

19 MARCH 2019 PLANNING COMMITTEE

6k 18/1313 Reg'd: 20.12.18 Expires: 14.02.19 Ward: SJS

Nei. 25.01.19 BVPI Minor Number >8 On No
Con. Target dwellings - 13 of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: Greenbriar, Firbank Lane, St Johns, Woking, Surrey, GU21 7QS

PROPOSAL: Erection of 4 bedroom detached house with detached double garage following the demolition of the existing chalet bungalow and detached double garage

TYPE: Full Application

APPLICANT: Mr & Mrs De Vivo

OFFICER: Claire Simpson

REASON FOR REFERRAL TO COMMITTEE

The proposal is for a replacement 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 Special Protection Area (TBH SPA) Zone B (400m-5km)

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

The application site is a detached chalet bungalow with detached double garage. The front of the site is enclosed by dwarf brick walls and planting. The area is characterised by large houses in well landscaped plots – most of which have been extended in a manner of different ways.

PLANNING HISTORY

PLAN/2018/0749 – Amendment to previously approved application PLAN/2016/1315 to convert existing bungalow into a two storey dwelling house. Erection of a two storey front extension to form two gable projections, porch and demolition of existing detached double garage and erect new detached double garage – Permitted 11.09.2018

PLAN/2018/0669 – Erection of a two storey 4 bedroom detached dwelling and detached double garage following demolition of existing chalet bungalow – Withdrawn 17.07.2018

PLAN/2016/1315 – Amendment to previously approved application PLAN/2015/0400 to convert existing bungalow into a two storey dwellinghouse. Erection of a two storey front extension to form two gable projections, porch and demolition of existing detached double garage and erect new attached double garage – Permitted 03.07.2017

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PLAN/2015/0400 – To convert existing bungalow into a two storey dwelling house. Erection of a first floor extension to form two gable projections, porch and demolition of existing detached double garage and erect new double garage with dormers on the front and rear elevation. Proposed entrance gates and piers. Retention of existing conservatory and proposed chimney stack on side elevation – Permitted 03.03.2016

PLAN/2006/0940 – Erection of a single storey rear extension – Permitted 27.10.2006

PROPOSED DEVELOPMENT

This is a full planning application for the erection of a two storey detached house (four bedroom) with detached double garage following the demolition of the existing chalet bungalow and detached double garage. It was previously submitted and approved under delegated powers as a Householder application for extensions to the existing dwelling (PLAN/2018/0749).

CONSULTATIONS

County Highway Authority: The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

Arboricultural Officer: The Arboricultural information provided by ACD is considered acceptable and should be complied with in full. This should include a pre-commencement meeting between the LA tree officer, Project Manager and project Arboriculturalist (Condition 9 refer)

Drainage & Flood Risk Team: Recommend approval subject to condition.

REPRESENTATIONS

Two letters of objection have been received raising the following concerns:

- Overlooking
- Overbearing

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019)

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Woking Core Strategy (2012)

CS9 – Flooding and water management

CS18 – Transport and accessibility

CS21 – Design

CS22 – Sustainable construction

CS24 – Woking's landscape and townscape

CS25 – Presumption in favour of sustainable development

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Development Management Policies Development Plan Document (DMP DPD) (2016)
DM2 – Trees and Landscaping

Supplementary Planning Documents (SPD's)
Outlook, Amenity, Privacy and Daylight (2008)
Design (2015)
Parking Standards (2018)

PLANNING ISSUES

Impact on Character of the Area

1. The proposal is for the demolition of the existing chalet bungalow and detached garage and replacement with a two storey dwelling and detached garage. Firbank Lane is characterised by large houses of differing styles in well landscaped plots.
2. The demolition and replacement of the existing dwelling is considered acceptable in principle providing the replacement is visually acceptable and respects the character of the surrounding area. Planning permission has been granted for the proposed alterations as a householder application under delegated powers; it is now proposed to completely demolish the property.
3. The proposed dwelling would have two storeys with a hipped roof and two front gable projections and a single storey rear projection with a flat roof and roof lantern concealed behind a parapet wall. Additional habitable accommodation would be created within the roof space with a dormer window to the front and rear and side velux rooflights. The elevations of the dwelling would be constructed from yellow stock brick with red brick capping to plinth and feature banding. Plain clay roofing tiles with bonnet hip tiles, ridge tiles and finials would be used for the roof and powder coated aluminium would be used for the windows and doors.
4. The proposed replacement dwelling would have a maximum ridge height of 10m which is 0.75m higher than the existing dwelling. The resulting height and scale of the dwelling is considered to be broadly consistent with building heights in the area and is therefore considered acceptable. The proposed dwelling would retain a separation distance of approximately 3.16m to the side boundary with *Heatherside* and a 9.19m separation distance to the side boundary with *Salamat* (1.54m from the detached garage). The proposed separation distances are considered to retain sufficient visual separation between dwellings which is considered to be in keeping with the character of the surrounding area.
5. 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 and appearance of the surrounding area.

Impact on Neighbouring Amenity:

6. Policy CS21 of the *Woking Core Strategy* (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
7. Woking Council's SPD *Outlook, Amenity, Privacy and Daylight* (2008) contains a 45° test to determine whether a proposal would have an acceptable impact on the

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sunlight/daylight levels received by the windows of adjoining and adjacent properties, in this instance the properties known as *Heatherside* and *Salamat* Firbank Lane.

8. The proposed dwelling would be positioned approximately 4m from the rear corner of the neighbouring property at *Heatherside* Firbank Lane. The proposal would pass the 45° test in respect of this neighbour.
9. The proposed detached garage would be positioned approximately 6.5m from the rear of the neighbouring property at *Salamat* Firbank Lane, with the main dwellinghouse at distance of approximately 14.6m. The proposal would pass the 45° test in respect of this neighbour.
10. The SPD also contains a 25° test to determine whether a proposal would have an acceptable impact on the sunlight/daylight levels received by the side windows of adjoining and adjacent properties. The proposed dwellinghouse would not be positioned to the side of either house and it is therefore considered that the proposed dwelling would pass this test in respect of both adjacent properties.
11. It is considered that the proposed replacement dwelling would not appear unacceptably overbearing towards neighbouring properties. This is due to its location in relation to the main private amenity space of its neighbouring properties.
12. Two first floor windows are proposed in the side elevation of the dwelling facing *Heatherside* Firbank Lane. These are shown to serve two ensuites and accordingly could be conditioned to be obscurely glazed and non-openable under 1.7m in order to avoid overlooking of this neighbouring property. This condition would also be applied to the proposed rooflights serving the playroom in the roof space.
13. Two first floor windows are also proposed in the side elevation of the dwelling facing *Salamat* Firbank Lane. These are shown to serve a bathroom and, again, could be conditioned to be obscurely glazed and non-openable under 1.7m in order to avoid overlooking of this neighbouring property. It is therefore considered that the proposed development would not create unacceptable overlooking issues towards neighbouring properties.
14. A separation distance of approximately 26.4m is proposed between the rear elevation of the proposed replacement dwelling and boundary with the neighbouring property of *Fairlawn* Firbank Lane to its rear. This exceeds the guideline for maintaining privacy contained in *Outlook, Amenity, Privacy and Daylight* (2008) and it is therefore considered that the proposal would not create unacceptable overlooking issues towards this neighbouring property.
15. For the reasons set out above, it is considered that the proposal would have an acceptable impact on neighbours in terms of loss of light, overbearing and overlooking impacts.

Transportation Impact:

16. The replacement dwelling would utilise the existing vehicular crossover onto the site and includes a double garage together with space to the frontage sufficient for the parking of three vehicles in accordance with the Council's Parking Standards. The County Highway Authority has been consulted and raises no objections. Sufficient room exists within the site for waste and recycling bins to be stored and presented for collection. The proposed development is therefore considered to have an acceptable transportation impact.

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Standard of Accommodation:

17. The proposed dwelling is considered to achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms and a private rear garden. The size of the garden (approx. 962sqm) exceeds the floor area of the proposed dwelling (518.6sqm) and so is considered to achieve an appropriate size of amenity space for a large family dwelling in accordance with the Council's SPD *Outlook, Amenity, Privacy and Daylight* (2008). The gross internal floor area of 518.6sqm would exceed the minimum 130sqm for a dwelling of this type, as set out in the Technical Housing Standards – Nationally Described Space Standard (March 2015) (as amended). The proposal is therefore considered to provide an acceptable standard of accommodation for future occupants.

Sustainability:

18. 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.
19. 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 (Condition 5).

Local Finance Considerations:

20. The proposed development would be CIL liable as it creates a replacement dwelling. The existing building is off-set against the proposed floor space and is calculated to result in a net additional increase of 250.52sqm over the existing dwelling. The CIL charge in this case would therefore equate to £38,661.98. A Self Build Exemption Claim form and CIL Assumption of Liability form have been submitted to the Local Planning Authority with a Commencement Form required prior to the commencement of development.
21. Whilst the application site is located within Zone B of the Thames Basin Heaths Special Protection Area (SPA), given that this is a proposed replacement dwelling, it would not result in additional pressure, or any consequent significant effect, upon the SPA and as such no mitigation is required in the form of the SPA monetary contribution.

Trees:

22. Trees are present on the application site which may be impacted by the build process. The application is supported by an Arboricultural Report on which the Council's Arboricultural Officer has been consulted and considers acceptable. Condition 9 is therefore required in order to ensure compliance with the submitted details.

Flood Risk:

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23. The Council's Drainage and Flood Risk Team was consulted on the proposed development due to the size of the proposed footprint. The received advice is that a pre-commencement condition is required for details of a scheme for disposing of surface water by means of a sustainable drainage system to be submitted to the Local Planning Authority for approval in writing. (Condition 4).

CONCLUSION

24. For the reasons set out above, it is considered that the proposed replacement dwelling would be acceptable in terms of character and design, impact on the amenities of neighbouring properties and impact on the public highway. The proposal therefore accords with policies CS9, CS18, CS21, CS22, CS24 and CS25 of the *Woking Core Strategy* (2012), policy DM2 of the *Development Management Policies Development Plan Document* (2016), Supplementary Planning Documents *Woking Design* (2015), *Outlook, Amenity, Privacy and Daylight* (2008), *Parking Standards* (2018) and the National Planning Policy Framework (2019). The application is therefore recommended for approval.

BACKGROUND PAPERS

Site visit photographs (taken 30.01.2019)
Arboricultural Impact Assessment & Method Statement Ref: PRI20291 aia-amsB
Design & Access Statement dated December 2018
Consultation responses

RECOMMENDATION

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

1. The development hereby permitted shall be commenced not later than three years from the date of this permission.

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

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

Drawing Nos: A.01.5, PWP/758,02 Rev J, PWP/758,03 Rev H, PWP/758,04 Rev G, PWP/758,05 rev F, PWP/758,06 Rev H, PWP/758,07 Rev F, PWP/758,08 Rev F, PWP/758,09 Rev I, PWP/758,10 Rev B, PWP/758,11 Rev A and PRI20291-03B received 06.12.2018
Drawing No: PWP/758,01 Rev I received 27.02.2019

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

3. No above ground development associated with the development hereby permitted shall commence until details and/or samples and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the area.

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

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

- i. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.
- ii. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.
- iii. Detail drainage plans showing where surface water will be accommodated on site
- iv. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of these. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

5. ++ Prior to the commencement of 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 State 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 State 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.

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6. ++ 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, 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.

7. ++ Prior to the occupation of the development hereby approved, the windows in the first floor side elevations(s) and above of the dwelling 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 finished floor level of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties.

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

Reason: To protect the amenity and privacy of the occupants of neighbouring properties.

9. Protective measures shall be carried out in strict accordance with the arboricultural Information provided by ACD Environmental Ref: PRI20291aia-amsB received on 06.12.2018 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 reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself to comply with Policy CS21 of the Woking Core Strategy 2012.

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Informatives

1. Your attention is specifically drawn to the conditions above marked ++. These conditions 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.

2. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability of £38,661.98. 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).

3. 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 38 of the National Planning Policy Framework (2019).
4. 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

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Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

5. 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).
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:

8.00am – 6.00pm Monday to Friday

8.00am – 1.00pm Saturday

and not at all on Sundays and Bank Holidays.