

## 12 NOVEMBER 2019 PLANNING COMMITTEE

6e                                      PLAN/2019/0834                                      WARD:                      Heathlands

LOCATION:                      Tamarisk, Golf Club Road, Woking, GU22 0LS

PROPOSAL:                      Proposed demolition of existing dwelling and erection of two 5 bedroom detached houses with associated works.

APPLICANT:                      Mr Kenneth Caskie                                      OFFICER:                      James Kidger

---

### **REASON FOR REFERRAL TO COMMITTEE**

The proposal is for the erection of dwellinghouses which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Planning permission is sought to demolish the existing bungalow and to erect two detached five bedroom dwellings along with associated plot subdivision. The scheme is similar to that previously approved in 2017 under PLAN/2013/1265, and has been amended since submission in order to omit the originally proposed rear dormer windows.

### **PLANNING STATUS**

- Hook Heath Neighbourhood Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Tree Preservation Order

### **RECOMMENDATION**

GRANT planning permission subject to conditions and Section 106 legal agreement.

### **SITE DESCRIPTION**

The existing property is a detached single-storey dwelling sited on the corner of Golf Club Road and Hereford Copse and accessed from the former. The plot is substantial and one of the larger in the vicinity in view of other plot subdivisions and infill development over the years.

### **PLANNING HISTORY**

- PLAN/2013/1265 – two dwellings – approved 12<sup>th</sup> April 2017. (Note: this permission remains extant and could be implemented subject to discharging any relevant conditions)
- 10637 – detached bungalow – approved 7<sup>th</sup> March 1958.

### **CONSULTATIONS**

Arboricultural Officer – No objection subject to the implementation of the submitted tree protection plan.

## 12 NOVEMBER 2019 PLANNING COMMITTEE

Highway Authority – No objection.

### **REPRESENTATIONS**

Three representations have been received objecting to the proposed development for the following reasons:

- Three storey houses would be out of character;
- The third storey would overlook properties on Hereford Copse to the rear;
- The trees on site should be retained; and
- Disruption and noise caused by building works.

*Officer note: the originally proposed rear dormers have been removed from the scheme and the dwellings are no longer considered three storey. Disruption caused by building work is not a material planning consideration.*

### **RELEVANT PLANNING POLICY**

#### 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 15 – Conserving and enhancing the natural environment

#### Development Management Policies DPD (2016):

DM2 – Trees and landscaping  
DM10 – Development on garden land

#### Woking Core Strategy (2012):

CS8 – Thames Basin Heaths Special Protection Areas  
CS10 – Housing provision and distribution  
CS11 – Housing mix  
CS12 – Affordable housing  
CS18 – Transport and accessibility  
CS21 – Design  
CS22 – Sustainable construction  
CS24 – Woking's landscape and townscape  
CS25 – Presumption in favour of sustainable development

#### Hook Heath Neighbourhood Plan (2015):

BE1 – Design of new developments  
BE2 – Off-road parking

#### Supplementary Planning Documents (SPDs):

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

## 12 NOVEMBER 2019 PLANNING COMMITTEE

### PLANNING ISSUES

1. The main planning considerations material to this application are the principle of development on the site, the standard of accommodation to be provided, the impact on the character of the area, the impact on the amenity of neighbouring properties and the impact on protected trees.

#### Principle of development

2. The proposed development would subdivide the plot and result in one additional dwelling sited on land which is currently residential garden. This is considered acceptable in principle in view of the previously approved scheme, which is still extant.
3. Notwithstanding this, any scheme for development on garden land is required to comply with policy DM10 of the Development Management Policies DPD. The policy states that such development “will be supported provided that it meets other relevant Development Plan policies and that:
  - (i) it does not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area, taking account of the need to retain and enhance mature landscapes;
  - (ii) it presents a frontage in keeping with the existing street scene or the prevailing layout of streets in the area, including frontage width, building orientation, visual separation between buildings and distance from the road;
  - (iii) 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
  - (iv) 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.”
4. These points are considered met and are further discussed below.

#### Standard of accommodation

5. Each proposed dwelling would have five bedrooms and a potential occupancy of ten persons. Each of the bedrooms would be well sized – the smallest would be around 15 sq.m. – with good outlook and natural lighting. The total floor area of each dwelling would be in excess of 360 square metres – ample for dwellings of this scale – and the large ground floor living rooms would ensure plentiful circulation space.
6. The private amenity space at the rear of each plot would be in excess of 450 square metres. This is considered commensurate with the size of the proposed dwellings and in accordance with the recommendation within the Outlook, Amenity, Privacy and Daylight SPD, which for large family houses calls for the area of amenity space to be greater than the gross floor space.

#### Character of the area

7. The urban grain along Golf Club Road is one of large detached houses set back from the road, some on very generous plots and others more modest. The former tend to be original and the latter the result of infill development and plot subdivision. The application site remains original and is consequently larger than many in the vicinity.
8. The subdivision of the site into two plots would still result in plot sizes commensurate with others nearby, notably Blackwood, Denali and Merligen to the east and nos. 1-5

## 12 NOVEMBER 2019 PLANNING COMMITTEE

Hereford Copse to the west. The proposed dwellings would be set back from the road and accessed via driveways like others in the street scene. Architecturally they are considered appropriate and the access arrangements are acceptable. Further, all significant trees forward of the proposed dwellings would be retained and the frontages would remain in keeping with the Arcadian character of the area.

9. The proposed development is therefore considered to accord with policy DM10 and with policy BE1 of the Hook Heath Neighbourhood Plan, which similarly calls for development in keeping with the prevailing character of the area.

### Impact on neighbouring amenity

10. The proposed dwelling at the east side of the site would be set back 2m from the boundary with Black Pots Cottage and would be partially obscured by the retained boundary screening. Black Pots Cottage itself would be a further 10m distant. This combination is considered sufficient to prevent any significantly harmful overbearing impact to that property.
11. The site is bound to the west by Hereford Copse and there would be little impact to the properties beyond, the nearest of which would be in excess of 22m distant. Significant boundary screening would also be retained.
12. The existing property is a bungalow and the proposed two storey dwellings would have the potential to facilitate the overlooking of neighbouring properties. The Outlook, Amenity, Privacy and Daylight SPD recommends a separation distance of at least 20m between the rear elevations of two storey dwellings (roof lights do not count as a third storey for the purposes of the SPD, and in any case will be conditioned so that the lower edge is a minimum of 1.7m above finished floor level). The distance between the proposed dwellings and the boundary with no. 5 Hereford Copse at the rear would be 23 and 21m respectively, and the view would be partially obscured by the retained screening. This is considered acceptable and there would be no significant harm to the amenity of 5 Hereford Copse.
13. Obscure glazed first floor side windows are proposed on both dwellings to serve bathrooms and en-suites. The obscure glazing will be secured by condition in order to prevent overlooking between the properties and toward Black Pots Cottage.
14. As a whole the proposed development is not considered significantly harmful to neighbouring amenity and it would accord with the provisions of the Outlook, Amenity, Privacy and Daylight SPD and policy CS21 of the Core Strategy.

### Parking

15. Each proposed dwelling would have an integral double garage and space for a further two vehicles on the driveway. This is in excess of the level recommended within the Parking Standards SPD, which for five bedroom houses calls for three spaces per dwelling.

### Trees

16. The site is covered by an area tree preservation order (TPO) made in 1964. A tree protection plan has been submitted detailing how retained trees will be protected during building works and its contents will be secured by condition.

## 12 NOVEMBER 2019 PLANNING COMMITTEE

### Thames Basin Heaths Special Protection Area (TBH SPA)

17. The site is within 5km of the TBH SPA and the proposed development would result in additional residential units. Natural England have demonstrated that additional residential development within such proximity can have a significant effect upon the rare bird population of the SPA.
18. Policy CS8 of the Woking Core Strategy requires an appropriate contribution toward Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM) in order to mitigate these effects, and the applicant has indicated his willingness to enter into an appropriately worded legal agreement securing this contribution.

### Sustainability

19. Following a Ministerial Written Statement to Parliament on 25 March 2015, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This was expected to happen alongside the introduction of Zero Carbon Homes policy in late 2016. The government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4.
20. Until the amendment is commenced, Local Planning Authorities are expected to take this statement of the Government's intention into account in applying existing policies and setting planning conditions. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4. Subject to such conditions, the proposal is considered acceptable in terms of sustainability.

### Affordable Housing

21. Policy CS12 of the Core Strategy states that all new residential development on greenfield land (garden land is classified as such) will be expected to provide 50% affordable housing, or a financial contribution toward the provision of affordable housing off-site.
22. However, paragraph 63 of the National Planning Policy Framework (NPPF) (2019) states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The site is not within a designated rural area and does not constitute major development (development where 10 or more dwellings will be provided or, if the number of dwellings is not known, the site has an area of 0.5 hectares or more).
23. Whilst weight should still be afforded to policy CS12 it is considered that greater weight should be afforded to the policies within the NPPF. As such, given that the proposed development would not be major development no affordable housing financial contribution is sought.

## 12 NOVEMBER 2019 PLANNING COMMITTEE

### Local Finance Considerations

24. The proposed development is residential and thus liable for a financial contribution under the Community Infrastructure Levy (CIL).
- The gross new build floor space would amount to 808m<sup>2</sup>.
  - The floor space lost through demolition would amount to 119m<sup>2</sup>.
  - The net additional floor space would therefore be 689m<sup>2</sup>.

CIL would therefore be payable on the net increase of 689m<sup>2</sup>.

### **CONCLUSION**

The proposed development would provide an additional unit of accommodation in the Borough and would generate some economic activity during construction works. Both dwellings would provide a high standard of accommodation, would be in keeping with the character of the area and would not unduly impact neighbouring amenity. The application is therefore recommended for approval subject to conditions and a legal agreement securing a SAMM contribution.

### **BACKGROUND PAPERS**

Site Photographs dated 4<sup>th</sup> October 2019.

### **RECOMMENDATION**

It is recommended that planning permission be GRANTED subject to the completion of a legal agreement securing a SAMM contribution and the following conditions:

1. The development for which permission is hereby granted shall 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:

01A – Plot 1 – received 17<sup>th</sup> October 2019  
02A – Plot 2 – received 17<sup>th</sup> October 2019  
03A – Site Plan – received 17<sup>th</sup> October 2019

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

3. ++ No above ground development associated with the development hereby permitted shall commence until details and samples of the materials to be used in the external elevations 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.

## 12 NOVEMBER 2019 PLANNING COMMITTEE

Reason: To protect the visual amenities of the area.

4. The roof lights in the dwellings hereby permitted shall be sited so that their lower edges are a minimum of 1.7 metres above the finished floor level of the rooms in which they are installed. Once installed the roof lights shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties.

5. The 4no. first floor windows in the side 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 finished floor level of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties.

6. 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 extension, addition or other alteration permitted by Classes A, B, C and D of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

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

7. ++ No above ground development associated with the development hereby permitted shall commence until details of all screen and boundary walls, fences, hedges and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure will be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved unless otherwise agreed in writing by the Local Planning Authority. Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenity and privacy of the occupants of neighbouring properties and to preserve and enhance the character and appearance of the locality.

8. ++ Prior to the commencement any above ground works in connection with the development hereby permitted, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:
  - a. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design

## 12 NOVEMBER 2019 PLANNING COMMITTEE

- Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
- b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

9. Protective measures shall be carried out in strict accordance with the arboricultural method statement and tree protection plan by ACD Environmental received on 17<sup>th</sup> October 2019, and shall also include full arboricultural supervision of works on site and a pre-commencement meeting with the Local Authority Arboricultural Officer. No works or demolition shall take place until the tree protection measures have been implemented and no new service or drainage runs shall be sited within the root protection areas of retained trees. Any deviation from the works prescribed or methods agreed in the statement and protection plan submitted will require prior written approval from the Local Planning Authority.

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself.

### **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 applicant is 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.
3. 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.
4. 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 extensions), it is essential that

## 12 NOVEMBER 2019 PLANNING COMMITTEE

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](http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

Claims for relief must be made on the appropriate forms which are available on the Council's website at:

<https://www.woking.gov.uk/planning/service/contributions>

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

For full information on this please see the guidance and legislation here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

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

5. Your attention is specifically drawn to the condition(s) 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.