

9th APRIL 2019 PLANNING COMMITTEE

6f 18/1124 Reg'd: 02.11.18 Expires: 28.12.18 Ward: BWB

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LOCATION: Castlemaine Court, 20 Rectory Lane, Byfleet, West Byfleet, Surrey, KT14 7LW

PROPOSAL: Erection of two 1-bedroom flats and installation of additional boilers to all flats within the existing development.

TYPE: Full

APPLICANT: Ms Nicola Dibb

OFFICER: Tanveer
Rahman

REASON FOR REFERRAL TO COMMITTEE

The proposal involves the uplift of additional residential units and is recommended for permission. It therefore falls outside of the scheme of delegated powers.

RECOMMENDATION

GRANT planning permission subject to conditions and legal agreement.

PLANNING STATUS

- Urban Area
- Flood Zone 2
- Archaeological Interest
- Thames Basin Heaths SPA Zone B (400m-5km)

SITE DESCRIPTION

The application site relates to Castlemaine Court which is a development on Rectory Lane containing sixteen flats. According to the Section 106 agreement for original permission for the development (PLAN/2011/1006) the flats are for social rent.

The development consists of three main blocks of accommodation. There is a two-storey western block containing six flats, a three-storey central block (containing a lift, stairwell, plant room, pellet store, garden store and four flats) and a two-storey block containing six flats. These three blocks are connected at first and second floor levels by terraces.

Vehicular access is from the north west corner of the site and this leads to a carpark which is at the northern end of the site. The development has areas of communal amenity along the southern and eastern parts of the site.

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PLANNING HISTORY

COND/2014/0085: Variation of previously discharged condition (condition 15 bin storage) of PLAN/2011/1006 for erection of 16 new high quality affordable housing flats comprising of 4 one-bedroom and 12 two-bedroom flats on the site, together with allocated parking and landscaping - Permitted 13.01.2015.

COND/2012/0096: Details submitted pursuant to conditions 11 (Method of Construction Statement), 12 (acoustic report) and 15 (waste and recycling) attached to planning permission ref: PLAN/2011/1006 - Permitted 17.10.2012.

COND/2012/0079: Details pursuant to conditions 2 (facing materials), 3 (surfacing materials), 4 (boundary treatments), 10 (car and cycle parking), 14 (tree protection) and 16 (landscaping) attached to planning permission ref: PLAN/2011/1006 - Permitted 10.10.2012.

PLAN/2011/1006: Erection of a part two-storey part three-storey building containing 4 x 1 bedroom and 12 x 2 bedroom flats (affordable housing) with 16 car parking spaces and associated landscaping following demolition of existing building - Permitted 08.08.2012.

85/0476: RE ROOF FLAT - Permitted 01.07.1985.

24577: ERECTION OF 24 OP FLAT - Permitted 01.06.1969.

22199: 4F 20 BEDSIT AND COM RM - Permitted 01.08.1967

7449: ERECTION OF A DETACHED BUNGALOW - Permitted 01.08.1954.

3829: ERECTION OF A DETACHED BUNGALOW - Permitted 31.10.1949.

PROPOSED DEVELOPMENT

(Case Officer's note: Following concerns raised by the LPA about the proposed flats having a poor quality of outlook due to their living room windows looking directly onto the carpark the agent made the following amendments:

- *A 1500mm wide footpath was added in front of the north elevation to provide a separation distance from the carpark.*
- *The configuration of bays in the carpark was amended due to the addition of the footpath.*

It is this amended scheme which will be described below and assessed in the 'Planning Issues' section.)

The application proposes to infill a ground floor area of the central block which currently contains two parking bays situated under two first floor flats. This is to create two 1-bedroom ground floor flats. Additional boilers to all existing flats are also proposed as part of the proposal (*Case Officer's note: this does not require planning permission and will not therefore be assessed as part of this application*).

The westernmost flat is proposed to have two windows in its north elevation. A window, a door, a riser and the control panel for the existing lift is proposed in its west elevation. Two windows and the existing lift is proposed in its south elevation. The easternmost

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flat is proposed to have a window and an enclosure for electric meters in its north elevation. A window, a door and a riser are proposed in its east elevation. Two windows and existing communal stairs are proposed in its south elevation. According to the submitted application form the flats are proposed to be clad in timber matching to match existing cladding within the development.

SUMMARY INFORMATION

| | |
|-----------------------|----------------------|
| Site area | 0.2147ha |
| Existing units | 16 units |
| Proposed units | 18 units |
| Existing site density | 75 dwellings/hectare |
| Proposed site density | 84 dwellings/hectare |

CONSULTATIONS

County Archaeological Office (SCC): No objection.

LPA Drainage & Flood Risk Officer: No objection subject to condition.

LPA Senior Arboricultural Officer: No objection.

LPA Housing Services: No objection.

County Highway Authority (SCC): No objection subject to condition (received by the LPA on 23.11.2018). No objection to swept path analysis of amended scheme received by the LPA on 29.01.2018)

NEIGHBOUR REPRESENTATIONS

One letter of representation was received following consultation on the originally submitted scheme which made the following statement:

- No additional parking has been proposed. This will lead to parking on the pavement which will create more congestion as well as safety issues.

(Case Officer's note: As the amended scheme was not considered to be materially different to the original scheme neighbours were not re-consulted. However the statement above will be addressed in the 'Planning Issues' section below.)

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2019):

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

Woking Core Strategy (2012):

CS1 - A Spatial Strategy for Woking
CS8 - Thames Basin Heaths Special Protection Area
CS10 - Housing provision and distribution

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CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable Design and Construction
CS24 - Woking's Landscape and Townscape
CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD (2016):

DM11 - Sub-divisions, Specialist Housing, Conversions and Loss of Housing

Supplementary Planning Documents:

Woking Design SPD (2015)
Outlook, Amenity, Privacy and Daylight (2008)
Parking Standards (2018)
Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015
Climate Change (2013)
Affordable Housing Delivery (2014)

PLANNING ISSUES

The main issues to consider in determining this application would be its impact on character, impact on neighbouring amenity, quality of accommodation, impact on private amenity space, impact on flooding, impact on recycling & refuse, impact on car parking provision and highway safety and the impact on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan.

Impact on character

1. Policy CS21 of the Core Strategy states that new development should create buildings *"with their own distinct identity, they should respect and make a positive contribution to the street scene and character of the area in which they are situated, paying regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land"*.
2. The proposal would not spread development outside of the footprint of the existing central block and it is considered to be relatively minor in its form. It is also considered that the proposed timber cladding would relate satisfactorily to the existing exterior materials palette of the block and the wider development.
3. For these reasons it is considered that the proposal would have an acceptable impact on the host development as well as the wider street scene of Rectory Lane.

Impact on neighbouring amenity

4. Policy CS21 of the Core Strategy 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"*.
5. Given the scale, form, location and nature of the proposal it is considered that it would not create unacceptable overlooking issues, it would not unacceptably

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impact daylight levels and would not appear unacceptably overbearing towards neighbouring properties.

Quality of accommodation

6. The two proposed flats would have gross floor areas of approximately 60sqm which is considered to be an acceptable size for 1-bedroom flats.
7. Both flats would have their living rooms facing onto a footpath and then the carpark beyond. It is noted that the footpath would create some privacy issues towards the living rooms and that the views towards the carpark would not create an outlook. However it is noted that one of the bedrooms in the northernmost flat in the existing easternmost block also looks directly onto a footpath and the carpark beyond and therefore this relationship already exists with the development. It is therefore considered that it would be difficult to substantiate a refusal on these grounds. It is therefore considered that there would not be unacceptable privacy issues towards the proposed living rooms and that their outlook would not be unacceptable either.
8. Both flats would also have their bedrooms facing onto a footpath but they would look out onto a communal garden beyond this. Given the existing situation (mentioned above) of the northernmost flat in the existing easternmost block it is considered that the footpath would not create unacceptable privacy issues towards the proposed bedrooms. Furthermore, it is considered that the outlook towards the communal garden would be acceptable.
9. For these reasons it is considered that the proposal would create an acceptable quality of accommodation

Impact on private amenity space

10. *Outlook, Amenity, Privacy and Daylight* (2008) defines family dwellings as having at least two bedrooms and a gross floor area of at least 65sqm. It goes on to state that "*Dwellings specifically designed not to be used for family accommodation do not require any specific area to be set aside for each as private amenity space*".
11. The proposed flats would not have their own areas of private amenity space however as they would have each have only one bedroom and a gross floor area of less than 65sqm it considered that they are not family accommodation and do not therefore require private amenity space. Furthermore, it is noted that they would have access to existing communal garden areas.

Impact on flooding

12. The application site is in Flood Zone 2 and flooding information (2187/SK43A - Permeable Paving 03-01-2019) was received by the agent during the application process following comments from the LPA's Flood Risk & Drainage Officer. This information was reviewed by the Officer who raised no objection subject to compliance with the information.
13. It is therefore considered that the proposal would have an acceptable impact on flooding subject to condition.

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(Case Officer's note: in order for the proposal to comply with '2187/SK43A - Permeable Paving 03-01-2019' the proposed footpath in front of the flats would need to be constructed from a permeable surface).

Impact on recycling & refuse

14. The two flats are proposed to use the existing bin store in the south east corner of the site however an additional 1100L general rubbish bin and an additional 1100L mixed dry recyclable bin is proposed in it to serve the additional flats.
15. It is considered that this would provide an acceptable level of refuse and recycling provision.

Impact on car parking provision & highway safety

16. *Parking Standards* (2018) recommends that 1-bedroom flats should have 0.5 parking spaces per flat. The proposal would therefore generate demand for one additional parking space.
17. The application proposes to maintain the development's current provision of thirteen parking spaces and would therefore lead to the displacement of one car onto the highway. It would also alter the layout of the existing carpark. However the County Highway Authority (SCC) has assessed the application in terms of highway capacity and the re-configured parking layout and has raised no objection subject to condition.
18. It is therefore considered that the proposal would have an acceptable impact on car parking provision and highway safety.

Affordable Housing

19. Policy CS12 of the Core Strategy states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.
20. However, Paragraph 63 of the NPPF (2019) sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
21. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that more significant weight should be afforded to the policies within the NPPF (2019). The proposal is not major development and therefore while it is noted on the submitted application form that the flats are proposed to be affordable no affordable housing contribution is sought.

Local finance consideration

22. The proposal would result in the creation of 104sqm gross internal area and a demolition of 55sqm. A Community Infrastructure Levy (CIL) contribution would therefore be liable on 49sqm of floor space which would result in a financial contribution of **£7,562** (according to the 2018-2019 financial year price index).

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23. It is noted from the submitted CIL forms that the agent has claimed CIL social housing relief. All criteria in the CIL Regulations and the LPA's charging schedule will need to be met in order to qualify.

Impact on the Thames Basin Heaths Special Protection Area

24. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Policy CS8 of the Core Strategy requires new residential development beyond a 400m threshold but within 5 kilometres of the SPA boundary to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
25. Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. A SAMM contribution of **£1,006** in line with the *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015* (April 2018 update) as a result of the uplift of two 1-bedroom dwellings that would arise from the proposal would be required.
26. 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 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.
27. Policy CS8 of the Core Strategy 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 SAMM contribution of **£1,006** in line with the Thames Basin Heaths SPA Avoidance Strategy would need to be secured through a S106 Legal Agreement. For the avoidance of doubt, sufficient SANG at **Brookwood Park** has been identified to mitigate the impacts of the development proposal.

CONCLUSION

Overall, the proposal would have an acceptable impact on character, impact on neighbouring amenity, quality of accommodation, impact on private amenity space, impact on flooding, impact on refuse & recycling, impact on car parking provision and highway safety and the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan. The proposal therefore accords with sections 5, 8, 9, 11 and 12 of the *National Planning Policy Framework* (2019), policies CS1, CS8, CS10, CS11, CS12, CS18, CS21, CS22, CS24 and CS25 of the *Woking*

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Core Strategy (2012), Policy DM11 the Development Management Policies DPD (2016), Woking Design SPD (2015), Outlook, Amenity, Privacy and Daylight (2008), Parking Standards (2018), Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015, Climate Change (2013) and Affordable Housing Delivery (2014).

BACKGROUND PAPERS

Site visit photographs (05.12.2018)

PLANNING OBLIGATIONS

| | Obligation | Reason for Agreeing Obligation |
|-----------|---|---|
| 1. | Provision of £1,006 contribution to provide SMM. | To accord with the Habitat Regulations and associated Development Plan policies and the Council's Adopted Avoidance Strategy. |

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the above legal agreement and the following conditions:

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

Reason:

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

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

- 1:1250 location plan Drwg no.CS713-0-01 Rev. P1 (received by the LPA on 18.10.2018)
- 1:100 proposed ground floor plan Drwg no.CS713-0-04 Rev. P3 (received by the LPA on 17.01.2019)
- 1:100 existing/proposed first floor plan Drwg no.CS713-0-05 Rev. P3 (received by the LPA on 02.11.2018)
- 1:100 existing/proposed second floor plan Drwg no.CS713-1-06 Rev. P1 (received by the LPA on 02.11.2018)
- 1:100 proposed north and south elevations Drwg no.CS713-2-02 Rev. P2 (received by the LPA on 17.01.2019)
- 1:100 proposed east and west elevations Drwg no.CS713-2-03 Rev. P1 (received by the LPA on 28.02.2019)
- 1:50 proposed bin store plan Drwg no.CS713-4-01 Rev. P1 (received by the LPA on 19.03.2019)
- 1:250 proposed parking diagrams Drwg no.CS713-9-01 Rev. P1 (received by the LPA on 17.01.2019)

Reason:

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For the avoidance of doubt and to ensure that the development is completed in accordance with the approved drawings.

3. The external finishes of the development hereby permitted shall match those stated on the submitted application form.

Reason:

In the interests of the character and appearance of the building and the visual amenities of the area and in accordance with Policy CS21 of the *Woking Core Strategy* (2012).

4. No above ground development associated with the development hereby permitted shall commence until details have been submitted for the written approval of the Local Planning Authority demonstrating that the development will be constructed to achieve, as a minimum, the optional requirement set through the Building Regulations 2010 (as amended) for water efficiency that requires indoor wholesome water consumption of no more than 105 litres per person per day; and not less than a 19% improvement in the dwelling emission rate over the 2013 Building Regulations TER Baseline (Domestic). Such details as may be approved shall be installed prior to the first occupation of the development and maintained and operated in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources.

5. Prior to occupation the areas of hardstanding are to be constructed in line with the existing Sustainable Urban Drainage Strategy (2187/SK43A - Permeable Paving 03-01-2019) employed on the site resulting in the hardstanding finishes matching the existing'.

Reason:

To ensure that the development achieves a high standard of sustainability and to comply with NPPF (2019) and Policies CS9 and CS16 of the *Woking Core Strategy* (2012).

6. The secure parking of bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

The above condition is required in recognition of Section 9 of the *National Planning Policy Framework* (2019).

7. Prior to the first occupation of the development hereby permitted, the refuse and recycling facilities shown on the approved plans shall be made available and thereafter be retained for use at all times.

Reason:

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To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the amenities of the area

Informatives

01. Proactive Working:

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 NPPF (2019). The application was considered acceptable upon receipt.

02. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.

03. The applicant is reminded that in order to comply with condition 5 (SUDS) the proposed footpath in front of the flats would need to be constructed from a permeable surface.