19 MARCH 2019 PLANNING COMMITTEE

6b	**18/0810**	**Reg'd:**	**16.08.18**	**Expires:**	**11.10.18**	**Ward:**	**PY**
Nei. Con. Exp:	**17.01.19**	**BVPI Target**	**Minor dwellings -13**	**Number of Weeks on Cttee' Day:**	**>8**	**On Target?**	**No**

LOCATION: Land rear of Invermark House, Oakcroft Road, West Byfleet, Surrey, KT14 6JG

PROPOSAL: **Erection of a two storey detached dwelling (4x bed) on land to the rear of Invermark House and formation of associated vehicular access onto Oakcroft Road (Amended Plans)**

TYPE: **Full Planning Application**

APPLICANT: **Mr Elio Mistretta** **OFFICER:** **David Raper**

REASON FOR REFERRAL TO COMMITTEE:

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

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the erection of a two storey detached dwelling (4x bed) on land to the rear of Invermark House and the formation of an associated vehicular access onto Oakcroft Road. The proposed dwelling adopts a traditional design approach and features gable roofs and a cat-slide roof element.

Site Area (including access track):	0.0958ha (958m2)
Existing units:	0
Proposed units:	1
Existing density:	0 dph (dwellings per hectare)
Proposed density:	10.44dph

PLANNING STATUS

- Urban Area
- Surface Water Flood Risk Area
- West Byfleet Neighbourhood Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

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

SITE DESCRIPTION

The proposal relates to a parcel of land to the rear of Invermark House, Greenhayes and Leemings which front onto Oakcroft Road. Oakcroft Road is characterised by large detached

dwellings generally in large plots and typically dating from the Edwardian era in an Arts and Crafts style with some more modern infill development. Mature vegetation to the boundaries and mature tree cover gives a verdant and spacious character to the area.

The land in question is understood to have originally formed part of the curtilage of Invermark House but is understood to have been fenced off as a separate parcel of land in the 1980s but maintained as garden land in association with Invermark House until recently. The site includes a narrow strip of land leading to Oakcroft Road which is intended to be used as an access track however this land is understood to have never been used for access and mature trees and vegetation previously existed along this piece of land which have now been removed. Permission was granted under 87/1475 for the erection of 8x detached houses to the east and south of the site forming Orchards Close; the proposal site is identified as a separate parcel of land on the plans for this application however the development did not include the proposal site.

PLANNING HISTORY

- PLAN/2017/0721 - Erection of a two storey detached dwelling (4x bed) on land to the rear of Invermark House and formation of associated vehicular access onto Oakcroft Road – Refused 22/08/2017 for the following reasons:

  01. The proposal, by reason of the position, scale and footprint of the dwelling in relation to its plot and the surrounding area, the loss of vegetation, trees, including protected trees, and the proposed access arrangements, is considered to result in a contrived overdevelopment of the plot and an uncharacteristic backland form of development, to the detriment of the character of the surrounding area. The proposal is therefore contrary to Woking DPD (2016) policies DM2 'Trees and Landscaping' and DM10 'Development on Garden Land', Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', policies BE1 'Development Character', BE2 'New Housing Quality' and OS3 'Trees and Hedges' of the emerging West Byfleet Neighbourhood Development Plan 2017-2027 (2016), Supplementary Planning Document 'Woking Design' (2015), Supplementary Planning Guidance 'Plot Sub-Division: Infilling and 'Backland' Development' (2000) and the NPPF (2012).

  02. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015) and saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

  This application was subsequently dismissed at appeal on 29/05/2018 (Appeal ref: APP/A3655/W/17/3184749). The contents of the appeal decision are discussed in the 'Planning Issues' section of the report.

- PLAN/2017/0170 - Erection of a two storey detached dwelling (4x bed) on land to the rear of Invermark House and formation of associated vehicular access onto Oakcroft Road – Withdrawn

- 80/1520 – Detached house, double garage and access – Refused 01/01/1981 for the following reason:

The proposed development would be at a density higher than that which s used by the Council as a yardstick in the area (3 dwellings per acre) and would appear out of keeping with the character and general pattern of development in the neighbourhood.

- 9878 – Two detached houses and garages – Refused 01/03/1957

CONSULTATIONS

County Highway Authority: No objection subject to conditions.

Arboricultural Officer: No objection subject to conditions.

Drainage and Flood Risk Engineer: No objection subject to conditions.

West Byfleet Neighbourhood Forum: Object for the following summarised reasons:
- The proposal does not address the previous refusal reasons or appeal decision
- Proposed building is too tall, too great in mass and has poor orientation
- Proposal would still constitute backland development

REPRESENTATIONS

A total of 8x objections were received in response to the scheme as originally submitted. The objections raise the following summarised concerns:
- The proposal does not address the previous refusal reasons or appeal decision
- The proposed development represents backland development contrary to planning policy
- The proposed access track is too narrow and does not meet Woking's SPG guidance
- Proposed development would be cramped and overdeveloped
- Proposal would be out of character with the area
- Construction of the access track and services could damage the roots of TPO trees
- The rear garden is insufficient for the size of the dwelling proposed
- The proposed access track would be directly adjacent to the flank wall of Greenhayes and would cause noise disturbance
- Vehicle movements and landscaping could cause damage to Greenhayes
- Proposal would cause overlooking and loss of privacy
- Proposal would require a septic tank which would require large vehicles to access the site which would not be possible
- The issue of sewage and foul water drainage has not been considered
- The loss of trees has resulted in loss of privacy
- Some of the trees planted along the access drive have died
- Proposed dwelling is still higher than houses on Orchards Close
- Proposal would pose a highway safety hazard
- There is insufficient space for adequate vehicle turning space within the site
- The plans do not show dimensions (*Officer note: the submitted plans are to scale and are not required to show all dimensions*)

Amended plans were received on 29/11/2018 which further reduced the height, scale and footprint of the proposed dwelling. Neighbours were re-consulted for 14x days on the amended plans and 5x additional objections were received. The objections reiterate the points summarised above and raise the following additional points:
- The proposed dwelling is still not orientated towards Orchards Close
- The proposed street scene is misleading

- The amended plans show a bigger footprint than the superseded plans (*Officer note: the amended plans have reduced the footprint of the proposed dwelling by approximately 4m2 compared to the superseded plans*)

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019):
Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Woking Core Strategy (2012):
CS1 - A Spatial strategy for Woking Borough
CS7 - Biodiversity and nature conservation
CS8 - Thames Basin Heaths Special Protection Areas
CS10 - Housing provision and distribution
CS11 - Housing Mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):
DM2 - Trees and Landscaping
DM10 - Development on Garden Land

The West Byfleet Neighbourhood Development Plan (WBNDP) (2017–2027) (2017):
BE1 - Development character
BE2 - New housing quality
BE6 - Residential parking provision
OS3 - Trees and hedges
I3 - Wastewater and Sewerage Infrastructure

Supplementary Planning Documents (SPDs):
Parking Standards (2018)
Woking Design (2015)
Affordable Housing Delivery (2014)
Outlook, Amenity, Privacy and Daylight (2008)

Other Material Considerations:
South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area
Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015
Waste and recycling provisions for new residential developments
Community Infrastructure Levy (CIL) Charging Schedule (2015)

BACKGROUND

A planning application for the erection of a detached dwelling on the proposal site was refused by the LPA on 22/08/2017 for two reasons (see Planning History). The position, scale and footprint of the dwelling in relation to its plot and the surrounding area, the loss of vegetation

and trees and the proposed access arrangements were considered to result in a contrived overdevelopment of the plot and an uncharacteristic 'backland' form of development, to the detriment of the character of the surrounding area.

This decision was subsequently dismissed at appeal on 29/05/2018 however the Inspector did not agree with all of the objections of the LPA. The contents of the appeal decision are discussed below; the appeal decision is a strong material planning consideration and the current application would need to have overcome the Inspector's concerns in order to be considered acceptable.

The current proposal was amended during the course of the application and differs from the previously refused application in the following summarised ways:

- The maximum overall height of the proposed dwelling has been reduced from 8.4m to 7.7m2 (The height of the proposed dwelling ranges from 6.9m2 to 7.7m2)
- Cat-slide roofs and lower eaves heights have been proposed as opposed to a full two storey dwelling
- The footprint of the proposed dwelling has reduced by 23m2
- The internal floor area has been reduced by 64m2

PLANNING ISSUES

Impact on Character:

Appeal Decision:

1. A strong material planning consideration in determining the current application is the appeal decision relating to the previously refused application (PLAN/2017/0721). In dismissing the appeal, the Inspector was concerned about the height and massing of the previously refused scheme and noted the following:

> "*The impact of the building's height would be compounded by its overall massing. The massing of the individual properties in Orchards Close is broken up with the use of differing elements, including cat slide roofs. Alternatively, the massing of the appeal scheme would not be broken up to the same extent. As such, it would appear relatively bulky when viewed against the properties in the cul-de-sac. The appellant has provided limited contextual evidence of substance that suggests otherwise.*
>
> *The limitations identified in the preceding paragraphs would be compounded by the size of the property relative to its plot, with the site coverage1 exceeding that of adjoining properties to a discernible extent. The footprint of the dwelling may only just exceed that of the garden but I do not consider this to be a persuasive point in favour of the proposal, as the footprints of properties nearby tend to be notably smaller than the gardens associated with them.*
>
> *In addition, the dwelling would be orientated to address the proposed access rather than the cul-de-sac and this would inhibit its ability to appear as a natural continuation of the existing development within Orchards Close. The limitations I have identified would, in combination, result in the dwelling appearing as an awkward and oversized addition that would harm the character and appearance of the area*".

2. The Inspector therefore felt that a combination of factors resulted in an unacceptable impact on the character of the surrounding area. The Inspector went on to find that the size of the plot would be acceptable: *"…the size of the plot would not be discordantly small as it would have similar proportions to those around it and plot sizes in the area tend to vary in size and shape. In fact there is a variation in plot sizes within Orchards Close*". With regards to the proposed access arrangements, the Inspector found these to be acceptable in terms of the character of the area;

> *"…the proposal can justifiably be described as a 'backland development'. However, with a frontage onto Orchard Close the proposal would not be backland development in the conventional sense. Moreover, a dwelling within the appeal site could have a similar spatial relationship to that found between 5 Orchards Close and Marley House. The means of access would be different but for the reasons outlined below an access from Oakcroft Road need not offend the character and appearance of the area*".

3. The Inspector summarised his comments as following:

> "*To conclude, I have found that the access to the development would be reasonably subtle in the street scene, the size of the plot would not be too small and a dwelling within it could be viewed as a natural extension of the existing development in Orchards Close. However, the dwelling proposed, due to its height, massing and orientation would not relate well to its surroundings and therefore my overall finding is that the proposal would harm the character and appearance of the area*".

4. The Inspector therefore felt that the plot size was consistent with the character of the surrounding area and that the access and landscaping arrangements were acceptable. However a combination of factors, including the height of the dwelling, the bulk and massing, the plot coverage and the extent to which it reads as a continuation of Orchards Close, in combination, resulted in an unacceptable impact on the character of the surrounding area in the Inspector's opinion.

5. The revised proposal would therefore need to overcome the Inspector's concerns in order to be considered acceptable. An assessment of the current proposal in the context of the appeal decision is set out below.

Assessment:

6. Core Strategy (2012) Policy CS21 'Design' requires development proposals to "*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*". Section 12 of the NPPF (2019) states that "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*" and requires proposals to "*respond to local character and history, and reflect the identity of local surroundings and materials…*". Woking DPD (2016) policy DM10 'Development on Garden Land' permits sub-division of plots providing the proposed development "*…does not involve the inappropriate sub-division of existing curtilages to a size substantially 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*". Policy BE2 'New Housing

Quality' of The West Byfleet Neighbourhood Development Plan (2017) requires residential development to demonstrate good design and to contribute positively to a sense of place and requires areas of amenity space to be commensurate with the size and type of dwelling and the character of the area.

7. The proposal site forms a separate parcel of land and is enclosed by close-boarded fencing; until recently the land has been maintained as garden land in connection with Invermark House and is characterised by grass, shrubs and trees. Plots in the area are generally generous in size. However, surrounding the site to the east and south are properties on Orchards Close which is a cul-de-sac development of detached dwellings in smaller plots and some plots in the immediate area such as Greenhayes are a similar size to the proposal site. In terms of the proposed plot size and pattern of development, the proposal is considered to make a logical continuation of the pattern and grain of development in the immediate area and would have a plot width of 22m and depth of 36m. As noted above, the Inspector considered the size of the proposal site to be commensurate with the surrounding area under the previously refused scheme.

8. The proposal is for the erection of a two storey detached dwelling on the land with a vehicular access onto Oakcroft Road via an access track. The proposed dwelling would feature gable roofs on the north-facing front elevation and hipped cat-slide roof and gable roof on the rear; between the two gables would be an area of crown roof which is lower in height (6.9m). The proposed dwelling would have a maximum ridge height of 7.7m and the main section of roof between the two gables would be lower at 6.9m in height. The use of a cat-slide roof and reduced eaves level reduces the height, bulk and massing of the dwelling and the level of first floor accommodation. The previously refused dwelling featured two full storeys and a ridge height of 8.4m. The maximum height of the proposed dwelling has been reduced and the overall bulk and massing of the proposed dwelling is considered to have been reduced considerably compared to the appeal scheme. The proposed dwelling is considered to be consistent with the height and scale of surrounding dwellings and would be similar in maximum height to No.4 Orchards Close for example, which is understood to be approximately 7.6m in height. Overall the proposal is therefore considered to have overcome the concerns of the appeal Inspector with regards to the height, bulk and massing.

9. Part of the reason for refusal of the previously refused application was the footprint of the proposed dwelling in relation to the plot and compared to the plot coverages of other dwellings in the area. The current scheme has reduced the footprint of the proposed dwelling by 23m2 (from 173m2 to 150m2). This results in the percentage of plot coverage decreasing from approximately 22% in the previously refused scheme to approximately 19%. This would be more in-line with surrounding plots (Invermark House for example occupies approximately 11% of the plot, Greenhayes 14% and No.4 Orchards Close 16%). Coupled with the reduction in height, bulk and massing discussed above, the proposed development is not considered result in an undue overdevelopment of the plot and is considered to result in an acceptable level of plot coverage.

10. Another consideration is the extent to which the proposed development can be viewed as a natural extension of Orchards Close. As discussed above, the Inspector felt this was an important consideration but also felt that a vehicular access from Oakcroft Road rather than Orchards Close would be acceptable in character terms. Although the proposed dwelling would not be accessed via Orchards Close, the proposed dwelling adopts a broadly similar overall form and design to dwellings on Orchards Close; the proposed dwelling has a roughly horseshoe footprint when viewed from the south and east with a projecting cat-slide roof element with a low eaves height on the east and west flank elevations along with a gable roof element on the south-facing elevation. This

replicates the overall form and design approach of dwellings on Orchards Close. Although the dwelling would not front onto Orchards Close or replicate exactly the dwellings on Orchards Close, the proposed dwelling is considered to appear as a logical continuation of Orchards Close and is considered to reflect the prevailing form and character of existing dwellings. It should also be borne in mind that it is not possible to replicate exactly the dwellings on Orchards Close as these dwellings have generally larger plots than the proposal site.

11. The proposed dwelling adopts a pair of gables on the front elevation and relatively low eaves heights. To the rear is a cat-slide roof element along with a gable roof. The proposed dwelling adopts a traditional design approach with clear 'Arts and Crafts' influences and adopts a similar design approach to dwellings in Orchards Close. A specification of external materials can be secured by condition. The proposed dwelling is considered a visually acceptable, well-detailed and well-proportioned dwelling which would respect the prevailing character of development in the surrounding area.

12. Overall, the proposed development is considered to have reduced in bulk and massing significantly compared to the previously refused scheme. Efforts have been made to make the dwelling appear as a continuation of Orchards Close, albeit without an access onto Orchards Close. The access from Oakcroft Road however was considered acceptable in character terms by the appeal Inspector.

13. Considering that the previous appeal was dismissed due to a combination of different factors, the proposal is considered to have adequately addressed the concerns raised by the Inspector in their dismissal of the previous scheme. Overall the proposal is considered a visually acceptable form of development which would reflect the prevailing pattern, character and scale of development in the surrounding area. The proposal is therefore considered to result in an acceptable impact on the character of the surrounding area,

<u>Impact on Trees and Landscaping:</u>

14. Mature vegetation and tree cover along Oakcroft Road are considered to contribute strongly to the distinctive character of the area. The access track of the proposal site was previously occupied by trees and vegetation, including TPO trees. Consent was granted under tree works application ref: TREE/2016/08116 for the removal of the trees however this was granted subject to the following condition which requires suitable replacements in similar locations to the existing trees. The loss of trees and vegetation formed part of the refusal reason for the previously refused application due to the resulting impact on the character of the area. Most of the trees and vegetation were subsequently cleared prior to the appeal being determined.

15. The Inspector felt that there would be adequate opportunities for soft landscaping along the access track and noted that "*…the densely landscaped front gardens of Invermark House and Greenhayes screen the entrance points in views along the street to such an extent that the opening is reasonably discrete in views along Oakcroft Road*". In the context of this appeal decision the loss of the existing vegetation can be considered acceptable subject to an appropriate soft landscaping scheme being provided which includes landscaping along the access track. The Council's Arboricultural Officer raises no objection to the replacement landscaping.

16. There are TPO trees within the curtilage of the neighbour at Invermark House to the north and the proposed access track falls within the root protection area of these trees. As a result the connection of the proposed dwelling to services such as water, gas and sewerage potentially pose serious implications for the health of these trees as the

access track is the only possible route for such services. As a result the applicant is proposing a 'moling' technique to connect the site to services whereby holes are dug vertically and then horizontally underneath the roots of trees, thereby avoiding the need to dig trenches. The applicant has submitted an Arboricultural Report providing details of this along with details of how trees in and around the site would be protected during the construction process. The Council's Arboricultural Officer raises no objection from an arboricultural perspective subject to conditions.

17. Overall the proposal is therefore considered to have an acceptable impact on trees and landscaping.

Impact on Neighbours:

18. The front elevation of the proposed dwelling would be positioned 10m from the side boundary with Invermark House at its nearest point and the two storey rear elevation would be positioned 14m from the rear boundary of the site which is also the front boundary of No.5 Orchards Close to the south. These separation distances comply with the minimum distances for two storey development recommended in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008). First floor side-facing rooflights are limited to serving bathrooms which can be required to be obscurely glazed with restricted opening by condition. A first floor side-facing bedroom window is proposed which would face north-east and would be positioned 12m from the boundary with No.4 Orchards Close. This exceeds the minimum separation distance of 10m set out in the SPD; in any case, this window would face towards the frontage of this neighbour and the highway in Orchards Close. Views towards No.4 are also restricted by the proposed dwelling itself. This window is not therefore considered to result in an undue overlooking impact. Overall the proposal is therefore considered to have an acceptable impact on neighbours in this respect.

19. The proposed dwelling would be positioned 2.6m from the rear boundary with Greenhayes and Leemings at its nearest point and these neighbours are positioned approximately a further 25m away to the west. The flank elevation facing these neighbours is characterised by a cat-slide roof sloping away from the boundary with a relatively low eaves height of between 2.7m and 3.5m. This separation distance is considered to result in an acceptable neighbour relationship in terms of overbearing and loss of light impacts. The proposed dwelling would be positioned a minimum of 5m from the boundary with No.4 Orchards Close to the north-east which itself is positioned around 4m from the boundary. The proposal would pass the '45° test' as outlined in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and is considered to form an acceptable relationship with this neighbour.

20. Concerns have been raised about the potential noise disturbance to neighbours resulting from vehicles using the access track. This was considered acceptable under the previously refused application and did not form part of the reasons for refusal. In any case, the noise impact of vehicles accessing a single dwelling is not considered so significant as to warrant refusal.

21. Overall the proposed development is considered to result in an acceptable impact on neighbouring amenity in terms of loss of light, overbearing and overlooking impacts.

Transportation Impact:

22. The access track would be a minimum of 2.8m in width at the site entrance, widening to around 3.8m to the rear and would be around 50m long and inevitably only wide

enough for a single car. The County Highway Authority's Standing Highway Advice for Minor Development recommends that accesses to single drives should normally be a minimum of 2.75m in width. The length and width of the access drive would necessitate special arrangements with regards to Building Control requirements and fire safety however this could be addressed under separate legislation.

23. There is sufficient space within the site for parking for three vehicles in accordance with the Council's Parking Standards (2018). The length of the access drive for occupants to carry waste and recycling bins for collection would exceed the minimum distances set out in the Council's 'Waste and recycling provisions for new residential developments' guidance. The access arrangements formed part of the reason for refusal of the previously refused application as being indicative of a contrived overdevelopment of the site however the proposal was regarded as having an acceptable highway safety impact. As discussed above, the Inspector felt that the access arrangements under the previously refused scheme were acceptable in terms of the impact on the character of the area and the same access arrangements are proposed under the current application.

24. The applicant has demonstrated suitable visibility splays at the site entrance and the County Highway Authority raise no objection subject to conditions. Details of a Construction Method Statement are recommended to be secured by condition. Overall the proposal is considered to have an acceptable transportation impact.

Standard of Accommodation:

25. The proposed dwelling would have four bedrooms and a total internal floor area of 235m2 and is considered to offer an acceptable standard of internal accommodation. The main usable area of the rear garden would be approximately 320m2 in area; this exceeds the guidance within the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) which recommends that the rear gardens of large family dwellings are at least the same size as the internal floor area of the dwelling they serve. The previously refused scheme failed to meet the abovementioned amenity space standard which was considered indicative of an overdevelopment of the plot. The fact that the proposal now exceeds the SPD guidance indicates how the scheme has been scaled back in size. Overall the proposal is considered to achieve an acceptable standard of accommodation for future residents.

Impact on Flood Risk:

26. Orchards Close to the east is classified as being at high risk from surface water flooding and part of the proposal site is classified as being at low risk. The Council's Flood Risk and Drainage Engineer has reviewed the proposal and raises no objection subject to a condition securing a sustainable drainage scheme. Subject to this condition, the proposal is considered to have an acceptable impact in terms of drainage and flood risk.

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

27. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment'

stage rather than taken into consideration at screening stage, for the purposes of the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.

28. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The proposed development would require a SAMM financial contribution of **£1,041** based on a net gain of a four bedroom dwelling which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. For the avoidance of doubt, sufficient SANG at Heather Farm has been identified to mitigate the impacts of the development proposal.

29. Subject to securing the provision of the SAMM tariff and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

Sustainability:

30. Following a Ministerial Written Statement to Parliament on 25 March 2015, 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. This is expected to happen alongside the introduction of Zero Carbon Homes policy in late 2016. The government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4.

31. Until the amendment is commenced, Local Planning Authorities are expected to take this statement of the Government's intention into account in applying existing policies and setting planning conditions. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4. Subject to such conditions, the proposal is considered acceptable in terms of sustainability.

Affordable Housing:

32. The recently revised National Planning Policy Framework (2018) states that affordable housing provision should not be sought for residential developments which are not

'major' developments (i.e. 10x units or more). Whilst weight should still be afforded to Policy CS12 'Affordable housing' of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the more recently published NPPF (2019). Contributions towards affordable housing are not therefore sought under this application.

Community Infrastructure Levy:

33. The proposal would be liable to make a CIL contribution of £36,266.83 based on a net increase in floor area of 235m2. The applicant has however submitted a self-build exemption form claiming relief from CIL. Notwithstanding this, the LPA must assess the application for exemption separately and the applicant must submit a Commencement of Development Notice prior to any commencement of development.

CONCLUSION

34. The previously refused application (PLAN/2017/0721) was dismissed at appeal due to a combination of factors. The appeal Inspector felt that a number of factors, including the height of the dwelling, the bulk and massing, the plot coverage and the extent to which it reads as a continuation of Orchards Close, in combination, resulted in an unacceptable impact on the character of the surrounding area. The Inspector did not however raise an in-principle objection to the erection of a dwelling, the plot size or access arrangements in terms of the character of the area.

35. The current proposal is considered to reduce the height, bulk and massing of the proposed dwelling significantly compared to the previously refused scheme. The footprint has been reduced with a larger area of private amenity space provided and the proposal seeks to read as a continuation of Orchards Close in terms of the overall form and design approach of the proposed dwelling. Overall the amended scheme is considered to have sufficiently overcome the previous refusal reason and the appeal Inspector's concerns and is considered a visually acceptable form of development which results in an acceptable impact on the character of the surrounding area, on the amenities of neighbours and in transportation terms.

36. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions and a Legal Agreement to secure the relevant SAMM contribution.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations
4. Case file for planning application ref: PLAN/2017/0721
5. Appeal Decision ref: APP/A3655/W/17/3184749 dated 29/05/2018

PLANNING OBLIGATIONS

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

	Obligation	Reason for Agreeing Obligation

1.	SAMM (SPA) contribution of **£1,041**	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2010-2015.

RECOMMENDATION

PERMIT subject to the following conditions and S106 Agreement:

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

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

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

   CDA-229-050 Rev.A (Location Plans) received by the LPA on 29/11/2018
   CDA-229-052 Rev.B (Proposed Site Plan) received by the LPA on 29/11/2018
   CDA-229-053 Rev.A (Site Plan Showing Visibility Splays) received by the LPA on 29/11/2018
   CDA-229-054 Rev.B (Proposed Floor Plans) received by the LPA on 29/11/2018
   CDA-229-055 Rev.B (Proposed Roof Plan) received by the LPA on 29/11/2018
   CDA-229-056 Rev.C (Proposed Front and Rear Elevations) received by the LPA on 29/11/2018
   CDA-229-057 Rev.D (Proposed Side Elevations) received by the LPA on 11/01/2019
   CDA-229-060 (Proposed Site Plan Showing Comparison with Appeal Scheme) received by the LPA on 29/11/2018

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

3. ++Prior to the commencement of any above-ground works in connection with the development hereby permitted, a written specification of all external materials to be used in the construction of the development hereby permitted 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.

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

4. The development hereby permitted shall take place in strict accordance with the Arboricultural Impact Assessment and Method Statement from ACD Environmental dated 15/06/2017 ref: PRI21290aia-ams Rev.B, including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection 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 reasonable measures are taken to safeguard trees in the interest of local amenity.

5. The first floor rooflights in the south-west and north-east facing roof slopes of the dwelling hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the rooflights which can be opened are more than 1.7 metres above the floor levels of the rooms in which the rooflights are installed. Once installed the rooflights 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.

6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A and B of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or addition to the dwellinghouse hereby permitted 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.

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

   Reason: To preserve and enhance the character and appearance of the locality

8. Prior to the first occupation of the development hereby permitted, the modified vehicular access onto Oakcroft Road shall be constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

   Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity

9. Prior to the first occupation of the development hereby permitted, 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 permanently retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity

10. ++ Prior to the commencement of the development hereby permitted a Method of Construction Statement, to include details of points (a) to (g) below, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented during the construction of the development hereby approved.
(a) parking for vehicles of site personnel, operatives and visitors
(b) loading and unloading of plant and materials
(c) storage of plant and materials
(d) programme of works (including measures for traffic management)
(e) provision of boundary hoarding
(f) measures to prevent the deposit of materials on the highway
(g) on-site turning for construction vehicles

Measures will be implemented in accordance with the approved Method of Construction Statement and shall be retained for the duration of the construction period. Only the approved details shall be implemented during the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity

11. ++Prior to the commencement of the development hereby permitted, 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 shall be 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.

12. ++ Prior to the commencement any above ground works in connection with the development hereby permitted, 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.

    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.

13. 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.

14. No above ground development associated with the development hereby permitted shall commence until a scheme detailing the proposed waste and recycling management arrangements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full prior to the first occupation of the development and maintained thereafter at all times.

    Reason: In the interests of amenity and to ensure the appropriate provision of waste infrastructure.

<u>Informatives</u>

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 the National Planning Policy Framework 2018.

2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

3. 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. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

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

5. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

   The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), **it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development**. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from: http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

   Claims for relief must be made on the appropriate forms which are available on the Council's website at:
   https://www.woking.gov.uk/planning/service/contributions

   Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:
https://www.gov.uk/guidance/community-infrastructure-levy
http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

6. 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.