

05 SEPTEMBER 2017 PLANNING COMMITTEE

6I 17/0579 Reg'd: 18.05.2017 Expires: 13.08.17 Ward: GP
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LOCATION: 4 Leegate Close, Woking, Surrey, GU21 3TA

PROPOSAL: Erection of a new two bedroom attached dwelling following removal of front boundary fencing.

TYPE: Full

APPLICANT: Mr Ibrahim Mohsen

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
- Priority Places
- Surface Water Flooding (1 in 100 year surface water event)
- Thames Basin Heaths SPA Zone B (400m-5km)

SITE DESCRIPTION

The application site relates to the curtilage of 4 Leegate Close which is a two-storey, pitched roof semi-detached house. The house faces towards Sythwood and is set back from it by a front garden area. The property also has a side and rear garden which is bounded from the adjoining property, an alleyway to the rear and alleyway to the side by close board timber fencing. There are three trees in its rear garden on the side boundary with no.3. The site is in a 1 in 100 year surface water event (high risk) area.

RELEVANT PLANNING HISTORY

PLAN/1990/0980: Erection of 17 two bedroom houses with associated garages and car parking, relocation of existing parking spaces, environmental improvements and provision of bin stores and porches to the ground floor. - permitted 15.11.1990.

PLAN/1990/0764: Erection of 9 2 storey dwellings and 16 assigned spaces, reprovision of 28 parking spaces, and 10 garages, construction of new porches and bin stores to ground floor maisonettes of blocks 1 - 31 and 33 -. - permitted 14.09.1990.

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PLAN/1989/0545: Erection of a total of 26 dwellings, 41 car parking and 76 replacement garages throughout the estate. - permitted 30.10.1989.

PROPOSED DEVELOPMENT

(Case officer's note: following discussions with the agent the original scheme was amended. These changes were:

- *To reduce the width of the proposed house.*
- *Alter its front fenestration.*
- *Change the refuse layout so that 4 Leegate Close and the proposed house have separate areas to keep their bins.*
- *To remove trees in the garden of 4 Leegate Close.*

It is this amended scheme which will be described below and assessed in this report.)

The application is for the erection of a two-storey house attached to the side elevation of 4 Leegate Close following demolition of boundary fencing to the side of no.4. The existing pitched roof of no.4 is proposed to extend to cover the new dwelling. The new dwelling is proposed to have a width of 3.98m, a length of 8.04m, an eaves height of 4.9m and a ridge height of 7.8m. A ground floor window, a door with a mono-pitched canopy above it, a first window and a first floor window with pitched roof canopy above it are proposed in its front elevation. A first floor window is proposed in its side elevation. A set of doors, a ground floor window and a first floor window are proposed in its rear elevation.

1.8m high close boarded fencing is proposed to project off the rear elevation along the party wall line of no.4 and the proposed dwelling to give them both an area of private amenity space. There are three trees on the boundary with no.3 which are proposed to be removed. The proposed dwelling's area of private amenity space is proposed to wrap around its rear and side elevations and a fence with a gate is proposed at the north east corner of the house to fence it off from the front garden.

A refuse enclosure is proposed in the front garden of no.4 and a refuse enclosure is proposed in the front garden of the proposed house.

SUMMARY INFORMATION

Site area	0.0226ha
Existing units	1 unit
Proposed units	2 units
Bedrooms/unit	2 bedrooms
Existing site density	44 dwellings/hectare
Proposed site density	88 dwellings/hectare

CONSULTATIONS

LPA waste & recycling team senior contracts officer - no objections.

LPA senior aboricultural officer:

"I would agree that the removal of the three trees shown in the rear garden is the best way forward."

County Highway Authority (SCC):

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“The proposed new two bedroom dwelling is not envisaged to be provided with any off street parking, however it is noted by the CHA that there are residential areas with on street, unrestricted parking in the vicinity of the site, therefore there are opportunities should future occupiers own vehicles.

In addition, while not a town centre location, Sythwood is served by buses, and there are good quality cycle links to Woking town centre and neighbouring services. As such the location is considered relatively sustainable.

Finally, the addition of one dwelling to such a location is not considered likely to generate a significant or severe impact in terms of highway safety or capacity, therefore the CHA raises no objections to the proposal.”

LPA Flood Risk & Drainage Engineer - no objections subject to condition.

NEIGHBOUR REPRESENTATIONS

One letter of objection was received which made the following main statements:

- The site is small and bounded by public footpaths.
- Building work could create safety issues.
- No parking provision has been proposed and this could exacerbate parking in Leegate Close which is always full.

(Case officer’s note: neighbours were not re-notified of the amended scheme as it was considered to have less of a material impact however the material planning considerations raised above will still be considered below.)

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2012):

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
CS5 - Priority Places
CS8 - Thames Basin Heaths Special Protection Area
CS9 - Flooding and water management
CS10 - Housing provisions 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

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 flood risk, 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 less than a mile from West Byfleet station. For these reasons the site location is considered to be suitably sustainable in the defined urban area of Woking.
2. The proposed development will result in one additional dwelling on land that currently serves as garden land for 4 Leegate Close. 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 a semi-detached property and it is recognised that it would lead to the creation of a row of three terraces from an existing pair of semi-detached properties. It is noted however that apart from another pair of semi-detached properties to the south the majority of the properties in the area are flats. It is also noted that further up Sythwood there is a row of three terraced houses on Tracious Close. 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)* echoes this guidance. It is considered that the scale, form and character of the new

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dwelling as a whole would be in keeping with the character of the existing pair of semi-detached houses and the wider street scene.

6. The proposed development is considered to be of an acceptable design and would maintain the character and appearance of the wider surrounding area as well as tying in with the characteristics of the immediate neighbours.

Impact on trees

7. The proposal would lead to the loss of three trees. These trees are not protected and are not considered to be of any public amenity either. Furthermore, the LPA's senior arboricultural officer has raised no objections or conditions.
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 3 Leegate Close, the existing property at 4 Leegate Close, 47 Hartshill Walk to the west and the flats to the north of the site
10. It is considered that the proposed first floor side window would not create unacceptable overlooking issues towards the amenity space of the flats to the north given that it would serve a staircase. The proposed first floor rear window would face the blank side elevation of 47 Hartshill Walk. It is therefore considered that it would not create unacceptable overlooking issues towards this property. Given the orientation and design of the proposal it is considered that it would not create unacceptable overlooking issues towards 3 and 4 Leegate Close either.
11. The proposed dwelling would pass the '25° test' as set out in *Outlook, Amenity, Privacy and Daylight (2008)* towards the windows in the south elevation of the flats to the north. It is therefore considered that it would have an acceptable impact on the daylight levels received by these properties.
12. The proposed dwelling would have a separation distance from the amenity area of the flats to the north ranging from 3.35m to 6.2m. It is considered that this would be sufficient not to create unacceptable overbearing issues.
13. 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

14. The proposed dwelling is considered to achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms.
15. It is noted that the proposed dwelling would lead to the loss of the existing first floor window in the side elevation of 4 Leegate Close. It is noted however that this window serves a landing which is not a habitable room. The loss of this window is not

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therefore considered to have an unacceptable impact on no.4's quality of accommodation.

16. The proposal would leave the existing and proposed dwelling with areas of private amenity space which exceed the footprints of the individual dwellings. This accords with guidelines in *Outlook, Amenity, Privacy and Daylight* (2008). Furthermore, it is noted that no.4 currently uses its garden space to the side of the house however removal of the trees on its side boundary with no.3 will enable its new reduced garden space to receive adequate daylight.
17. The proposed development is therefore considered to have an acceptable impact on quality of accommodation and private amenity space.

Impact on flood risk

18. As noted above the LPA's Flood Risk & Drainage Engineer has raised no objections subject to condition.
19. The proposed development is therefore considered to have an acceptable impact on flood risk subject to condition.

Impact on car parking provision & highway safety

20. *Parking Standards* (2006) recommends that a house with two bedrooms should have parking provision for 1.5 cars. The proposal does not include any parking and therefore falls below these recommended guidelines. It is noted however that the County Highway Authority (SCC) has raised no objection to the application
21. It is therefore considered that the proposal would have an acceptable impact on car parking provision and highway safety.

Sustainability

22. 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

23. 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.
24. 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*

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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.

25. 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.
26. 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

27. The proposed development would lead to a net gain of 67.2sqm of residential floor space outside of the designated town centre. It therefore be liable to a contribution to the Community Infrastructure Levy (CIL) of **£9,304.61** according to the current financial year's price index

Impact on the Thames Basin Heaths Special Protection Area

28. 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).
29. 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 **£660** 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.
30. A signed Unilateral Undertaking will be used to secure this financial contribution.

CONCLUSION

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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* and section 6 and 7 of the *National Planning Policy Framework* (2012).

BACKGROUND PAPERS

Site visit photographs (04.07.2017)

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 Drwg no.L.01 (received by the LPA on 17.05.2017)
- 1:100 proposed block plan Drwg no.P.01B (received by the LPA on 14.07.2017)
- 1:100 proposed plans and elevations Drwg no.P.03B (received by the LPA on 14.07.2017)

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 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).

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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. No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event.

The drainage scheme details to be submitted for approval shall also include:

- I. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.
- II. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.
- III. Detail drainage plans showing where surface water will be accommodated on site,

IV. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter it shall be managed and maintained in accordance with the approved details in perpetuity.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of these in accordance with policies CS9 and CS16 of the *Woking Core Strategy* (2012) and the policies in the NPPF.

9. 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 **£660** 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 **£9,304.61** 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.