and mitigation measures are provided as stipulated by these policies and guidance.

b. SPA Avoidance and Mitigation Measures

i) The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.

In accordance with the development plan, the proposed development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG).

As this development is not part of an SDL, the developer may make a payment contribution towards strategic SANGs in line with schedule below (most likely this will be at Rooks Nest Wood SANG although it is subject to SANGs capacity in the right location within Wokingham borough). An occupation restriction will be included in the Section 106 Agreement in order to ensure that the contribution has been made prior to occupation of the dwellings. This gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and Core Strategy Policy CP8

The development will result in a net increase of **2no. dwellings**, broken down as follows: **2no. 1 bedroom dwellings**. Depending on the dwelling mix, the level of SANG payments are set out as follows:

No. of bedrooms	SANG Contribution 5km	Aggregate SANG Contribution
1 bedroom	£1,567.98	£3,135.96
2 bedrooms	£2,049.59	£0
3 bedrooms	£2,690.93	£0
4 bedrooms	£3,546.86	£0
5 bedrooms	£4,240.62	£0
Total SANG Contribution		£3,135.96

[DELETE AS APPROPRIATE]

ii. Strategic Access Management and Monitoring (SAMM) Contribution

The proposed development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it.

From 1st April 2023 SAMM contributions have been updated across the 11 Local Authorities affected by the Thames Basin Heaths Special Protection Area. Following engagement with Natural England, the Joint Strategic Partnership Board agreed this change is necessary to ensure sufficient income is raised to cover the costs of the SAMM project in perpetuity. Without this change the SAMM project would be at risk of being unable to deliver the objectives of the SAMM project, and therefore secure positive outcomes for the SPA

The level of contributions are calculated on a per bedroom basis. The application for this development is for **2no. 1 bedroom dwellings**. Depending on the dwelling mix, the level of SAMM payments are calculated as follows:

No. of bedrooms	SAMM Contribution 5km	Aggregate SAMM Contribution
1 bedroom	£563.00	£1,126.00
2 bedrooms	£784.00	£0
3 bedrooms	£1,042.00	£0
4 bedrooms	£1,225.00	£0
5+ bedrooms	£1,400.00	£0
Total SAMM Contribution		£1,126.00

Prior to the permission being granted the applicant must enter into a Section 106 Agreement based upon the above measures.

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that WBC would be required to refuse a planning application.

Provided that the applicant is prepared to make a financial contribution (see above) towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

WBC is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017) as amended, and permission may be granted.

If the applicant does not agree with the above mitigation and does not enter into a Section 106 Agreement to secure the measures, then the application must be refused using the

following reason for refusal.

5. Example Reason for Refusal

In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.

Date:	07/10/2025	Signed:	KIERAN NEUMANN
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