

05 SEPTEMBER 2017 PLANNING COMMITTEE

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LOCATION: 9 Regency Drive, West Byfleet, Surrey, KT14 6EN

PROPOSAL: Erection of a new three bedroom attached dwelling.

TYPE: Full

APPLICANT: Mr Chin

OFFICER: Tanveer
Rahman

REASON FOR REFERRAL TO COMMITTEE

The proposal involves the erection of a single dwelling which falls outside of the scheme of delegated powers.

RECOMMENDATION

GRANT planning permission subject to Conditions.

PLANNING STATUS

- Urban Area
- West Byfleet Neighbourhood Area (currently out for consultation)
- Tree Preservation Order
- Thames Basin Heaths SPA Zone B (400m-5km)

SITE DESCRIPTION

The application site relates to the curtilage of 9 Regency Drive which is a two-storey, hipped roof end of terrace house. The front of the house is set back from the street by a deep front garden. The property also has a side and rear garden which is bounded from the adjoining property's rear garden, an alleyway to the rear and the street to the side (south east) by close board timber fencing and vegetation. The south east of the application site slopes down to the street and has a retaining wall

The submitted location plan indicates that the property has two garages in a block of garages to the south east of the site.

RELEVANT PLANNING HISTORY

78/1461: ALTERATION - permitted 01.12.1978.

75/1284: RESITING FENCE - permitted 01.11.1975.

75/0228: RESITING GARDEN FENCE - permitted 01.04.1975.

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0030673: ERECTION 48 TERRACE HOUSES BRICK & TILE SAMPLES - permitted 31.01.1973.

0029887: ERECTION 48 TERRACED HOUSES AND 60 GARAGES ERECTION - permitted 30.08.1972.

PROPOSED DEVELOPMENT

The application is for the erection of a two-storey house attached to the side elevation of 9 Regency Drive following demolition of existing boundary fencing and vegetation. The existing hipped roof of no.9 is proposed to extend to cover the new dwelling. The new dwelling is proposed to have a width of 5.15 m, a length of 8.80m, an eaves height of 5.2m and a ridge height of 7.3m. A door, a ground floor window, a curved ground floor bay window and two first floor windows are proposed in its front elevation. A set of doors, a ground floor window and two first floor windows are proposed in its rear elevation. Fencing is proposed to be erected off the rear elevation along the party wall line of no.9 and the proposed dwelling to give them both an area of private amenity space. A gate is proposed in the rear fencing of no.9 to enable it to have access to the alleyway to the rear for refuse collection. A new retaining wall with planting in front of it is proposed on the south west of the application site. The existing property is proposed to keep one of the garage and the other is proposed to be given to the new house.

SUMMARY INFORMATION

Site area	0.0312ha
Existing units	1 unit
Proposed units	2 units
Bedrooms/unit	3 bedrooms
Existing site density	32 dwellings/hectare
Proposed site density	64 dwellings/hectare

CONSULTATIONS

County Highway Authority (SCC):

“The Applicant intends to split the existing dwelling's parking provision (two spaces) to allow one off street parking space for number 9 and one for number 9a. There is existing on street parking within Regency Drive and surrounding residential roads therefore any overspill parking could be accommodated.

It is also noted that the site is located in close proximity to West Byfleet neighbourhood centre with good public transport, walking and cycling links to local services - employment, educational, healthcare, retail and leisure. Therefore the location is considered relatively sustainable and as such car ownership is not necessarily a necessity for future occupiers.

Taking into account the above, the CHA offers no objections to the proposal on the grounds of highway safety or capacity.”

NEIGHBOUR REPRESENTATIONS

No representations were received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2012):

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Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design

Woking Core Strategy (2012):

CS1 - A Spatial Strategy for Woking
CS8 - Thames Basin Heaths Special Protection Area
CS10 - Housing provision and distribution
CS16 - Infrastructure Delivery
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable Design and Construction
CS24 - Woking's Landscape and Townscape
CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD (2016):

DM2 - Trees and landscaping

Supplementary Planning Documents:

Parking Standards (2006)

Outlook, Amenity, Privacy and Daylight (2008)

Plot Sub-Division 'Infilling' and 'Backland' Development (2000)

Woking Design SPD (2015)

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

West Byfleet Neighbourhood Plan 2017-2027 DRAFT

(the plan has not yet been adopted but does contain limited weight)

BE1 - Development Character

BE2 - New Housing Quality

OS4 - Trees and Hedges

S&C6 - CIL Projects

PLANNING ISSUES

The main issues to consider in determining this application are the principle of development, impact on character, impact on trees, impact on neighbours, quality of accommodation, impact on car parking provision and highway safety, impact on sustainability and the impact on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan.

Principle of Development

1. The *National Planning Policy Framework (2012)* and Policy CS25 of the *Woking Core Strategy (2012)* promotes a presumption in favour of sustainable development. The application site is located within an established residential area with a number of services in close proximity. It also has good road links, is fronted by a bus stop and is close to West Byfleet station. For these reasons the site location is considered to be suitably sustainable in the defined urban area of Woking.

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2. The proposed development will result in one additional dwelling on land that currently serves as garden land for 9 Regency Drive. Given this, the site constitutes previously undeveloped land or greenfield land as it previously served as garden land to this property. The development of previous garden land for additional dwellings can be acceptable provided that the proposal respects the overall grain and character of development in the area. The application site is currently an end of terrace house and the proposal would extend this row of terraces.

It is therefore considered that the proposed dwelling would be in keeping with the urban grain of the street.

3. In accordance with the Development Plan new residential development should seek to maximise the efficient use of land by concentrating most new developments in areas of high density. Housing provision is also integral to the creation of sustainable communities and Policy CS10 of the *Woking Core Strategy (2012)* seeks to ensure that sufficient homes are built in sustainable locations where existing infrastructure is in place. The proposal is considered to make efficient use of urban land, achieving a greater density which maintains the grain of its character.
4. The principle of erecting one residential dwelling on the site is considered acceptable subject to the further material considerations as set out in this report.

Impact on character

5. Paragraph 59 of the *National Planning Policy Framework (2012)* points out that the overall scale, density, layout and materials of a proposed development should be guided by neighbouring buildings and the local area and *Woking Design SPD (2015)* seeks echoes this guidance. It is noted that Regency Drive is characterised by terraced properties with deep frontages and there are also large areas of open amenity land which give the street an open character. The proposed house would be on an area of private garden land and not open amenity land. It is also considered that the scale, form and character of the new dwelling as a whole would be in keeping with the character of the existing terraced houses and the wider street scene.
6. The proposed development is considered to be of an acceptable design and would maintain the open character and appearance of the wider surrounding area as well as tying in with the characteristics of the immediate neighbours.

Impact on trees

7. Although the application site is an area TPO there are no trees within or near the application site.
8. The proposed development is therefore considered to have an acceptable impact on trees.

Impact on neighbours

9. The neighbours potentially most affected by the proposal are the existing property at 9 Regency Drive and 10 Regency Drive to the south east of the site.
10. The proposed dwelling would pass the '25° test' as set out in *Outlook, Amenity, Privacy and Daylight (2008)* towards facing windows in the front elevation of no.10.

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11. The proposed dwelling would not project past the rear elevation of no.9 and it is therefore considered that it would not create unacceptable overbearing issues towards it.
12. The proposed development is considered to be acceptable in terms of its relationship with neighbouring properties and will safeguard the outlook, amenity, privacy and daylight of existing and future occupiers of existing dwellings.

Quality of accommodation and private amenity space

13. The proposed dwelling is considered to achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms.
14. recommends that houses should have private amenity space that is at least equal in area to the footprint of the house and also in scale with the house. According to the submitted drawings no.9 has a footprint of 45sqm and the proposal would leave it with a 45sqm rear garden. According to the submitted drawings the proposed dwelling would have a footprint of 45sqm and a 55sqm rear garden. It is also considered that the proposed garden would be in scale with the houses as well as the urban grain of Regency Drive.
15. The proposed development is therefore considered to have an acceptable impact on quality of accommodation and private amenity space

Impact on car parking provision & highway safety

16. *Parking Standards* (2006) recommends that a house with three bedrooms should have parking provision for two cars. The proposal would leave the property with one parking space each which is below these guidelines. It is noted however that the County Highway Authority (SCC) has raised no objection to the application
17. It is therefore considered that the proposal would have an acceptable impact on car parking provision and highway safety subject to condition.

Sustainability

18. Planning policies relating to sustainable construction have been updated following the Government's withdrawal of the Code for Sustainable Homes. Therefore in applying Policy CS22 of the *Woking Core Strategy* (2012), the approach has been amended and at present all new residential development shall be constructed to achieve a water consumption standard of no more than 105 litres per person per day indoor water consumption and not less than a 19% CO2 improvement over the 2013 Building Regulations TER Baseline (Domestic). A planning condition has been recommended to secure this.

Affordable Housing

19. Policy CS12 of the *Woking Core Strategy* (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.

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20. However, following the Court of Appeal's judgment of 11th May 2016 (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441), wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31st July 2015 (West Berkshire district Council and Reading Borough Council v Department for Communities and Local Government [2015] EWHC 2222 (Admin)), it is acknowledged that the policies within the Written Ministerial Statement of 28th November 2014, as to the 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 13th May 2016, which again gives legal effect to the policy set out in the Written Ministerial Statement of 28th November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm.
22. Whilst it is considered that 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). As the proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

Local finance consideration

23. The proposed development would lead to a net gain of 80sqm of residential floor space outside of the designated town centre. It therefore be liable to a contribution to the Community Infrastructure Levy (CIL) of **£11,076.92** according to the current financial year's price index

Impact on the Thames Basin Heaths Special Protection Area

24. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Policy CS8 of the *Woking Core Strategy* (2012) requires new residential development beyond a 400m threshold but within 5 kilometers 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).
25. Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. A SAMM contribution of **£868** in line with the *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015* (April 2015 update) as a result of the uplift of one four-bedroom dwelling that would arise from the proposal would be required.

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26. A signed Unilateral Undertaking will be used to secure this financial contribution.

CONCLUSION

Overall the principle of development is considered to be acceptable and it is considered that it would have an acceptable impact on character, trees, neighbours, quality of accommodation and private amenity space, car parking provision and highway safety, sustainability on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan. The proposal therefore accords with policies CS1, CS5, CS8, CS10, CS16, CS18, CS21, CS22, CS24 and CS25 of the *Woking Core Strategy* (2012), policy DM2 the *Draft Development Management Policies DPD* (2015), *Parking Standards* (2006), *Outlook, Amenity, Privacy and Daylight* (2008), *Plot Sub-Division 'Infilling' and 'Backland' Development* (2000), *Woking Design SPD* (2015), *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015*, sections 6 and 7 of the *National Planning Policy Framework* (2012) and policies BE1, BE2, OS4 and S&C6 of the draft *West Byfleet Neighbourhood Plan 2017-2027*.

BACKGROUND PAPERS

Site visit photographs (09.08.2017)

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be commenced not later than three years from 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 drawings listed below:
 - 1:1250 location plan and 1:200 proposed block plan Drwg no.CDA-244-007 Rev.A (received by the LPA on 10.04.2017)
 - 1:100 proposed plans Drwg no.CDA-244-005 (received by the LPA on 14.06.2017)
 - 1:100 proposed front and side elevation Drwg no.CDA-244-005 (received by the LPA on 14.06.2017)
 - 1:100 proposed rear elevation Drwg no.CDA-244-006 (received by the LPA on 14.06.2017)

Reason:

For the avoidance of doubt and to ensure that the development is completed in accordance with the approved drawings.

3. The development hereby permitted shall not commence until details and/or samples and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been submitted to and approved in writing by

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the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason:

To protect the visual amenities of the area in accordance with the principles set out in paragraph 17 of the *National Planning Policy Framework* (2012) and policy CS21 of the *Woking Core Strategy* (2012).

4. The development hereby permitted shall not commence until details have been submitted for the written approval of the Local Planning Authority demonstrating that the development will be constructed to achieve a water consumption standard of not more than 105 litres per person per day maximum indoor water consumption and not less than a 19% CO₂ improvement over the 2013 Building Regulations TER Baseline (Domestic). Such details as may be approved shall be installed prior to the first occupation of the development and maintained and operated in perpetuity, unless otherwise 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 and to comply with Policies CS21 and CS22 of the *Woking Core Strategy* (2012).

5. The development hereby permitted shall not commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/shrubs and hedges to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality in accordance with Policies CS7, CS17, CS21 and CS24 of the *Woking Core Strategy* (2012).

6. Notwithstanding the provisions of Article 3 of *Town and Country Planning (General Permitted Development) Order 2015 (as amended)* (or any order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, C, D, E or F of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason:

To protect the character of the area and the amenity of the host dwelling and neighbouring properties in accordance with policy CS21 of the *Woking Core Strategy* (2012).

Informatives

01. Site Inspections:

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.

02. The application will not be formally approved until the applicant has entered into a legal agreement with the council to secure a provision of **£868** to provide avoidance measures against the impact of the site on the TBH SPA in accordance with the formula in the Avoidance Strategy and the **£11,076.92** CIL contribution.

03. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.