

4th JUNE 2019 PLANNING COMMITTEE

6c 18/1343 Reg'd: 17.01.19 Expires: 14.03.19 Ward: HV

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LOCATION: Land adjacent to 2-12 Rydens Way, Old Woking, Woking, Surrey, GU22 9DW

PROPOSAL: Erection of an extension to 2-12 Rydens Way to contain four flats (2 x 1-bedroom and 2 x 2-bedroom) as well as associated access, stairwell and amenity space.

TYPE: Full

APPLICANT: William Lacey Group Ltd

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
- Thames Basin Heaths SPA Zone B (400m-5km)

SITE DESCRIPTION

The application site relates to a 0.04ha parcel of land at the corner of Rydens Way and Sundridge Road. It consists of an area of hardstanding and an area of landscaping containing grass and trees. A brick wall separates these two areas. The site also contains the stairwell of 2-12 Rydens Way, a ramp in front of the stairwell and a paved area to the west of the ramp which is closed off by low-level walling.

Adjacent to the east of the site is 2-12 Rydens Way which is a two-storey block of flats. Opposite the site to the south is a central reservation containing parking bays. Opposite the site to the west is a community centre. Adjacent to the north of the site is 68-75 Sundridge Road which is a three-storey block of flats.

(Case Officer's note: During the Officer's site visit it was noted the area of hardstanding has site hoardings around it and a temporary site office related to construction works on Rydens Way.)

PLANNING HISTORY

None.

PROPOSED DEVELOPMENT

The application proposes to erect a two-storey building containing four flats. Its form would consist of two perpendicular pitched roof elements. Each floor would have a 1-bedroom flat and a 2-bedroom flat. The building would also have an L-shaped, flat roof element which would connect to 2-12 Rydens Way's stairwell. This element would contain a ground floor cycle store, a lift and a first floor walkway. The whole building would have an overall 23.0m width and 10.6m depth with the main pitched roof element having a ridge height of 8.3m and the flat roof element having a height of 5.7m. According to the submitted application form the building would have an exterior materials palette of yellow stock brick, dark grey timber weatherboarding, concrete brown roof tiles, dark grey uPVC framed windows and black uPVC rainwater goods.

The application proposes landscaping around the west and south elevations of the proposed building. An L-shaped low-level wall with metal railings above it is proposed to the west and south of the building

Access to the proposed flats would be via an existing gate between the northern boundary of the site and the south western corner of 68-75 Sundridge Road.

SUMMARY INFORMATION

Site area	0.04ha
Existing units	0 units
Proposed units	4 units
Existing site density	0 dwellings/hectare
Proposed site density	100 dwellings/hectare

CONSULTATIONS

Council Senior Arboricultural Officer: No objection subject to condition.

Council Drainage and Flood Risk Officer: No objection subject to condition.

County Highway Authority (SCC): No objection subject to condition.

NEIGHBOUR REPRESENTATIONS

One letter of objection was received which made the following main statements:

- The proposed development would not provide three parking spaces in line with requirements in Woking Council's SPD *Parking Standards* (2018). This would increase demand for on-street parking which would cause congestion on local roads. No data or evidence has been provided to demonstrate capacity on local roads for extra parking.
- It should not be presumed that the unallocated parking approved as part of PLAN/2015/1217 is available and suitable for the proposed development.
- Construction of eleven dwellings on surrounding roads has caused "*significant disruption*" and the proposal would add to this.
- The proposal would increase housing density and result in the further loss of green space.

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- The proposal would result in loss of a high quality trees which is not in line with the Council's tree strategy and also results in the loss of its ecological and social benefits.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2019):

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Woking Core Strategy (2012):

CS1 - A Spatial Strategy for Woking
CS8 - Thames Basin Heaths Special Protection Area
CS9 - Flooding and water management
CS10 - Housing provision and distribution
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):

DM2 - Trees and Landscaping

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 principle of development, impact on character, impact on trees, 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.

Principle of development

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1. The NPPF (2019) and Policy CS25 of the Core Strategy promote a presumption in favour of sustainable development. The application site is located within an established residential area with good road and bus links. For these reasons the site location is considered to be suitably sustainable in the defined urban area of Woking. As such, the principle of erecting four flats on the site is considered acceptable subject to further material considerations as set out in this report.

Impact on character

2. 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”*.
3. The proposed building would be set forward of 2-12 Rydens Way’s building line however it would maintain an area of landscaping with a depth of 2.6 - 4.2m fronting onto Rydens Way. The proposed building would be set back from 69 -75 Sundridge Road’s building line and would maintain an area of landscaping with a depth of 1.8 - 9.0m fronting onto Sundridge Road. It is considered that the ratio between landscaping and built form would be in keeping with the site’s immediate surrounding and would not therefore appear cramped or overdeveloped.
4. It is considered that proposed building’s pitched roof elements would have a similar form and character to 2-12 Rydens Way and 69-75 Sundridge Road. Its 8.3m ridge height would be the same as 2-12 Rydens Way’s main block and its 5.7m flat roof height would also be the same as 2-12 Rydens Way’s stairwell. This is considered to respect the relationship with 2-12 Rydens Way. The ridge height would be 1.9m lower than that of 69-75 Sundridge Road and it is considered that this step down provides an appropriate relationship given the prominent corner location of the site.
5. It is considered that the proposed fenestration would relate satisfactorily to the scale and form of the proposed building as well as that of neighbouring properties.
6. Subject to a condition requiring specific details, it is considered that the proposed external materials palette would relate satisfactorily to the scale and form of the proposed building as well as that of neighbouring properties.
7. For these reasons it is considered that the proposal would have an acceptable impact on character subject to condition.

Impact on trees

8. The proposal would result in the removal of a number of trees, including a large semi-mature tree. However it is noted that none of them are covered by TPO.
9. The Council Senior Arboricultural Officer’s consultation response states that *“The proposed will require the removal of a nice semi mature tree which is a shame, however this loss can be mitigated with large diameter replacement planting which can be conditioned. Therefore there are no arboricultural objections to the proposed”*.
10. For this reason it is considered that the proposal would have an acceptable impact on trees subject to condition

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Impact on neighbouring amenity

11. 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*”.
12. In order to maintain privacy *Outlook, Amenity, Privacy and Daylight* (2008) recommends that first floor facing front elevation windows should have a minimum separation distance of 10m. The closest point of the balcony serving the first floor 1-bedroom flat to the westernmost ground floor window and the westernmost first floor window in the front elevation of 2-12 Rydens Way would be 7m. However as this view would be splayed it is considered that this balcony would not create unacceptable overlooking issues towards 2-12 Rydens Way. The proposed exterior walkway would be just 2m away from the garden area serving 69-75 Sundridge Road and the closest point of the kitchen window serving the first floor 1-bedroom flat to this garden area would be just 4.7m. Given these separation distances the walkway and the kitchen window would have views towards this garden area. However, it is noted that this a communal amenity area which already experiences some overlooking from windows of different properties in the rear elevation of 69-75 Sundridge Road. For this reason it is considered that the proposal would not result in an increased level of overlooking and is not therefore unacceptable.
13. The proposal would pass the ‘45° test’ as set out in *Outlook, Amenity, Privacy and Daylight* (2008) towards windows in the rear elevation 69-75 Sundridge Road. It is therefore considered that the proposal would not have an unacceptable impact on the daylight levels received by neighbouring properties.
14. A 2.5m width of blank gable would project past the rear elevation of 69-75 Sundridge Road and would be on the northern boundary with this neighbouring property. A further 12.25m wide exterior walkway (set in from the northern boundary by 0.4m) would project past this gable. On balance, it is considered that this massing would not appear unacceptably overbearing towards 69-75 Sundridge Road.

Quality of accommodation

15. It is noted that kitchen window serving the first floor 1-bedroom flat would look directly onto the exterior walkway. It is considered that this is not a particularly good quality of outlook and could also create some privacy issues. However, it is noted that the kitchen would be part of an open plan living/dining area which is served by a window and ground-to-ceiling glazing in the south elevation. Furthermore, it is considered that all other habitable rooms in the development would have an acceptable quality of outlook and an acceptable size.
16. For these reasons it is considered that the proposal would create an acceptable quality of accommodation.

Impact on private amenity space

17. *Outlook, Amenity, Privacy and Daylight* (2008) considers flats with two or more bedrooms and a floor area exceeding 65sqm as ‘family accommodation’ which should have “a *suitable sunlit area of predominantly soft landscaped private*

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amenity space, appropriate in size and shape for the outdoor domestic and recreational needs of the family it is intended to support.”. It goes on to state that private amenity space is “best provided as an enclosed garden to the rear or side of the property where it is clearly separate from more public areas” and they should have “secure boundaries to allow children to play in safety”.

18. The two 2-bedroom flats would each have an area of 65.5sqm and it is therefore considered that they would constitute family accommodation. The ground floor 2-bedroom flat would be served by a patio. It would also have an area outdoor space wrapping around its west and elevations. However as this would only be enclosed by a 0.8m high wall with 0.7m metal railings this boundary is not considered secure enough for this area to constitute private amenity space. The first floor 2-bedroom flat would just be served by a balcony. It is therefore considered that these two flats would not comply with requirements in the SPD. However, this in itself is not considered to constitute grounds for refusal.
19. The SPD also states 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*”. The two 1-bedroom flats are not considered to constitute family accommodation and are not therefore required to have private amenity space. In any case, it is noted that the ground floor flat would have a patio area and the first floor flat would have a balcony.
20. For these reasons it is considered that the proposal would not result in unacceptable levels of private amenity space.

Impact on flooding

21. The Council’s Drainage and Flood Risk Officer raised no objection subject to condition.
22. It is therefore considered that the proposal would have an acceptable impact on flooding subject to condition.

Impact on recycling & refuse

23. It is considered that the proposal would provide acceptable refuse and recycling provision subject to condition.

Impact on car parking provision & highway safety

24. *Parking Standards* (2018) recommends that 1-bedroom flats should have a minimum of 0.5 parking spaces per flat and 2-bedroom flats should have a minimum of 1 parking space per flat. The proposal would therefore generate demand for 3 additional spaces.
25. No parking spaces are proposed as part of the development which does not accord with requirements in the SPD. However a consultation response from the County Highway Authority (SCC) (received by the LPA on 15.02.2019) requested a car parking accumulation survey. A survey from a previous application was submitted which was deemed acceptable in a further consultation response (received by the LPA on 03.04.2019) and no objection was raised subject to a pre-commencement condition requiring a Construction Management Plan. The agent decided to submit a Construction Management Plan at application stage and this

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was deemed acceptable by the County Highway Authority (SCC) in a further response (received by the LPA on 14.05.2019)

26. It is therefore considered that the proposal would have an acceptable impact on car parking provision and highway safety.

Affordable Housing

27. 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.
28. 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).
29. 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

30. The proposal would result in a gross internal area of 233.76sqm . A Community Infrastructure Levy (CIL) contribution of **£36,412** (according to the 2019-2020 financial year price index) is required.
31. It is noted from the submitted CIL additional information form that the agent intends to apply CIL social housing relief. All criteria in the CIL Regulations (including the submission of a CIL self-exemption form) and the LPA's charging schedule will need to be met in order to qualify.

Impact on the Thames Basin Heaths Special Protection Area

32. 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).
33. 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 **£2,060** in line with the *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015* (April 2019 update) as a result of the uplift of two 1-bedroom dwellings and two 2-bedroom flats that would arise from the proposal would be required.

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34. 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.
35. 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 **£2,060** 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 principle of development would be acceptable and it would have an acceptable impact on character, trees, neighbouring amenity, quality of accommodation, private amenity space, flooding, recycling & refuse, 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 2, 5, 8, 9, 11, 12, 14 and 15 of the *National Planning Policy Framework* (2019), policies CS1, CS8, CS9 CS10, CS11, CS12, CS18, CS21, CS22, CS24 and CS25 of the *Woking Core Strategy* (2012), Policy DM2 of 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 £2,060 contribution to provide SAMM.	To accord with the Habitat Regulations and associated Development Plan policies and the Council's Adopted Avoidance Strategy.

RECOMMENDATION

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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.001 (received by the LPA on 16.01.2019)
- 1:100 proposed block plan Drwg no.003 (received by the LPA on 16.01.2019)
- 1:100 proposed plans and elevations Drwg no.004 (received by the LPA on 16.01.2019)

Reason:

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

3. Notwithstanding the material details outlined in the submitted application form, no above ground development associated with the development hereby permitted shall commence until details and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary treatments 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.

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:

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

5. No above ground development associated with the development hereby permitted shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. 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:

In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality.

6. 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:

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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 (2019).

7. No above ground development associated with the development hereby permitted shall commence until a scheme for the storage of refuse and recycling (including details regarding location and means of enclosure of bin stores) 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 the refuse and recycling storage facilities shall be retained thereafter for use at all times.

Reason:

To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the amenities of the area from nuisance by reason of smell, insects or rodent pests.

8. The development is required to be carried out in accordance with:
 - Construction Management Plan Drwg no.005 (received by the LPA on 13.05.2019)

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. 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.

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.