

## 10 APRIL 2018 PLANNING COMMITTEE

5f 18/0008 Reg'd: 18.01.18 Expires: 06.06.18 Ward: MH  
Nei. 14.02.18 BVPI Minor Number 21 On Yes  
Con. Target dwellings -13 of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** Land Adjacent White Walls, Bracken Close, Woking, Surrey, GU22 7HD

**PROPOSAL:** Erection of a two-storey 5 bedroom dwelling on land adjacent to Whitewalls (additional information).

**TYPE:** Full Planning Application

**APPLICANT:** Mr Salvatore Piazza

**OFFICER:** William Flaherty

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

The proposal includes the erection of 1 dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **PLANNING STATUS**

- Urban Area
- Thames Basin Heaths SPA ZoneB (400m-5km)
- Tree Preservation Order

### **RECOMMENDATION**

GRANT planning permission subject to conditions and a Section 106 Agreement to secure a Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) contribution.

### **SITE DESCRIPTION**

The application site is approximately 0.1ha in size located between White Walls to the south and Orchard Cottage to the north on the eastern side of Bracken Close. The site is currently vacant and has been sub-divided from White Walls by a mature hedgerow. The boundaries of the site are screened by mature vegetation which includes a Strawberry Tree along the front boundary facing Bracken Close which is protected by a Tree Preservation Order (TPO). The site is considered to be garden land.

The site is not situated in Fluvial Flood Zones 2 or 3 and there are no areas on site identified as being at risk of surface water flooding. The site does not concern a Listed Building and is not situated within a Conservation Area.

### **PLANNING HISTORY**

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- PLAN/2014/1274 – Erection of a 3 bed bungalow and detached garage – Permit 17/08/2016
- PLAN/2011/0605 – Erection of a 3 bedroom bungalow and detached garage with associated access – Permit 20/12/2007
- PLAN/2007/1163 – Erection of a 3 bed bungalow with a conservatory and detached garage – Permit – 19/12/2007
- PLAN/2005/0588 – Variation of Condition 1 of planning permission 2000/0226 to allow a further 5 years to commence building works for the erection of a detached single storey dwelling (amended description) – Granted – 04/07/2005
- PLAN/2005/0585 – Renewal of planning permission 1999/0555 for a detached two storey 3no bedroom dwelling with a detached double garage with vehicular access off Bracken Close – Granted – 04/07/2005
- PLAN/2000/0226 – Erection of one single storey detached dwelling – Granted – 13/06/2000
- PLAN/1999/0555 – Full planning application for a detached two storey 3 bedroom dwelling with a detached double garage with vehicular access off Bracken Close (amended plans and description) – Granted – 13/06/2000
- 0032206 – Outline permission for detached dwelling with garage – Withdrawn – 01/11/1973
- 0020137 – Detached bungalow – Granted – 01/01/1966
- 0017507 – Detached bungalow (outline) 0- Granted – 01/01/1964

### **PROPOSED DEVELOPMENT**

The proposal is for the erection of a two storey 5 bedroom dwelling with accommodation in the roof space on land adjacent to White Walls.

### **SUMMARY INFORMATION**

|                                    |                               |
|------------------------------------|-------------------------------|
| Site area:                         | 0.1 ha                        |
| Number of units:                   | 1 (1x 5 bedroom)              |
| Number of proposed parking spaces: | 3                             |
| Existing density on site:          | 0 dph (dwellings per hectare) |
| Proposed density on site:          | 10 dph                        |

### **CONSULTATIONS**

**County Highway Authority:** No objection: *“The application site is accessed via Bracken Close, which is a private road and does not form part of the public highway, therefore it falls outside The County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.”*

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**Arboricultural Officer:** No objection: The amended Site Plan and Arboricultural Information are considered to be acceptable and should be complied with in full, including a pre-commencement meeting on-site as indicated. A detailed landscape plan will be required as a condition.

**Surrey Wildlife Trust:** No objection subject to planning conditions.

### **REPRESENTATIONS**

7 letters of objection have been received raising the following issues:

- The proposed dwelling would be considerably higher than adjacent properties;
- The proposal would result in loss of privacy, overbearing impact and overlooking to neighbouring dwellings;
- The front hedge should be retained in accordance with covenants along the Close;
- There is no garage in the proposal;
- The proposal would be too big for the plot and too close to the boundaries;
- Bracken Close is a leafy oasis very close to Woking with low density properties;
- A front hedge should be retained;
- There is a lack of details about the proposed building materials;
- As the site has remained vacant for so long it is a haven for Foxes, Badgers, bats, Tawny owls and Deer.
- Insufficient neighbour notification has taken place;
- The proposal represents an overdevelopment of the plot;
- Cars would be visible to the front of the proposed dwelling;

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (NPPF) (2012):

Section 6 - Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

Woking Borough Core Strategy (2012):

CS9 - Flooding and water management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS18 – Transport and Accessibility

CS21 – Design

CS22 – Sustainable Construction

CS24 – Woking's Landscape and Townscape

CS25 – Presumption in favour of sustainable development

Supplementary Planning Documents:

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

Climate Change (2013)

Development Management Policies DPD (2015)

DM2 – Trees and Landscaping

DM7 – Noise and Light Pollution

DM11 – Sub-Divisions, Specialist Housing, Conversions and Loss of Housing

Supplementary Planning Guidance (SPG):

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

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### Other Material Considerations:

South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area

Thames Basin Heaths Special Protection Area Avoidance Strategy

WBC Strategic Flood Risk Assessment (November 2015)

### **PLANNING ISSUES**

1. The main issues to consider in determining this application are: the principle of development, design considerations and the impact of the proposal on the character and appearance of the surrounding area, standard of accommodation, impact on residential amenity, highways and parking implications, impact on landscaping, sustainability, affordable housing, local finance considerations, the impact on the Thames Basin Heaths Special Protection Area, impact on trees and biodiversity (including protected species) and any other matters having regard to the relevant policies of the Development Plan.

### Principle of Development

2. The NPPF (2012) and Core Strategy (2012) Policy CS25 promotes a presumption in favour of sustainable development. Paragraph 17 of the NPPF sets out that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The site lies within the designated Urban Area and within the 400m-5km (Zone B) Thames Basin Heaths Special Protection Area (SPA) buffer zone.
3. The proposed development would involve the construction of a two storey dwelling with accommodation in the roof space. The proposed dwelling would be built on former garden land on a vacant site which has been subdivided from White Walls in the past. Given this, the site constitutes garden land. The development of greenfield land for additional dwellings can be acceptable provided that the proposal respects the overall grain and character of development in the area.
4. Woking Development Management Policies (DMP) 2016 Policy DM10 'Development on Garden Land' permits the subdivision of existing plots and the erection of new dwellings providing the proposed development "...does not involve the inappropriate sub-division of existing curtilages to a size significantly below that prevailing in the area", "the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area" and "suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality".
5. The application site is positioned along the east side of Bracken Close with part single/part two-storey White Walls immediately to the south and two-storey Orchard Cottage to the north-east. The wider area is mixed in character with neighbouring dwellings along Bracken Close comprising of large detached two-storey dwellings situated in large plots and detached bungalows also. The proposal would be built along the building line with neighbouring White Walls to the south with Orchard Cottage to the north being set back significantly from Bracken Close (approximately 60m). The proposal would move the existing site access further north towards the centre of the site.

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6. In accordance with the Development Plan, new residential development should seek to maximise the efficient use of land by concentrating most new developments in existing urban areas. 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 makes best use of urban land, achieving a marginally greater density in the area while maintaining the grain of development. Furthermore, previous planning permissions on the site for residential development have established the principle of the use of this plot for residential development.
7. The principle of the proposed development is considered to be acceptable subject to the further material considerations as set out in this report.

### Design Considerations and the Impact of the Proposal on the Character and Appearance of the Surrounding Area

8. Policy CS24 of the Woking Core Strategy 2012 states that *'development will be expected to...respect the setting of, and relationship between, settlements and individual buildings within the landscape'* and to *'conserve, and where possible, enhance townscape character'*. Policy CS21 states that new developments should *'respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land'*. This advice is echoed in Paragraph 59 of the National Planning Policy Framework where it points out that the overall scale, density, layout, materials etc. of development should be guided by neighbouring buildings and the local area.
9. The application site fronts onto Bracken Close, with properties in the immediate vicinity comprising primarily of two-storey detached dwellings. White Walls to the south has a large sloped roof on the front elevation with a roof light which gives it the appearance of a dormer bungalow; White Walls extends at the two-storey level near the application site boundary behind the large pitched roof at the front. Plot widths and sizes vary along Bracken Close with June Orchard and Dunsley to the south having approximate plot widths of 24-25m while the application site has a plot width of approximately 23.5m at its widest point. Boundary treatment along Bracken Close comprises primarily of established hedging.
10. The application site has a maximum depth of 55m and a maximum width of 23.5m (approximately 18m at its most narrow point). The proposed dwelling would have a maximum height of 9m, an eave height of 5.6m (5.45m for the front gable features) a maximum depth of 14.8m and a maximum width of 13.95m. The proposal would be set back approximately 2.5m from the southern boundary with White Walls and approximately 3m to the boundary with Orchard Cottage to the north-east). The proposal would be set back from Bracken Close by approximately 15m to be in line with neighbouring properties to the south. Existing boundary hedging (with the exception of the front boundary treatment) and trees to the rear would be retained as part of the proposal. A total of 3 off-street car parking spaces are proposed.
11. The proposed plot width is considered to be acceptable and in line with the character of the area and previous planning permissions on site. The proposed dwelling would be similar in appearance to Fox Lodge to the south-west of the site which has two prominent projecting gables fronting Bracken Close. The proposal would be constructed along the same building line as those properties to the south on the eastern side of Bracken Close. In terms of materials the proposal would have dark red

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brickwork, dark red plain roof/hanging tiles, windows would be uPVC and fascias and soffits would be white also. It is considered that the proposed materials would be acceptable in principle, although further details such as manufacturer's specifications and samples would need to be secured by way of planning condition were Officers minded to recommend the application for approval (Condition 3).

12. While the proposed dwelling would be 3m greater in height than the highest roof point of neighbouring White Walls to south, Officers note that the eave height of the proposal is similar to the maximum height of White Walls so that views from further down Bracken Close would largely be of the roof slope which reduces the visual presence of the proposal within the street scene. Considering that other neighbouring dwellings are at the two-storey level, the proposal would be built along the same building line as the majority of properties along the east side of Bracken Close and the established existing screening along the side and rear boundaries, it is considered that the proposal would not appear unduly prominent or incongruous within the street scene.
13. The proposed tiled roof and projecting gable features would respond well to the character of neighbouring properties which generally have prominent gables facing onto Bracken Close. Limited details of the front garden landscaping, parking area and boundary treatments have been submitted. A detailed landscaping scheme and details of the proposed driveway/boundary treatments should be secured by way of planning conditions to ensure that the development enhances the character and appearance of the surrounding area and to ensure that the driveway does not increase surface water runoff off-site (see Condition 4). Officers would seek boundary treatment fronting onto Bracken Close to comprise of hedging to respond to the established character of the area.
14. For the reasons set out above, it is considered that the proposed replacement dwelling would be a visually acceptable form of development which would respect the character of the surrounding area, subject to planning conditions.

### Standard of Accommodation

15. The proposed dwelling is shown to have 4 bedrooms with a "Bonus Room" in the loft space. Considering that the "Bonus Room" meets the minimum size requirements for a double bedroom and would be served by an ensuite bathroom, it shall be considered as a fifth bedroom for the purposes of assessing the standard of accommodation. The proposal would have a gross internal floor area (GIA) of 358 square metres (sqm) which would exceed the minimum 134sqm for a dwelling of this type (as set out in the Technical Housing Standards – National Described Space Standard 2015 [as amended]). Habitable rooms would have outlook with a separation distance of over 25m to the rear garden boundary. The dwelling would benefit from over 500sqm of private amenity space to the rear. The SPD on 'Outlook, Amenity, Privacy and Daylight' 2008 recommends a garden size in scale with the dwelling and broadly greater than the footprint is advised.
16. For the reasons set out above, it is considered that the proposed dwelling would provide a good standard of accommodation for future owner/occupiers.

### Impact on Residential Amenity

17. Policy CS21 of the Woking Core Strategy 2012 advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding

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significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook. The main dwellings to consider in assessing the impact of the proposal on neighbouring residential amenity are: White Walls to the south, Orchard Cottage to the north-east, those dwellings on the west side of Bracken Close and those dwellings to the rear which are accessed off Coley Avenue.

18. In terms of White Walls, the proposal would be set back from the side elevation of White Walls by approximately 5.6m and the proposed side elevation closest to White Walls would have a depth of approximately 11.5m. It is noted that there is an existing established hedge between these properties such that only first floor windows at White Walls are visible from ground level at the application site. Having looked at previous permissions at White Walls, Officers note that there is a primary bedroom window on the ground floor north elevation and two secondary living room windows also. At the first floor level there is a bathroom window, two corridor/landing windows and a secondary bedroom window.
19. The proposal would have two bathroom windows on the side elevation facing White Walls which could be secured as obscure glazed and non-opening below 1.7m above internal floor level by way of a planning condition (see Condition 17): loss of privacy is therefore not considered to be an issue. In terms of loss of daylight/sunlight, the windows along the first floor side elevation of White Walls appear to be high level windows with the only habitable room window being a single bedroom window. This window is a secondary window serving this bedroom with the main outlook and source of daylight/sunlight being the south facing dormer window. Within this context, it is not considered that there would be any significant loss of outlook, daylight/sunlight to these first floor habitable rooms. In terms of the ground floor bedroom window, Officers note that this is on the north elevation of the property and as such would not currently receive a significant amount of direct sunlight. It is acknowledged that there would be some loss of daylight and outlook as a result of the proposal, however this is considered to be acceptable within the context of the existing boundary treatment which is to be retained.
20. In terms of Orchard Cottage to the north-east, the proposal would be separated by approximately 36m from Orchard Cottage at its closest point. The proposal would have bedroom windows at the first and second floor levels which would have an outlook to the rear of the site. While there would be some loss of privacy to habitable room windows on the front elevation of Orchard Cottage and to the private amenity space to the front of the dwelling, it is not considered that this would be significant as the proposal would meet the minimum separation distances set out in the Council's Outlook, Amenity, Privacy and Daylight' SPD 2008, the proposed rear facing windows would not look directly into any habitable room windows at Orchard Cottage and it is noted that there is established hedging and planting along the boundary separating these properties. Considering the separation distance between these properties and the acceptability of the proposal in terms of character and design, it is considered that there would be no significant adverse impact in terms of loss of daylight/sunlight, visual intrusion or loss of outlook.
21. Regarding those dwellings to the west along Bracken Close (namely Arden, Barn End and Foxs Lodge), the proposal would be set back from the closest dwelling Barn End by approximately 31.5m. It is noted that the existing planting along the front boundary would be removed as part of the proposal which would increase the prominence of the proposal within the street scene, a point raised in letters of objection. However, it is noted that the proposed separation distance would accord with the Council's guidance and that the proposal would replicate the building line of neighbouring White Walls to

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the south. While there would be an increased loss of privacy and some loss of outlook by virtue of the site currently being undeveloped garden land, it is considered that this impact would be acceptable considering that it meets the Council's guidance for separation distances. However, it is considered both reasonable and necessary to require that details of boundary treatment along the Bracken Close facing boundary of the site be required by way of planning condition to ensure that the proposal makes a positive contribution to the street scene and to mitigate any loss of outlook.

22. In terms of those dwellings to the rear accessed off Coley Avenue, the proposal would be set back from these dwellings by approximately 65m and it is noted that well-established trees are situated between the sites. Within this site context, it is considered that there would be no significant adverse impact in terms of loss of privacy, loss of daylight/sunlight, loss of outlook or visual intrusion to those dwellings to the rear accessed off Coley Avenue.
23. For the reasons set out above, it is considered that the proposed dwelling is acceptable in terms of its relationship with neighbouring properties and would safeguard the outlook, amenity, privacy and daylight of existing and future occupiers of existing dwellings, in accordance with Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 and the National Planning Policy Framework.

### Arboricultural Impact

24. The application site is host to a group Tree Preservation Order (TPO) towards the rear eastern boundary of the site and there is a Sweet Chestnut tree protected by a TPO near the south-west boundary of the site near Bracken Close. The applicant has submitted an Arboricultural Report in support of the planning application. Following review of the submitted details and scheme, the Council's Arboricultural Officer advised that the impact of the proposal on the TPO Sweet Chestnut Tree would be unacceptable. Following this response, the proposed access has been moved from its initial position within the Root Protection Area (RPA) of the TPO Sweet Chestnut Tree to a more central position and an amended Arboricultural Report has been submitted.
25. The Council's Arboricultural Officer has reviewed the revised proposal and raises no objection subject to the submitted Arboricultural information being complied with in full, which includes a pre-commencement meeting as indicated, and the submission of a detailed landscaping scheme to include a landscape plan. Subject to planning conditions requiring compliance with the submitted Arboricultural information and the submission of a landscaping scheme (see Conditions 4 and 11), it is considered that the proposal would have an acceptable impact on trees and landscape.

### Impact on Biodiversity

26. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. This approach is supported by Circular 06/05 – Biodiversity and Geological Conservation and is reflected in Policy CS7 of the Woking Core Strategy.
27. As the site is garden land and has lain vacant for a number of years the site has potential to provide habitat for a number of species, as such a Preliminary Ecological Appraisal (PEA) has been submitted. It is noted that a number of burrows are situated on site which could be occupied by Badgers (a legally protected species under The Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act



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[1981 as amended]). It has been raised in letters of representation that the site is a haven for Foxes, Badgers, bats, Tawny owls and Deer. The Surrey Wildlife Trust (SWT) have reviewed the planning application and submitted PEA and have raised no objection subject to planning conditions requiring the installation of bird boxes on site and for suitable mitigation measures for the protection of badgers. A pre-commencement Badger Scoping survey must be undertaken prior to the commencement of development (including site preparation and clearance works) with the findings of this survey and any mitigation measures to be submitted to the Local Planning Authority for approval in writing.

28. Subject to the planning conditions suggested by the Surrey Wildlife Trust (see Conditions 14, 15 and 16), it is considered that the proposed development would not have any significant adverse impact on the natural and local environment or any biodiversity and that the proposed development would have the potential to enhance the biodiversity value of the site. The impact of the proposal on the Thames Basin Heaths Special Protection Area (SPA) shall be considered below.

### Impact on the Thames Basin Heaths Special Protection Area

29. The Thames Basin Heaths Special Protection Area (SPA) is classified for its internationally important bird breeding populations. The designation is made under the Habitats Regulations 2010. It is necessary to ensure that planning applications for new residential developments include sufficient measures to ensure avoidance of any potential impacts on the SPA.
30. The proposed development would result in a net increase of 1x 5 bedroom dwelling on site which would require a Strategic Access Management and Monitoring (SAMM) payment of £1,041. This financial contribution would be secured by a Section 106 Legal Agreement prior to the issuing of any grant of planning permission. The applicant has indicated that they are prepared to enter into such an agreement should planning permission be granted.
31. 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 Policy CS8 of the Woking Core Strategy 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015.

### Highways and Parking Implications

32. The proposal would create a new vehicular access onto Bracken Close in order to remove the need for any incursion within the Root Protection Area (RPA) of the existing Sweet Chestnut tree adjacent to the existing access which is subject to a Tree Preservation Order (TPO). The County Highway Authority have reviewed the proposal and advise that Bracken Close is a private road and does not form part of the public highway and would therefore fall outside of the County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.
33. The Council's Parking Standards SPD (2018) sets out minimum car parking standards for residential development. For a property of this type, a minimum of 3 on-site car parking spaces is required. No garage is proposed as part of the submission, however, the applicant has demonstrated that at least 3 on-site car parking spaces could be accommodated on the proposed driveway. It is also noted that the site is in a highly sustainable location with Woking Railway Station situated approximately 330m to the

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north-west of the application site. Concerns have been raised that no garage is proposed and that parking to the front of the property could be unsightly. It was noted on the site visit that a number of cars were parked on front driveways of neighbouring properties, including those with garages.

34. Within this context, it is considered that the proposal would have no significant adverse impact on the safety of the public highway and that sufficient on-site car parking would be provided subject to planning conditions securing the construction and permanent retention of the site access; the provision and retention of the areas shown on site for on-site car parking; and a Construction Transport Management Plan to secure details of vehicle parking, loading and unloading of materials and storage of plant and materials to ensure the highway safety and convenience of the highway users are not compromised as a result of the development.

### Sustainability

35. Following a Ministerial Written Statement to Parliament on 25<sup>th</sup> March, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.
36. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential development which seeks the equivalent water and energy improvements of the former Code Level 4. It is considered that the proposal would be acceptable in terms of sustainability subject to planning conditions (see Conditions 6 and 7).

### Affordable Housing

37. 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.
38. 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.
39. 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

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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 floorspace of no more than 1000sqm.

40. 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 Considerations

41. The Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development would incur a cost of £125 per sqm which equates to a contribution of £44,750 (358sqm net additional GIA).

### Conclusion

42. The principle of development is considered to be acceptable and the proposal will incorporate a satisfactory design and will preserve the character and appearance of the surrounding area. The proposal will not detrimentally affect the setting of the adjacent dwellings on Bracken Close and will have an acceptable impact on neighbouring amenity, highway safety, biodiversity, trees and the surrounding landscape. The development would incorporate appropriate sustainability measures in order to achieve energy performance requirements equivalent to Level 4 for Code for Sustainable Homes. It is also noted that the applicant has provisionally agreed to enter into a legal agreement to secure a payment in accordance with the Thames Basin Heaths Special Protection Area.
43. The proposal is considered to be an acceptable form of development that complies with Sections 4, 6 and 7 of the National Planning Policy Framework. Policies CS8, CS9, CS10, CS16, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008, 'Design' 2015 and 'Parking Standards' 2018, Policies DM2, DM10, DM12 and DM13 of the Development Management Policies DPD 2016 and Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015. It is therefore recommended that planning permission is granted subject to the recommended conditions and the applicant entering into a legal agreement to secure the necessary Thames Basin Heaths SAMM contribution.

### **BACKGROUND PAPERS**

1. Site Visit Photographs – 19.02.2018
2. Response from County Highway Authority – 31.01.2018
3. Final Response from Arboricultural Officer – 10.04.2018
4. Final Response from Surrey Wildlife Trust – 16.05.2018
5. PLAN/1987/1408 - Erection of a two storey side extension with lounge on ground floor and two bedrooms above at existing dwelling. – Permit

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### PLANNING OBLIGATIONS

|    | <b>Obligation</b>                                                                                                                                                                           | <b>Reason for Agreeing Obligation</b>                                                                                         |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 1. | Provision of £1,041 SMM contribution to monitoring and management of avoidance measures against the impact of the site on the SPA in accordance with the formula in the Avoidance Strategy. | To accord with the Habitat Regulations and associated Development Plan policies and the Council's Adopted Avoidance Strategy. |

### RECOMMENDATION

It is recommended that planning permission be GRANTED subject a S.106 agreement to secure SMM contribution and 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 plans listed below:

CDA-255-001, Location Plans As Existing and Proposed, dated 17.01.2018, received 17.01.2018

CDA-255-002, Site Plan as Existing, dated 17.01.2018, received 17.01.2018

CDA-255-003, Site Plan as Proposed, dated 13.04.2018, received 16.04.2018

CDA-255-004, Ground & First Floor Plans as Proposed, dated 17.01.2018, received 17.01.2018

CDA-255-005, Second Floor Plan As Proposed, dated 17.01.2018, received 17.01.2018

CDA-255-006, Elevations As Proposed Sheet 1 of 2, dated Nov 2017, received 04.01.2018

CDA-255-007, Elevations As Proposed Sheet 2 of 2, Section As Prop., dated Nov 2017, received 04.01.2018

CDA-255-008, Street Scenes as Existing and As Proposed, dated Nov 2017, received 04.01.2018

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

3. ++ Prior to the commencement of the development hereby permitted, details, including samples, of all external materials to be used in the construction of the dwelling 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.

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Reason: In the interests of 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 dwelling hereby approved, a hard and soft landscaping scheme showing details of hard and soft landscaping to the frontage including hedge planting along the boundary fronting Bracken Close, details of materials for areas of hardstanding (including any drainage arrangements) and 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 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. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Classes A and B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or alteration of the dwelling hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

6. ++ Prior to the commencement of the development hereby approved, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:
  - a. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
  - b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

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Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

7. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has:
  - a. Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
  - b. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

8. ++ Prior to the first occupation of the development hereby approved, the vehicular access to Bracken Close, as shown on 'CDA-255-003, Site Plan as Proposed, dated 13.04.2018, received 16.04.2018', shall be constructed in accordance with the approved plans and thereafter shall be kept permanently maintained.

Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy CS9 of the Woking Core Strategy (2012).

9. ++ 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 for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and used solely for parking and turning.

Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy CS9 of the Woking Core Strategy (2012).

10. ++ Prior to the commencement of the development hereby approved, a Construction Transport Management Plan (CTMP) to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials

shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

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Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy CS9 of the Woking Core Strategy (2012).

11. Tree protection measures shall be carried out in strict accordance with the Arboricultural Information provided by AP Arboriculture ref: APA/AP/2018/002/A dated 27.02.2018, received 27.02.2018, including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protective measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure the retention and protection of trees on the site and 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 and Policy DM2 of the Woking Development Management Policies Development Plan Document 2016.

12. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no additional windows shall be installed on the side elevations of the dwellinghouse hereby approved without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

14. Any scrub, hedgerow and tree clearance must be undertaken outside the bird breeding season (1<sup>st</sup> March to 30<sup>th</sup> August inclusive) unless the applicant has first carried out a survey of such vegetation (undertaken by an ecologist) which shows that there are no nesting species within relevant parts of the application site and any such survey results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent birds being injured or killed during site clearance works and to comply Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

15. ++ Prior to the first occupation of the dwelling hereby approved, details of the measures for the enhancement of biodiversity on the site (including the provision of bird and bat boxes), the recommendations in sections 4.1.2 and 4.2.3 of the 'Preliminary Ecological Appraisal, UES02324/01, dated 16<sup>th</sup> April 2018' and the guidance contained in the Surrey Wildlife Trust response dated 15<sup>th</sup> May 2018, a timetable for their provision on the site and details of their long term management and maintenance have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall be carried out and shall thereafter be retained on the site in accordance with the approved details.

Reason: In order to enhance the biodiversity on the site and to comply with Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

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16. ++ No development (including site clearance and site preparation works) shall commence until a pre-commencement badger scoping survey has been undertaken on site to determine whether badgers are present (in accordance with Section 4.2.1 of the 'Preliminary Ecological Appraisal, UES02324/01, dated 16<sup>th</sup> April 2018'). The findings of the surveys along with any mitigations as may be required shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including site clearance and site preparation works) on site. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure the proposed development has no adverse impact on the ecology of the site and to comply with Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

17. The roof light window and the first floor windows on the north and south side elevations (as shown on CDA-255-006, Elevations As Proposed Sheet 1 of 2, dated Nov 2017, received 04.01.2018; and CDA-255-007, Elevations As Proposed Sheet 2 of 2, Section As Prop., dated Nov 2017, received 04.01.2018) hereby permitted shall be glazed entirely with obscure glass and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the roof light 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.

18. Prior to the first above-ground works for the development hereby approved, details of active/passive electric vehicle charging points to be provided shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.

Reason: in the interests of achieving a high standard of sustainability and in accordance with the electric vehicle charging infrastructure requirements of policy CS22 of the Woking Core Strategy (2012) and the Climate Change SPD (2013).

### **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. 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.
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath,



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carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see: [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)

3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
5. 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.
6. The applicant is advised that this application is liable to make a CIL contribution of £15,068. 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.
7. 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.
8. The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
9. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.