

## 20 MARCH 2018 PLANNING COMMITTEE

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Con. Target dwellings -13 of Weeks Target?  
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**LOCATION:** 30 Lambourne Crescent, Sheerwater, Woking, GU21 5RQ

**PROPOSAL:** Erection of a two storey side extension and subdivision into two self-contained flats (3x bed) and associated parking

**TYPE:** Full Planning Application

**APPLICANT:** Mr Mohammed Rafiq

**OFFICER:** David Raper

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

The proposal includes the creation of new dwellings which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is for the erection of a two storey side extension to the existing property and the sub-division of the property into two self-contained two bedroom flats. A new vehicular crossover onto Lambourne Crescent and the provision of four parking spaces to the frontage is also proposed.

Site Area: 0.0412 ha (412sq.m)  
Existing units: 1  
Proposed units: 2  
Existing density: 24.3 dph (dwellings per hectare)  
Proposed density: 48.5 dph

### **PLANNING STATUS**

- Urban Area
- Priority Places
- Thames Basin Heaths SPA ZoneB (400m-5km)

### **RECOMMENDATION**

GRANT planning permission subject to conditions and Section 106 Agreement to secure a SAMM contribution.

### **SITE DESCRIPTION**

The proposal site is characterised by a two storey semi-detached dwelling dating from the 1950s. The proposal site forms part of the Sheerwater Estate which is characterised by semi-detached and terraced properties of similar ages and styles. To the north of the site is an area of open amenity land and a footpath leading to Lockwood Path to the east.

**PLANNING HISTORY**

- PLAN/2013/0924 - Erection of single storey front extension – Permitted 20/11/2013
- PLAN/2002/1457 – Erection of two storey side extension – Permitted 30/01/2003

**CONSULTATIONS**

**County Highway Authority:** No objection subject to conditions.

**Drainage and Flood Risk Engineer:** No objection.

**Environment Agency:** No comments received.

**REPRESENTATIONS**

None received.

**RELEVANT PLANNING POLICIES**

National Planning Policy Framework (NPPF) (2012):

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough

CS5 - Priority Places

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

CS18 - Transport and accessibility

CS21 - Design

CS22 - Sustainable construction

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management Policies DPD (2016):

DM2 – Trees and Landscaping

DM10 – Development on Garden Land

Supplementary Planning Documents (SPDs):

Woking Design (2015)

Affordable Housing Delivery (2014)

Climate Change (2013)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2006)

## **BACKGROUND**

Following concerns raised by the Council's Tree Officer and Drainage and Flood Risk Engineer, a Tree Survey and Flood Risk Assessment were received on 30/01/2018. The proposal has been assessed based on this information.

## **PLANNING ISSUES**

### **Principle of Development:**

1. The NPPF (2012) and Core Strategy (2012) policy CS25 promote a presumption in favour of sustainable development. The site lies within the designated Urban Area and within the 400m-5km (Zone B) Thames Basin Heaths Special Protection Area (SPA) buffer zone. The development of garden land for additional dwellings can be acceptable provided that the proposal respects the overall grain and character of development in the area. Core Strategy (2012) policy CS10 seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place. The principle of infill residential development in this instance is considered acceptable subject to further material planning considerations, specific development plan policies and national planning policy and guidance as discussed below.

### **Impact on Character:**

2. The proposal is for the erection of a two storey side extension and sub-division of the resulting property into two self-contained flats. The proposal is not therefore a sub-division of the plot itself but rather a sub-division of the property to flats with the rear garden area remaining undivided. Plot widths in the surrounding area are typically 8-10m in width. The width of the proposal site at the site frontage is wider than most surrounding plots at 18m in width with a garden area to the side. The proposal site however narrows to 8m to the rear which means a conventional plot-subdivision and the erection of an attached dwelling for example would not be achievable as the resulting dwelling would not have an adequate garden size or plot depth to reflect the surrounding area. The proposal responds to this by erecting a two storey side extension on the garden area on the wider part of the plot and by the horizontal sub-division of the property into two large flats at ground and first floor level.
3. Although the surrounding area is generally characterised by two storey dwellings rather than flats, the design of the proposed extension is such that it appears as a two storey dwelling and a continuation of the existing dwelling and the formation of a terrace of three dwellings. The surrounding area is characterised by a mixture of terraced and semi-detached dwellings and the proposal is therefore considered to respect the character of development in the area. The proposal would retain a separation distance of 4.4m to the side boundary and 1.3m to the rear boundary and is not considered to appear unduly cramped within the plot and is considered to achieve adequate spacing to boundaries. Furthermore the proposal would create two large family dwellings which is considered reflective of the surrounding area which is characterised by family dwellings. The use of appropriate matching materials can be secured by condition. Parking for four vehicles would be provided to the site frontage along with soft landscaping which is considered acceptable.
4. Overall the proposal is considered to make efficient use of a relatively large plot and is considered to result in a visually acceptable form of development which respects the character of the surrounding area.

Impact on Neighbours:

5. The proposal site has a rear-to-side relationship with No.2 Lockwood Path to the north-east. This neighbour features an L-shaped garden area which wraps around the side and rear boundaries of the proposal site. The proposed extension would be within 1.3m of the boundary and side garden of this neighbour however the extension would be sited 15.9m from this neighbour itself which is considered sufficient to avoid an undue loss of light impact. The main useable garden area of this neighbour is located to the rear of the dwelling rather than the side garden area and the proposal is considered to form an acceptable relationship with this neighbour in terms of overbearing impacts.
6. The proposed extension includes a first floor rear-facing window facing towards No.2 Lockwood Path however as this serves a bathroom, this can be required to be obscurely glazed with restricted opening by condition to avoid an undue overlooking impact. First floor side-facing windows would face across an area of public amenity land and the relationship with neighbours opposite to the south would be the same as the existing dwelling.
7. The proposed two storey side extension would not be appreciable from the attached neighbour at No.28 Lambourne Crescent and is not considered to result in an undue loss of light, overlooking or overbearing impact on this neighbour.
8. Overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts compared to the existing situation and accords with Core Strategy (2012) policy CS21, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the National Planning Policy Framework (2012).

Standard of Accommodation:

9. The proposed ground and first floor flats would have floor areas of 93m<sup>2</sup> and 94.5m<sup>2</sup> respectively. This is considered a generous size of internal accommodation for three bedroom flats and habitable room windows are considered to achieve acceptable quality outlooks. The rear garden area is identified as being a communal space shared between the flats. Both flats would have access to this space and appropriate landscaping can be secured by condition to protect the privacy of ground floor habitable rooms.
10. Overall the proposal is considered to achieve an acceptable standard of accommodation for future residents.

Housing Mix:

11. Core Strategy (2012) policy CS11 states that residential proposals are expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the Strategic Housing Market Assessment (SHMA). The 2015 SHMA identifies most need for three bed units (35%) and two bed units (30%). There is therefore an identified need for family accommodation; in particular three bed units. Furthermore the proposal site is within a 'Priority Place' as identified by Core Strategy (2012) policy CS5, in which planning decisions are expected to seek to redress identified issues, including housing, in the Maybury and Sheerwater areas. This policy seeks to redress the tenure imbalance in the area by providing more family accommodation (two bed and above).

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12. The proposed development would result in two large three bedroom flats which are considered suitable for family accommodation. Overall the proposal is therefore considered to result in an acceptable housing mix in accordance with policies CS5 and CS11.

### Transportation Impact:

13. The proposal includes the formation of a vehicular crossover onto Lambourne Crescent and the creation of four off-street parking spaces to the site frontage. This would accord with the maximum parking standard set out in the Council's Parking Standards (2006) SPD (two per 3x bed dwelling) and is considered an acceptable level of parking provision. There is space to the side and rear of the site for adequate bin and cycle storage. The County Highway Authority has reviewed the proposal and raises no objection subject to conditions.
14. Overall the proposal is considered to result in an acceptable transportation impact.

### Impact on Flood Risk:

15. Part of the proposal site falls within Flood Zone 2 as defined by the Environment Agency's Flood Map data. Core Strategy (2012) policy CS9 and Section 10 of the NPPF (2012) seek to direct development away from Flood Zones 2 (medium risk) and 3 (high risk) to Flood Zone 1 (low risk) and these policies require development proposals for vulnerable development in Flood Zones 2 and 3 to pass the Sequential Test. The exact boundaries of flood zones can vary and the applicant has therefore supplied a detailed Flood Risk Assessment (FRA). The FRA takes account of detailed information such as topographical data in order to establish the actual boundary of Flood Zone 2. The conclusion of the FRA is that the proposal site falls principally outside Flood Zone 2 and is consequently at low risk from flooding. The Council's Drainage and Flood Risk Engineer has reviewed the information and raises no objection. Overall the proposal is therefore considered to have an acceptable impact in terms of flood risk.

### Impact on Trees:

16. There are mature off-site trees to the north-east and although these are not protected, they are considered to have public amenity value. The Council's Tree Officer has reviewed the proposal and has requested details of how the trees would be retained and protected during construction. This can be secured by condition. Subject to this condition, overall the proposal is considered to have an acceptable impact on trees.

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

17. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Core Strategy (2012) policy CS8 requires new residential development beyond a 400m threshold, but within 5km of the SPA boundary, to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
18. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of **£868** in line with the Thames Basin Heaths Special

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Protection Area Avoidance Strategy 2010-2015 as a result of the net gain of a three bedroom dwelling which would arise from the proposal.

19. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the SPA and therefore accords with Core Strategy (2012) policy CS8 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015'.

### **Affordable Housing:**

20. Following the Court of Appeal's judgment of 11<sup>th</sup> May 2016, wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31<sup>st</sup> July 2015 (West Berkshire and Reading Borough Council v Secretary of State for Communities and Local Government), officers accept that, subsequent to the Court of Appeal's judgment, the policies in the Written Ministerial Statement of 28<sup>th</sup> November 2014 by the Minister of State for Housing and Planning which sets out specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must once again be treated as a material consideration in development management decisions.
21. Additionally the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal judgment dated 13<sup>th</sup> May 2016, which again give legal effect to the policy set out in the Written Ministerial Statement of 28<sup>th</sup> November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10 units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm.
22. Whilst weight should still be afforded to Policy CS12 'Affordable housing' of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016). No affordable housing contribution is therefore sought for this application.

### **Community Infrastructure Levy:**

23. The proposal would be liable to make a CIL contribution of £7,809.23 based on a net increase in floor area of 94m<sup>2</sup>.

## **CONCLUSION**

24. Considering the points discussed above, the proposal is considered an acceptable form of development which would have an acceptable impact on the amenities of neighbours, on the character of the surrounding area and in transportation terms. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions and subject to Section 106 Agreement.

## **BACKGROUND PAPERS**

1. Site visit photographs
2. Consultation responses

### **PLANNING OBLIGATIONS**

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

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	SAMM (SPA) contribution of <b>£868</b>	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2010-2015.

### **RECOMMENDATION**

PERMIT subject to the following conditions and S106 Agreement:

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

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

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

P.01 C received by the LPA on 08/08/2017  
P.02 received by the LPA on 27/07/2017  
P.03 B received by the LPA on 27/07/2017  
L.01 received by the LPA on 27/07/2017  
B.01 received by the LPA on 27/07/2017

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

3. The external finishes of the development hereby permitted shall match those used in the existing dwelling in material, colour, style, bonding and texture.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

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

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planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance the character and appearance of the locality in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012.

5. ++ Prior to the commencement of the development hereby approved (including clearance and demolition) tree protection details shall be submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 2012 and shall include a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. The details shall make provision for the convening of a pre-commencement meeting and Arboricultural supervision by a suitably qualified and experienced Arboricultural Consultant for works within the RPAs of retained trees. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason: To ensure the 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 in accordance with Policy CS21 of the Woking Core Strategy 2012.

6. The first floor window in the north-east facing rear elevation of the extension hereby approved shall be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor levels of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

7. Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with the approved plans for vehicles to be parked and to 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 should it inconvenience other highway users.

8. Prior to the first occupation of the development hereby approved, details of the proposed waste and recycling management arrangements for the development and details of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall then be implemented and retained thereafter for the lifetime of the development hereby approved.

Reason: In the interests of amenity and to ensure the appropriate provision of infrastructure in accordance with Policy CS16 of the Woking Core Strategy 2012.

9. Prior to the first occupation of the development hereby approved, the proposed vehicular access onto Lambourne Crescent shall be constructed in accordance with the approved plans and 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 should it 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 of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
3. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

4. 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.

5. The applicant is advised that this application is liable to make a CIL contribution of £7,809.23. The applicant must complete and submit a Commencement (of development) Notice to the Local Planning Authority, which the Local Planning Authority must receive prior to commencement of the development.