

09 APRIL 2019 PLANNING COMMITTEE

6c 18/1281 Reg'd: 29.11.18 Expires: 07.07.16 Ward: BWB
Nei. 01.01.19 BVPI Minor Number >8 On No
Con. Target dwellings -13 of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: 78 Chertsey Road and land rear of 76-82 Chertsey Road, Byfleet, KT14 7AY

PROPOSAL: Demolition of No.78 Chertsey Road and the erection of 6x two storey dwellings (4x three bedroom & 2x four bedroom) on land to the rear of No's 76-82 Chertsey Road and associated parking, access and landscaping and erection of a detached garage to the rear of No.76 Chertsey Road.

TYPE: Full Planning Application

APPLICANT: Concept Developments Ltd

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE

The proposal includes the creation of new dwellings 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 6x dwellings (4x three bedroom & 2x four bedroom) on land to the rear of No's 76-82 Chertsey Road. The proposed development would involve the demolition of No.78 Chertsey Road in order to form a vehicular access road to serve the proposed development and 14x parking spaces would be provided within the site. The proposed development would be two storeys and would be in the form of a terrace of four dwellings and a semi-detached pair and adopt a traditional design approach.

Proposal site (red line boundary):

Site Area: 0.181ha (1,812m²)
Existing units: 1
Proposed units: 6
Existing density: 5.5dph (dwellings per hectare)
Proposed density: 33.1dph

No's 76-82 Chertsey Road:

Site Area: 0.247ha (2,470m²)
Existing units: 4
Proposed units: 9
Existing density: 16.2dph
Proposed density: 36.4dph

PLANNING STATUS

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

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RECOMMENDATION

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

SITE DESCRIPTION

The proposal relates to No.78 Chertsey Road along with land to the rear of No's 82, 80 and 76. No.78 and No.76 are single storey dwellings with significant extensions to the rear. No.76, 80 and 82 are two storey dwellings and all the dwellings date from the mid C20. Chertsey Road is a residential road which is mixed in character in terms of dwelling ages and styles and there is a mixture in plot sizes. The surrounding area features a mixture of detached, semi-detached and terraced dwellings and includes both single storey and two storey dwellings.

PLANNING HISTORY

No.76 Chertsey Road:

- PLAN/2005/0224 – Single storey rear extension – Permitted 21/04/2005
- PLAN/2004/0880 – Erection of a single storey rear extension following demolition of existing conservatory – Refused 16/09/2004
- 31966 – Alterations – Permitted 01/08/1973
- 23520 – Extension – Permitted 01/09/1968
- 23616 – Alterations and additions – Permitted 01/01/1968

No.78 Chertsey Road:

None.

No.80 Chertsey Road:

- 6729 – Erection of detached garage – Permitted 01/10/1953
- 1562 – Erection of a detached dwelling – Permitted 27/04/1946

No.82 Chertsey Road:

- 78/1536 – Erection of single storey rear extension – Permitted 01/01/1979
- 1563 – Erection of a detached dwelling – Permitted 27/04/1946

CONSULTATIONS

- **County Highway Authority:** No objection subject to conditions.
- **Drainage and Flood Risk Engineer:** No objection subject to conditions.
- **Arboricultural Officer:** No objection subject to conditions.
- **Environmental Health:** No objection.

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- **Surrey Wildlife Trust:** No objection subject to compliance with recommended precautions and recommendations.
- **Waste Services:** No objection.

REPRESENTATIONS

A total of 32x representations have been received including 31x objections and 1x letter of support. The objections raise the following summarised concerns:

- The proposed development would be cramped and overdeveloped
- The proposal site is too small for six houses to be built
- Proposal would be ugly and overbearing
- Proposal would set a precedent for similar developments in the future
- The proposal would provide insufficient parking
- Chertsey Road is already heavily parked and the proposal would increase pressure on parking
- Chertsey Road is already congested and the proposal would worsen this
- Proposal would pose a highway safety risk
- The width restriction on the access track would affect traffic flow
- Proposal would cause loss of light, overlooking and loss of privacy
- The area suffers from surface water flooding and the proposal would worsen this
- The proposal site is within Flood Zone 2 (*Officer note: the proposal site is within Flood Zone 1*)
- Proposal would worsen air quality
- Proposal would impact on wildlife on the site
- The construction phase would cause disruption and noise and dust pollution
- The proposed development would have no local benefits
- The proposal would allow access to a previously private rear garden fence which would affect privacy and security
- Proposal would place further pressure on sewerage and water infrastructure
- There was an insufficient consultation period for neighbours to comment (*Officer note: neighbours were given the statutory period of 21x days to make representations and representations are accepted after this period, up until the determination of the application*)
- Proposal would place further pressure on local schools and infrastructure (*Officer note: the proposal would be required to make a contribution towards the Community Infrastructure Levy, part of which is allocated towards education*)

The letter of support notes the need of Byfleet to increase its housing stock and to provide properties for a range of budgets and occupants.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019):

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

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

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Woking Core Strategy (2012):

- CS1 - A Spatial strategy for Woking Borough
- CS7 - Biodiversity and nature conservation
- CS8 - Thames Basin Heaths Special Protection Areas
- CS9 - Flooding and water management
- 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

Development Management Policies DPD (2016):

- DM2 - Trees and Landscaping
- DM10 - Development on Garden Land

Supplementary Planning Documents (SPDs):

- Parking Standards (2018)
- Woking Design (2015)
- Outlook, Amenity, Privacy and Daylight (2008)

PLANNING ISSUES

Impact on Character:

Plot subdivision:

1. The provision of additional dwellings through the subdivision of existing plots in the urban area can be considered acceptable subject to the impact of the subdivision on the pattern, grain and character of development in the surrounding area. Woking DPD (2016) policy DM10 'Development on Garden Land' permits the subdivision 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*". 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*"; furthermore 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...*".
2. The proposed development is for the erection of 6x two storey dwellings on land to the rear of No's. 76-82 Chertsey Road in a terrace of 4x dwellings and a semi-detached pair. The proposal would consequently reduce the size of existing plots and the size of the resulting plots must be examined as to whether the proposed development would reflect the prevailing grain, pattern and character of development in the surrounding area. The proposed dwellings would have garden depths of between 10m and 12.4m

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and plot widths of between 5m and 7m. The garden depths of the existing dwellings at No's. 76-82 Chertsey Road would be reduced to around 12.2m-17m.

3. The surrounding area is residential in nature and is characterised predominately by detached and semi-detached two storey and single storey dwellings. No's. 76-82 Chertsey Road are characterised by detached two storey and single storey dwellings and feature long, mature rear gardens of approximately 50-60m in depth, as do properties on Oyster Lane to the east which back onto the proposal site. Whilst the plot sizes of these properties are relatively long and consistently sized, the surrounding area is considered very mixed in character.
4. Directly to the north of the site is Birkin Court which is a development of flats and terraced houses with a large parking forecourt to the rear dating from the 1990s which has a finer grain of development and smaller plots than those that prevail in the surrounding area. The dwellings here typically have plot widths of 5m and garden depths of between 9m and 13.2m in depth. To the west is Berry's Lane which is a cul-de-sac of a finer grain of development and is characterised by terraced dwellings; No.9-18 Berry's Lane have plot widths of around 3.5m and garden depths of around 10m. No.1-8 have plot widths in the region of 6m and garden depths in the region of 15-17m. Berryscourt to the west is a development of flats and behind this are 5x recently completed terraced dwellings. Also to the west are No.75 and No.77 Chertsey Road which are accessed via a long pedestrian path and are located to the rear of No.79 and No.81 Chertsey Road.
5. Whilst the plot sizes of the existing dwellings on the proposal site are consistent in size, when considering the characteristics of the surrounding area described above, the character of the surrounding area is considered very mixed in terms of plot sizes and the pattern and grain of development. The size of the resulting plots is considered to sufficiently reflect the pattern and grain of development in the surrounding area.
6. The proposed dwellings would be positioned on land to the rear of No.76-82 Chertsey and would have a front-to-rear relationship with these properties and can therefore be described as 'backland' development. Whilst there is no policy presumption against backland development, developments are required to reflect the character, pattern and grain of development in the surrounding area. Backland developments are often regarded as unacceptable for this reason where the character of an area is consistent. However in this instance, as discussed above, the character of the surrounding area is considered mixed in terms of plot sizes and the pattern and grain of development and there is not a consistency in the layout of development or in the spatial relationship between dwellings. The introduction of backland development in this location is not therefore considered to result in an uncharacteristic form of development and is not considered to result in material harm to the character of the area.
7. Concerns have been raised that the proposal could set a precedent for similar forms of development in the surrounding area. Whilst every proposal should be assessed on its own merits, it should be borne in mind that the plots of the proposal site are some of the largest in the local area which is characterised by a mixture of plot sizes as discussed above. The proposed development represents a reasonably comprehensive development of six plots rather than a piecemeal form of development and is considered to create a character of a residential cul-de-sac. It is not considered that the proposed development could be easily replicated in the immediate area. The proposal also could not necessarily be replicated in the wider area where there is a consistency in plot sizes and any such planning applications would be treated on their own merits, taking account of the context of the particular character of that area.

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8. The principle of this form of development in this location can therefore be considered acceptable subject to the detailed design, layout, scale, bulk and massing of the proposed development as discussed below.

Design, layout, scale, bulk and massing:

9. The proposed development is for the erection of 6x two storey dwellings in a terrace of four and a semi-detached pair. The terrace features a hipped roof design with three front-facing gable features. The development adopts a traditional design approach and utilises design features such as pitched roofed porches, arch-headed soldier courses above windows, decorative brick stringcourses and a contrasting brick plinth. Chimneys serve to add visual interest to the roof and the dwellings at Plots 1 and 4 are set slightly forward of Plots 2 and 3 which creates a varied front building line. A mixture of brickwork, tile hanging and clay roof tiles contribute towards the traditional overall design approach. Plots 5 and 6 form a semi-detached pair and feature a hipped roof form and each would feature a front gable. Plot 5 would be positioned slightly forward of Plot 6 which creates a varied front elevation. The above characteristics are considered to result in a high quality development with attractive elevation treatments. The design approach is considered to respect the prevailing character of development in the surrounding area
10. The maximum ridge height of the proposed dwellings at Plots 1-4 would be 8.9m and the maximum heights of Plots 5 and 6 would be 9.15m. Given the mixed character of the area, there is a range of building heights; for example No.80 and No.82 Chertsey Road have ridge heights of approximately 7.9m, No.74 Chertsey Road has a ridge height of approximately 8.5m, Birkin Court to the north extends up to three storeys and there are also single storey dwellings, including at No.76 Chertsey Road. Whilst it is acknowledged that the ridge height is greater than surrounding neighbours, there is a variation in building heights in the area and the nearest neighbours are approximately 29m away. Due to the separation distance to surrounding neighbours, the difference in height is not considered to result in a visually harmful effect and is not considered to readily appreciable in the street scene.
11. The proposed development would have a separation distance of 1.2m to the northern boundary with Birkin Court and 1m from the southern boundary which borders the rear garden of No.89 Oyster Lane. A separation distance of 1.2m would be achieved between the proposed dwellings at Plots 4 and 5. These separation distances are considered sufficient to maintain appropriate visual separation between dwellings and to avoid an unduly cramped appearance.
12. The proposed development would incorporate significant areas of soft landscaping along the proposed access road and the parking and turning areas would incorporate areas of soft landscaping which are considered to soften the appearance of these areas. Soft landscaping is also proposed to the frontage of the proposed dwellings. Overall the propose development is considered to achieve an acceptable balance between hard and soft landscaping; details of a robust, high quality soft and hard landscaping scheme can be secured by condition and this can include tree planting within the development.

Detached garage:

13. The proposal also includes the erection of a detached single storey garage structure to the rear of No.76 Chertsey Road in place of an existing garden structure. The proposed garage would have a dual-pitched roof with a simple traditional design. The garage would have a maximum height of 3.95m, a width of 4m and a depth of 8m. The garage would be accessed via the proposed access drive and would serve the existing dwelling at No.76 Chertsey Road. The proposed garage is considered a visually acceptable

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structure typical of a residential area and is considered to result in an acceptable impact on the character of the surrounding area.

14. Considering the points discussed above, overall the proposal is considered to result in a visually acceptable form of development which would reflect the prevailing pattern, grain and character of development in the surrounding area. The proposal is therefore considered to result in an acceptable overall impact on the character of the surrounding area.

Impact on Neighbours:

15. The proposed development would result in two storey dwellings positioned to the rear of the existing dwellings fronting Chertsey Road; the proposed development would therefore have a front-to-rear relationship with these neighbours. The proposed would have a rear-to-rear relationship with properties on Oyster Lane to the east and a side-to-rear relationship with neighbours on Tewksbury Close to the south, although the gardens of other neighbours separate these neighbours from the proposal site.
16. Recommended separation distances for different relationships are set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) such as 20m for 'rear-to-rear' relationships at two storey level and 10m for 'front/rear-to-boundary' relationships. Whilst there is no specified distance for a front-to-rear relationship, the most generous separation distance for two storey development of 20m described above can be utilised as a logical recommended separation distance for this relationship. The front elevations of the proposed dwellings would be positioned between 16m and 17.4m from the rear boundaries of the retained dwellings fronting Chertsey Road to the west and a minimum of 28.8m from the rear elevations of these neighbours.
17. The two storey rear elevations of the proposed dwellings would be positioned a minimum of 12m from the rear boundary of the site and the rear boundaries of neighbours on Oyster Lane to the east. These neighbours are themselves positioned at least a further 40m from the boundary of the site. The proposed development would be located a minimum of approximately 15m from the rear garden boundaries of neighbours on Tewksbury Close to the south and these neighbours have rear garden depths in the region of 10-15m.
18. First floor side-facing windows are proposed to Plots 1, 4, 5 and 6 however these serve bathrooms and so can be required to be obscurely glazed with restricted opening by condition. The insertion of further window openings without planning permission can also be restricted by condition.
19. The relationships described above meet the minimum recommended separation distances set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and overall the proposal is considered to result in a satisfactory relationship with surrounding neighbours in terms of potential overlooking and loss of privacy.
20. The separation distances are also considered to result in an acceptable relationship with neighbours in terms of loss of light and overbearing impacts and the proposal would pass the '25° test' with neighbours as set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008). The proposed development would abut an area of garden to the south however this is to the rear extremity of the garden of No.89 Oyster Lane and is not considered to result in an unduly overbearing relationship with this area of amenity space.

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21. The proposed access drive would be positioned between No.80 and No.76 Chertsey Road. The application is accompanied by a Noise Assessment which assesses the potential noise impact on these neighbours of traffic using the access road. The conclusion of the assessment is that the additional vehicle movements would result in a negligible increase in noise over existing ambient noise levels and would also be well below the standard accepted noise levels for external amenity areas. The maximum noise levels from cars in night time hours, when taking account of the limited number of vehicle movements, would also fall within the relevant guidelines for night time noise levels. The proposal is not therefore considered to result in an undue noise impact on neighbours. Potential noise during the construction phase would be temporary in nature and noise nuisance is managed under separate legislation. The Council's Environmental Health Officer has reviewed the proposal and raises no objection.
22. Overall the proposed development is therefore considered to result in an acceptable impact on the amenities of neighbours in term of loss of light, overbearing, overlooking and potential noise impacts.

Standard of Accommodation:

23. The proposal is for the erection of 4x three bedroom dwellings and 2x four bedroom dwellings. The three bedroom dwellings would be 98-100m² in floor area and the four bedroom dwellings would be 130.5m² in area. These are considered to achieve an acceptable size of internal accommodation and would accord with the recommended minimum floor areas set out in the National Technical Housing Standards (2015). Habitable rooms would have relatively open outlooks to the front and rear and are considered to achieve a good standard of amenity.
24. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) recommends that the rear gardens of dwellings should be at least the same size as the footprint of the dwelling they serve. The rear gardens of the proposed dwellings would each have areas of private amenity space of between 10m and 12.4m in depth and would have areas of between 51m² and 79m² (when excluding the footpaths which provide access to the rear of properties). The existing retained dwellings would also retain garden depths proportionate to the footprint of the dwellings, apart from No.76 Chertsey Road which is a single storey dwelling; the garden area would however be only marginally smaller than the footprint of the dwelling (approximately 127m² compared to 130m²) and this is considered acceptable.
25. Whilst it is acknowledged that the areas of three of the proposed gardens would fall below the guidance in the SPD outlined above, it should be borne in mind that that the proposal is considered to reflect the prevailing grain and pattern of development in the surrounding area where there are examples of dwellings with rear amenity spaces which are smaller than the footprint of the dwellings they serve. The relatively small size of three of the proposed gardens in relation to the dwellings is not considered in itself to result in a poor standard of accommodation; the proposed gardens would be flat, rectangular and open in nature and are considered to offer an area of outdoor amenity space for each dwelling of a sufficient quality.
26. Overall the proposed development is therefore considered to result in an acceptable standard of accommodation for existing and future occupants.

Transportation Impact:

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27. The Council's Parking Standards (2018) set minimum parking standards of 2x spaces per three bedroom dwelling and 3x spaces per four bedroom dwelling. This would equate to a minimum total parking requirement of 14x spaces for the proposed development. The proposed plans show a total of 14x spaces including 12x in a parking forecourt and 2x parallel spaces sited along the access drive. The proposal would therefore meet the minimum parking standard as set out by the Council's Parking Standards SPD (2018). The dimensions and layout of the proposed parking spaces also comply with the requirements of the SPD.
28. The proposal involves the demolition of No.78 Chertsey Road and the provision of a modified vehicular access onto Chertsey Road. An access road would provide access to the development and the parking forecourt to the rear. The width of the access and access road would be 4.8m which is sufficient for two cars to pass each other. The width of the access road would narrow to 3.5m at one point as a traffic calming measure. The existing vehicular access to No.78 Chertsey Road would require widening and is currently located on a raised table speed hump; the proposed plans identify the extension of the existing raised table in order to accommodate the modified access. This would require a separate Highway License from the County Highway Authority.
29. The applicant has provided a Transport Statement which demonstrates that the required visibility splays can be achieved and how vehicles would be able manoeuvre into and out of parking spaces. The Transport Statement also details the modification to the vehicular access described above and assesses the potential impact on the local highway network. The conclusion of the Transport Statement is that the proposal would generate approximately 25x additional vehicle trips per day which equates to approximately 2x additional vehicle trips per hour and that this is a modest increase which would not detrimentally impact on the local highway network.
30. In terms of waste management, space is identified to the rear of each dwelling for the storage of bins. Bins are proposed to be collected from a single collection point near the entrance of the proposed development in order that they can be collected from Chertsey Road. This would mean Refuse Collection Vehicles would not be required to enter or turn within the site. The Council's Waste Services team raise no objection to this arrangement. The Transport Statement also demonstrates how delivery vehicles and fire engines would be able to access and turn within the proposed development.
31. Secure cycle storage for two bicycles for each dwelling is identified on the proposed plans in accordance with the Council's Parking Standards SPD (2018). The County Highway Authority has reviewed the proposal and raises no objection subject to conditions.
32. Considering the points discussed above, the proposal is considered to deliver sufficient off-street parking and is considered to result in an acceptable overall transportation impact.

Trees and Landscaping:

33. There are no significant mature trees or Tree Preservation Orders (TPOs) on the site and all existing trees and landscaping is identified as being removed as part of the submitted Arboricultural Report. The existing trees include Laurel, Holly, Hazel and Sallow species however none are over 8m in height and none are considered to have significant public amenity value. It is acknowledged that trees have recently been removed from the site however these were not subject to TPOs and consent was not therefore required. The proposed plans identify areas for soft landscaping and indicative

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new tree planting. The Council's Arboricultural Officer has reviewed the proposal and raises no objection from an arboricultural perspective subject to conditions.

34. A condition securing a robust, high quality soft and hard landscaping scheme can be secured by condition and this can include tree planting within the development and at the entrance to the site in order to soften the appearance of the development and contribute towards the character of the street scene.

Affordable Housing:

35. The NPPF (2019) establishes that affordable housing should not be sought for developments which are not 'major' developments. The NPPF definition of 'major' development is the same as that in the Development Management Procedure Order (2015) which is defined as 10x units or more. Affordable housing contributions are not therefore sought under this application.

Impact on Drainage and Flood Risk:

36. The proposal site is within Flood Zone 1 and is therefore at low risk from flooding from rivers but parts of the proposal site and surrounding areas are classified as being at risk from surface water flooding. The Council's Drainage and Flood Risk Engineer has been consulted and raises no objection subject to a condition securing details of a sustainable surface water drainage scheme. Subject to this condition, the proposal is considered to result in an acceptable impact on surface water drainage and in terms of flood risk.

Impact on Biodiversity:

37. The application is accompanied by a Preliminary Ecological Appraisal which assesses the potential for the presence of protected species on the site. The findings of the appraisal with regards to bats is that the trees within the site are identified as having a negligible suitability to support roosting bats and are therefore likely absent from trees. The dwelling at No.78 is proposed to be demolished and is identified as having a limited number of features which have the potential to support roosting bats (e.g. lifted or damaged roof tiles); a further Bat Emergence Survey was therefore carried out. No bats were observed emerging or entering the building which is to be demolished and the submitted survey concludes that the building is likely absent of roosting bats. Overall levels of bat activity in the area were also recorded as being low. Based on the above, the proposal is therefore considered unlikely to detrimentally impact on roosting bats.
38. The submitted Ecological Appraisal also concludes that there is a low potential for the presence of other species on the site however several recommendations and precautions are made with regards to the clearance of the site. Compliance with the recommended precautions set out in the submitted Ecological Appraisal can be secured by condition.
39. The submitted Preliminary Ecological Appraisal and Bat Emergence Survey also make recommendations with regards to potential measures to enhance the biodiversity of the site (e.g. bird and bat boxes and use of native plant/tree species). Specific details of biodiversity enhancement measures can be secured by condition. Surrey Wildlife Trust has been consulted and raises no objection to the proposal subject to compliance with the recommendations and precautions set out in the submitted information. Overall the proposal is therefore considered to result in an acceptable impact on biodiversity.

Housing Mix:

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40. Core Strategy (2012) policy CS11 requires proposals to address local needs as evidenced in the Strategic Housing Market Assessment (SHMA) which identifies a need for family accommodation of two bedrooms or more. The most recent published SHMA (September 2015) is broadly similar to the mix identified in policy CS11. The proposal would result in a net gain of 3x three bedroom dwellings and 2x four bedroom dwellings which is considered an appropriate and acceptable housing mix.

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

41. 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.
42. 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 **£4,773** based on a net gain of 3x three bedroom dwellings and 2x four bedroom dwellings 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.
43. 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:

44. 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

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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. 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.

45. 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. 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.

Community Infrastructure Levy (CIL):

46. The proposal would be liable to make a CIL contribution of £88,552.79 based on a net increase in floor area of 573.8m².

CONCLUSION

47. Considering the points discussed above, overall the proposal is considered an acceptable form of development with would have an acceptable impact on the character of the surrounding area and on the amenities of neighbours. The proposal is also considered to have an acceptable impact on ecology and in transportation terms. 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. Design and Access Statement dated November 2018
5. Planning Policy Statement ref: TR/7882 dated November 2018
6. Transport Statement dated November 2018
7. Preliminary Ecological Appraisal (ref: 3940AO/18) dated 26/09/2018
8. Bat Emergence Survey Report (ref: 3940AO/18) dated 21/09/2018
9. Arboricultural Survey and Planning Integration Report dated 14/11/2018
10. Access Road Noise Assessment dated November 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 £4,773	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2010-2015.

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RECOMMENDATION

GRANT Planning Permission 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:

P01 (Location Plan) received by the LPA on 28/11/2018

P02 Rev.A (Proposed Site Layout Plan) received by the LPA on 26/02/2019

P03 (Proposed Site Information Plan) received by the LPA on 28/11/2018

P04 Rev.A (Proposed Floor Plans and Elevations Plots 1-4) received by the LPA on 26/02/2019

P05 Rev.A (Proposed Floor Plans and Elevations Plots 5-6) received by the LPA on 26/02/2019

P06 Rev.A (Proposed Site Section A-A and Street Scene B-B) received by the LPA on 26/02/2019

P07 (Proposed Garage No.76) received by the LPA on 28/11/2018

P08 (Context Plan) received by the LPA on 28/11/2018

P09 (Cycle Store Details) received by the LPA on 28/11/2018

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

3. ++Prior to the commencement 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 dwellings 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.

4. ++Prior to the first occupation of the development hereby permitted, a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted, 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. 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.

5. The first floor windows in the north and south-facing flank elevations of the dwellings hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor levels 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 protect the amenity and privacy of the occupiers of adjoining properties.

6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A, B, C and F 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 dwellings hereby permitted nor any hardstanding provided forward of the principal front elevation of any of the dwellings 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.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no window, dormer window, rooflight or other additional openings, other than those expressly authorised by this permission, shall be formed in any elevation or roof slope of the dwellings hereby permitted at first floor level or above without planning permission being first obtained from the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties.

8. The development hereby permitted shall not be occupied unless and until the proposed modified vehicular access onto Chertsey Road, including the modified raise table, has been 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 (e) below, shall be submitted

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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) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in nearby roads during these times

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. The development hereby permitted shall take place in strict accordance with the Arboricultural Report from Quaife Woodlands dated 22/11/2018 ref: AR/3807/jq, 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.

12. The development hereby permitted shall take place in accordance with the precautions and recommendations set out in the within the 'Preliminary Ecological Appraisal' (ref: 3940AO/18) dated 26/09/2018 and the 'Bat Emergence Survey Report' (ref: 3940AO/18) dated 21/09/2018 by PJC Consultancy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site.

13. Prior to any above ground works in connection with the development hereby permitted, details of the measures for the enhancement of biodiversity on the site, in accordance with the recommended actions within the 'Preliminary Ecological Appraisal' (ref: 3940AO/18) dated 26/09/2018 and the 'Bat Emergence Survey Report' (ref: 3940AO/18) dated 21/09/2018 by PJC Consultancy, and a timetable for their provision on the site, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the agreed details prior to the first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site.

14. No external lighting including floodlighting shall be installed until details (demonstrating compliance with the recommendations of the Institute of Lighting Engineers "Guidance Notes for Reduction of Light Pollution" and the provisions of BS 5489 Part 9) have been submitted to and approved in writing by the Local Planning Authority. The approved

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lighting scheme shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of residential amenity and biodiversity.

15. 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.

16. ++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.

17. ++ 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 Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,

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- 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.

18. 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.

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 the National Planning Policy Framework 2019.
2. 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, carriageway, or verge to form a vehicle crossover to install dropped kerbs:
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement 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. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:

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<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see:

www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice

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. 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. 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.

7. 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>

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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).

8. 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.

9. Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Trees should be inspected before any works commence and if the presence of bats is suspected advice will need to be sought from the English Nature Bat Line on 08708 339213. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).