

23 JUNE 2020 PLANNING COMMITTEE

6c PLAN/2020/0065

WARD: Mount Hermon

LOCATION: Veryan, Pembroke Road, Woking, GU22 7DS

PROPOSAL: Demolition of existing bungalow and erection of two semi-detached two storey dwellings.

APPLICANT: Mr Patrick Nevin

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.

PROPOSED DEVELOPMENT

Planning permission is sought to demolish the existing bungalow and to erect a pair of two storey semi-detached four bedroom dwellings, along with associated plot subdivision. The scheme is the same as that previously submitted under PLAN/2015/0326, which was allowed on appeal in 2016 but has since expired.

PLANNING STATUS

- Surface Water Flooding
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

RECOMMENDATION

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

SITE DESCRIPTION

The existing property is a detached single storey dwelling on the east side of Pembroke Road. The plot is substantial and larger than the ones to either side, both of which are the result of fairly recent subdivisions.

PLANNING HISTORY

- PLAN/2015/0326 – erection of two semi-detached dwellings – refused 9th June 2015. Appeal allowed 14th March 2016.

CONSULTATIONS

None.

REPRESENTATIONS

One (1) representation has been received objecting to the proposed development for the following reasons:

23 JUNE 2020 PLANNING COMMITTEE

- Semi-detached properties would be out of keeping;
- Noise impact to Glenealy; and
- Overlooking of neighbouring properties.

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

Development Management Policies DPD (2016):

DM10 – Development on garden land

Woking Core Strategy (2012):

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

CS22 – Sustainable construction

CS24 – Woking's landscape and townscape

CS25 – Presumption in favour of sustainable development

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Climate Change (2013)

Outlook, Amenity, Privacy and Daylight (2008)

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 flood risk.

Principle of development

2. The proposed development would subdivide the plot and provide one additional dwelling. The site is within the urban area where such schemes are broadly acceptable in principle, and this is further reinforced in this case given the previous appeal decision.
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:

23 JUNE 2020 PLANNING COMMITTEE

- (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 four bedrooms and a potential occupancy of eight persons. Each of the bedrooms would be well sized with good outlook and natural lighting. The total floor area of each dwelling would be in excess of 170 square metres – ample for dwellings of this scale – and the large open-plan ground floor living areas would ensure plentiful circulation space.
6. The private amenity space at the rear of each plot would be in excess of 225 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 Pembroke Road is largely one of detached houses on relatively spacious plots. However, the neighbouring plots of Hatta and Pine Tree Cottage, to the south and north of the application site respectively, have both been subdivided within the past decade and the emerging character of this part of the street is one of narrower frontages and a more closely knit urban grain.
8. The subdivision of the site into two plots would result in frontages and plot sizes commensurate with those of the neighbouring plots as described above. Though most of Pembroke Road comprises detached properties, the proposed semi-detached pair would be located close to the existing semi-detached pair of Dunvegan and Hatta, and would not therefore be substantively out of keeping.
9. The proposed dwellings, like those on the subdivided plots to either side, would share an access and this element would remain in keeping with the existing street scene. A suitable area of soft landscaping – deeper than the existing – would be provided between the forecourt and the road, which would preserve the Arcadian character of the streetscape.
10. The proposed development is therefore considered to accord with policy DM10 and would be in keeping with the emerging character of the area.

Impact on neighbouring amenity

23 JUNE 2020 PLANNING COMMITTEE

11. The proposed building would be set back a minimum of 1.7m from the northerly boundary and 1.4m from the southerly, in excess of the recommended 1m within the Outlook, Amenity, Privacy and Daylight SPD. At the north side a dwelling permitted under PLAN/2019/0779 is currently under construction. The proposed building would extend around 6m beyond the rear elevation of that dwelling, but would pass the 45 degree test (contained within the aforementioned SPD) on the vertical axis. At the south side the proposed building would not extend beyond the flank elevation of Glenealy, which contains no primary windows.
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 30m between the rear elevations of three storey dwellings (the dormers are treated as a third storey for the purposes of the SPD). The distance between the proposed building and 43 Park Road – around 60m – would easily exceed this, while the oblique angle of view toward the rear of Glenealy is not untypical of two storey dwellings in close proximity.
13. Obscure glazed first floor side windows are proposed on both dwellings to serve en-suites. The obscure glazing will be secured by condition in order to prevent overlooking to either side.
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. Three parking spaces would be provided for each proposed dwelling. This would accord with the recommendation for 4 bedroom dwellings as set out within the Parking Standards SPD.

Flood risk

16. The site is within an area at medium (1 in 1000 year) risk of surface water flooding. A drainage scheme will be secured by condition in order to ensure the risk of flooding is not worsened.

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 an appropriately worded legal agreement securing this contribution will be sought prior to any grant of planning permission.

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

23 JUNE 2020 PLANNING COMMITTEE

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.

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 345m².
 - The floor space lost through demolition would amount to 160m².
 - The net additional floor space would therefore be 185m².

CIL would therefore be payable on the net increase of 185m².

CONCLUSION

The proposed development would provide an additional unit of accommodation in the Borough and would generate some economic activity during construction works. Both proposed 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 would accord with policy DM10 of the Development Management Policies DPD and is

23 JUNE 2020 PLANNING COMMITTEE

therefore recommended for approval, subject to conditions and a legal agreement securing a SAMM contribution.

BACKGROUND PAPERS

Site Photographs dated 10th March 2020.

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:

CDA-105-050 Rev A – Proposed Site Plan – received 8th June 2020
CDA-105-051 – Proposed Plans – received 20th January 2020
CDA-105-052 – Proposed Plans – received 20th January 2020
CDA-105-053 – Proposed Elevations – received 20th January 2020
CDA-105-054 Rev A – Proposed Elevations – received 20th January 2020
CDA-105-055 – Proposed Street Scene – received 20th January 2020

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

3. The materials to be used in the external elevations shall be those approved by the Local Planning Authority under application reference COND/2016/0051. 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. Hard landscape works and the erection of any means of enclosure shall be carried out prior to the occupation of the development hereby permitted in accordance with the details approved by the Local Planning Authority under application reference COND/2016/0051, and retained as such permanently thereafter.
5. Soft landscape works shall be carried out in accordance with the details approved by the Local Planning Authority under application reference COND/2016/0051, within the first planting season (November-March) following the occupation or completion of the development hereby permitted, whichever is the sooner, and shall be retained and maintained thereafter
6. Any plants which die, become seriously diseased or damaged or are removed within a period of five years from the date of the planting shall be replaced

23 JUNE 2020 PLANNING COMMITTEE

during the next planting season with plants of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

7. Prior to the occupation of the development hereby permitted, the refuse and recycling facilities shown on the approved plans shall be made available and thereafter retained for use at all times.
8. Prior to the occupation of the development hereby permitted, the vehicle parking and turning space shall be provided as shown on the approved plans and shall be retained and maintained solely for parking purposes thereafter.
9. Prior to the occupation of the development hereby permitted, the vehicular access to Pembroke Road shall be provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be permanently kept clear of any obstruction above 1.05 metres in height.
10. 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.

11. The 2no. 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.

12. ++ No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development achieves a high standard of sustainability. 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.

13. The development hereby permitted shall be carried out wholly in accordance with the evidence of sustainability (emission rate and water usage) submitted to and approved by the Local Planning Authority under application reference COND/2016/0051, and maintained as such in perpetuity.

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:

23 JUNE 2020 PLANNING COMMITTEE

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 a Commencement Notice be submitted at least one day prior to the starting of the development. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from:

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

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

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

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

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

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

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

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

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

23 JUNE 2020 PLANNING COMMITTEE

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.