

LOCATION: GARAGES AT WINDSOR COURT ROAD, CHOBHAM, WOKING, GU24 8LH

PROPOSAL: Erection of 2 No. semi-detached 2 storey, three bedroom houses, 2 No. semi-detached one bedroom bungalows, and single storey extension to provide 1 No. one bedroom ground floor flat with associated car parking and landscaping, following the demolition of existing garages.

TYPE: Full Planning Application

APPLICANT: Mr Ali
PAN English Developments Ltd

OFFICER: Duncan Carty

This application would normally be determined under the Council's scheme of Delegation. However, it has been reported to the Planning Applications Committee at the request of Cllr. Mrs P. Tedder.

RECOMMENDATION: GRANT subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 This planning application relates to the redevelopment of a garage court to provide separate two storey and single storey buildings and an extension with the conversion of a ground floor part of a larger flatted building to provide 2 no. three bedroom and 3 no one bedroom dwellings with parking, and retaining the existing access to Windsor Court Road. The houses will be provided for the social rented housing sector.
- 1.2 The current proposal would not have an adverse impact on local character, residential amenity, and highway safety. In addition, the proposal is subject to the securing of a contribution towards SAMM and ensuring that 100% affordable housing is provided and retained for this development. Subject to the completion of a legal agreement, the application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 This planning application relates to a garage court, bin storage and drying area located at the end of short access road from Windsor Court Road. This access approach has three storey flats/maisonette blocks 20 to 34 and 35 to 49 Windsor Court Road, respectively) to either side. The flank boundary of the two storey end-of-terrace residential property, 19 Windsor Court Road, lies to the west boundary of the site. This is open residential amenity land, as a part of the courtyard serving dwellings 50-61 Windsor Court Road to the east with the Windsor Rugby Club located to the south boundary.
- 2.2 The site falls within the Green Belt settlement of Chobham, and adjacent to a defined green space (i.e. the rugby club site) within this settlement. The site provides 25 garage parking spaces. The upper floor flat, 49 Windsor Court Road, is located over some of these garages. There is one conifer tree on the site, but the majority of the site is hardstanding.

3.0 RELEVANT HISTORY

There is no relevant planning history associated with the application site.

4.0 THE PROPOSAL

- 4.1 The current proposal is to provide separate two storey and single storey buildings and conversion of a ground floor part of a larger flatted building to provide 2 no. three bedroom and 3 no. one bedroom dwellings with parking, retaining the existing access to Windsor Court Road. The semi-detached bungalows would be located to the west portion of the site, facing the end elevation of flats 20-34 Windsor Court Road. The two storey semi-detached houses would sit alongside 35-49 Windsor Court Road facing west with a flat provided under an existing maisonette (49 Windsor Court Road) which currently sits over part of the garage court. A single storey extension to this accommodation, to a similar depth and height as an existing single storey element of the adjoining flats (47/48 Windsor Court Road) is also proposed. Private rear amenity areas would also be provided for the dwellings.
- 4.2 The proposed buildings would have a traditional gable roof shape but would have modern detailing, such as render panels under windows and flat roof storm porches, reflecting similar modern styling on the adjoining residential blocks. The existing drying area appears unused and will be removed. The bin stores, for flats 48 and 49 Windsor Court Road would be re-provided in a similar location, with similar facilities provided for all of the proposed units in rear garden areas.
- 4.3 The current proposal would provide the following units:

Units	Ridge/Max height	Eaves height	Width (combined)	Depth
1 & 2 (bungalows)	4.3m.	2.6m.	16.6m.	6.8m.
3 (flat under 49 Windsor Court Road - extension only*)	3.6m*	2.6m.*	4.9m.	9.4m.
4 & 5 (houses)	6.8m.	5.0m.	10.7m.	10m.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Tree Officer No objections (verbal).
- 5.3 Chobham Parish Council Raises an objection on the following grounds:
- Loss of parking spaces likely to cause displacement of vehicles in the immediate area creating conflict among neighbours. The transport statement does not accurately reflect the situation “on the ground”;

- Windsor Court Road is a bus route and any development giving rise to further on-road parking along this route should be resisted;
- The cypress tree identified for felling is deemed worthy of retention by virtue of its maturity;
- The need for affordable housing for people with a local connection to the area has not been proven;
- Loss of community facility (parking/storage);
- Disproportionate increase in floorspace (over 30% increase over existing buildings); and
- If approved accessibility for mobility scooters to be guaranteed and dwelling to be delivered with the best possible energy efficiency measures.

6.0 REPRESENTATION

6.1 At the time of preparation of this report no representations of support and three, including one from the Chobham Society, raising an objection, making the following objections:

- Loss of garage [See Paragraph 7.4 & 7.6]
- Parking issues [See Paragraph 7.6]
- Noise [*Officer comment: It is not envisaged that providing residential development in this area would substantially increase the level of noise in this area*]
- Overcrowding [See Paragraphs 7.3 & 7.5]
- Loss of tree [See Paragraph 7.3]
- Lack of available parking in the vicinity particularly at weekends and in the evenings [*Officer comment: This is noted but is not a reason to refuse this application*]
- Inadequate parking [see Paragraph 7.6]
- Recently constructed houses (at 1-8 Windsor Court Road) under permission SU/12/0196) has attracted occupants who are not locals causing disquiet between them and some of the older residents (of the adjoining flat blocks), exacerbated by high density of development around the site [*Officer comment: Each application is assessed on its own merits*]
- The loss of garaging without replacement will make parking difficult in the area [See Paragraph 7.6]
- With Little Heath Nursery under way, housing need (for affordable homes) in the area will be met for some time to come [*Officer comment: This application is not proposed as affordable housing*]

7.0 PLANNING CONSIDERATIONS

7.1 The application proposal is located within the Green Belt settlement of Chobham. As such, Policies CP1, CP2, CP5, CP6, CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved) (SEP); and the National Planning Policy Framework (NPPF); as well as advice within the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2011 (TBHSPD); the Infrastructure Delivery Supplementary Planning Document 2014 (IDSPD); Interim Procedure Guidance Note for Affordable Housing 2012 (IPGNAH); the Surrey Heath Residential Design Guide SPD 2017 (RDG); and the national Planning Policy Guidance (PPG) are relevant to the consideration of this application.

7.2 It is considered that the main issues are:

- The principle for the development;
- The impact on the character of the area and Green Belt;
- The impact on residential amenity;
- The impact on highway safety;
- The impact on affordable housing provision;
- The impact on the Thames Basin Heaths Special Protection Area; and
- The impact on local infrastructure.

7.3 The principle for the development

7.3.1 The current proposal relates to the redevelopment of a garage court for the provision of residential development within the Green Belt settlement of Chobham. Whilst the village is a “washed over” Green Belt settlement, normal settlement policies would apply, instead of national Green Belt policy.

7.3.2 Policy DM14 of the CSDMP indicates that the loss of existing community facilities would be resisted unless the demand can be met from alternative provision or there is no such demand to retain such facilities. The existing facility is not listed as a facility which may be considered to be a community facility under paragraph 6.91 of the CSDMP, which supports this policy. In any event the existing garages are not fit for purpose having a sub-standard size for modern day cars, with only two of the existing garages let to local residents. As such, there is no objection to the principle of the development, subject to the assessment below.

7.4 Impact on the character of the area and the Green Belt

7.4.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that development will be acceptable where high quality design is to be provided which respects and enhances the local character paying regard to scale, materials, massing, bulk and density. Whilst the NPPF (and Policy CP1 of the Core Strategy) supports the best use of urban land, Paragraph 56 of the NPPF indicates that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should positively to making places better for people”*.

- 7.4.2 Principle 7.4 of the RDG indicates that new development should reflect the spacing, heights and building footprints of existing buildings. Principle 7.5 that proposals should not generally introduce new roof forms that diverge from the prevailing character. The current proposal would provide new housing, smaller than the adjacent blocks of development, or provided in the case of the ground floor flat within the existing built fabric, and would form an acceptable relationship with the scale and size of adjoining properties, noting the size of the gaps between building blocks which would be retained. The design of the proposed buildings would reflect design cues from the adjoining buildings, principally traditional (gable roof) in shape with modern design features. It is considered that the proposal would be acceptable in terms of its impact on local character.
- 7.4.3 Principle 6.7 of the RDG indicates that development should not be dominated by parking, maintain activity in the streetscene and design so that no more than 3 spaces are provided together without intervening landscaping. The proposal would replace the garage court and drying area with residential plots with parking to the front with some soft landscaping which, noting the poor quality of the existing environment, would improve the appearance of the site.
- 7.4.4 The proposal would result in the loss of a large cypress tree. The Council's Arboricultural Officer supports its removal and replacement with more suitable tree species for this location. This would be provided by condition. Other minor off-site trees, a horse chestnut and a hazel tree, would be retained.
- 7.4.5 It is therefore considered that the current proposal would not have an adverse impact on local character, complying in this respect with Policy DM9 of the CSDMP, the NPPF and advice in the RDG.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP indicates that proposals should provide sufficient private amenity space and respect the amenity of occupiers of neighbouring properties and uses. Principle 8.1 of the RDG indicates that developments should not result in a significant adverse effect on the privacy of neighbouring properties. Principle 8.3 of the RDG indicates that developments should not result in occupants of neighbouring dwellings suffering a material loss of daylight and sun access.
- 7.5.2 The proposed bungalows would be located opposite ground floor flats in the residential block (20-34 Windsor Court Road) with rear walls beyond the main rear wall of the adjoining property to the west, 19 Windsor Court Road. Consistent with Principle 8.3 of the RDG, the proposal would provide a 25 degree vertical line of sight retained from the mid-point of the ground floor flat windows facing the proposal and a 60 degree horizontal line of sight from the nearest windows in the rear elevation of the adjacent house. The proposed bungalows would not result in an overbearing presence on, or substantive loss of light to, these properties.
- 7.5.3 The proposed houses would be located forward of the adjoining flat block (35-47 Windsor Court Road) and its impact limited, particularly at first floor level with a 45 degree horizontal line of sight (from the new ground floor flat) and 60 degree horizontal line of sight (from the nearest first floor window in the front elevation of this block). As such, this relationship would not result in an overbearing presence on, or substantive loss of light to, these properties.
- 7.5.4 The proposed extension to the proposed flat would not extend beyond a similar projection to the adjoining flats 47/48 Windsor Court Road and has to be seen in the context of the removal of the much larger garage block at the mutual boundary. As such, this element of the proposal is acceptable in terms of its impact on residential amenity.

- 7.5.6 All other nearby residential properties are set some distance from the application site, sufficient to limit the impact of the current proposal on these properties.
- 7.5.7 The current proposal would provide amenity space to the rear of the respective properties. This accommodation would serve small residential units, which could be occupied by smaller families. The provision of a private rear garden area would provide an acceptable passive amenity space for future occupiers of the proposed flats. It is therefore considered that the proposed development would provide an acceptable level of accommodation for future occupiers.
- 7.5.8 It is therefore considered that the proposed development would not have a significant impact on residential amenity for surrounding properties complying in this respect with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.6 Impact on highway safety

- 7.6.1 The proposal would provide seven parking spaces to serve this development which complies with the SCC parking standards. The proposal would result in the loss of a garage court of 25 garages. However, these garages at 2.2 metres in width are too narrow to parking modern-day cars and they do not provide such a function for vehicle parking supporting local parking facilities. It is noted that there are limited parking facilities in the local area, and there may result in some displacement of parking onto local streets. However, the applicant has advised that only two of the garages are rented by local residents; and therefore the displacement would, if these garages are used to park a car, be a maximum of two cars.
- 7.6.2 The County Highway Authority has considered that the level of displacement would be absorbed onto these streets without harming highway safety. The proposal would provide seven car parking spaces to meet SCC parking standards. Whilst, it is also noted that would be an increase in traffic movements, the County Highway Authority has raised no objections to the proposal on parking and highway safety grounds and the Authority consider that these arrangements would not be detrimental to parking and highway safety.
- 7.6.3 It is considered that the proposed development is acceptable on highway safety and parking grounds complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.7 Impact on affordable housing provision

- 7.7.1 Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires the provision of an affordable housing unit where there is a net increase of five dwellings (as proposed). Since the appeal decision (for Vernon House appeal on SU/15/0701) indicates that national policy, as expressed in the Written Ministerial Statement (WMS) in conjunction with the PPG, makes it clear that in relation to schemes of 10 dwellings, or less, contributions would not be sought for affordable housing.
- 7.7.2 However, in this case, the proposal is for 100% affordable housing which is to be secured through a legal agreement. As such, the proposal complies with Policy CP5 of the CSDMP, the NPPF and the WMS.

7.8 Impact on the Thames Basin Heaths Special Protection Area

- 7.8.1 The application site is located 550 metres from the SPA. SANG is collected through CIL. However, SAMM is collected outside of the CIL regulations and in this instance a contribution of £2,420 towards SAMM would be required. Subject to the completion of a legal agreement to secure this contribution, no adverse impact on the SPA is envisaged and no objection would be raised on these grounds, with the proposal complying with Policy CP14 of the CSDMP, Policy NRM6 of the SEP and the TBHSPD.

7.9 Impact on local infrastructure

- 7.9.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. However, the development is not CIL liable as it is for wholly affordable housing and the necessary exemption forms have been submitted and to ensure that the development remains CIL exempt, a legal agreement is required to be completed. An informative regarding CIL will also be added. It is therefore considered that the proposal, subject to the completion of the aforementioned legal agreement, would be in accordance with Policy CP12 of the CSDMP, the IDSPD and the NPPF.

8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

9.0 CONCLUSION

- 9.1 The current proposal is considered to be acceptable in terms of its impact on local character, residential amenity and highway safety. In addition, a legal agreement in relation to the provision of a contribution towards SAMM and delivery/retention of 100% affordable housing is proposed and subject to its completion, the proposed development is considered to be acceptable.

10.0 RECOMMENDATION

GRANT, subject to the securing of a contribution towards SAMM and delivery and retention of 100% affordable housing, the following conditions:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The proposed development shall be built in accordance with the following approved plans: 160644-P.012, 160644-P.013, 160644-P.014, 160644-P.015, 160644-P.016 and 160644-P.017, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The parking spaces shown on the approved drawing no. 160644-P.012 shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5.
 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
 2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**

3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. The development hereby approved shall be implemented in accordance with the Arboricultural Impact Assessment by Alderwood Consulting Limited dated 24 July 2017 (Ref: D1652AIA).

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. The applicant is reminded of the affordable housing declaration on the completed CIL Exemption Claim form.

The Planning Authority will notify you in writing as soon as practicable, confirming the amount of exemption granted.

Before commencing the development, you must submit a CIL Commencement Notice to the Planning Authority. This must state the date on which the development will commence, and the Planning Authority must receive it on or before that date. Failure to submit the Commencement Notice in time will immediately mean the development is liable for the full levy charge.

In the event that a satisfactory legal agreement has not been received by the 1 December 2017, or any longer period as agreed by the Executive Head of Regulatory, to secure a contribution towards SAMM and ensuring that the development is provided and retained as 100% affordable housing, the Executive Head of Regulatory be authorised to REFUSE the application for the following reason:-

- 1 In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, as amended, or payment of the SAMM payment in advance of the determination of the application, the applicant has failed to comply with Policy CP14B (vi) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 of the South East Plan 2009 (as saved) in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).

2. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, as amended, the applicant has failed to comply with Policies CP12 and CP14 of the Surrey Heath Core Strategy and Development Policies 2012 and Policy NRM6 of the South East Plan 2009 (as saved) in relation to the provision of contributions towards local infrastructure including towards sites of accessible natural greenspace (SANG) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012) which would otherwise be exempted for affordable housing under the CIL regulations.