

A1 WA/2018/0566
S H Shah
04/04/2018

Erection of a dwelling at Land adjacent to 8 Manor Lea Close, Milford GU8 5EH. As amended by plans received 10/09/2018 and additional plans received on 08/10/2018.

Committee: Central Area
Meeting Date: 7/11/2018

Public Notice: Was Public Notice required and posted: N/A
Grid Reference: E: 494441 N: 142553

Parish: Witley
Ward: Milford
Case Officer: Ms L Smitheman
Expiry Date: 29/05/2018
Time Extended Date: 08/11/2018
Neighbour Notification Expiry Date 31/05/2018
Neighbour Renotification Expiry Date::

RECOMMENDATION That, subject to conditions and informatives, permission be GRANTED

Introduction

The application has been brought before the Area Committee at the request of the Local Member. The reasons for the call-in relate to:

- the impact of the development on the neighbourhood of Manor Lea Close
- Adequacy of floor area and room sizes to support acceptable living standards
- Practicality of access and parking space given the current off-street parking density

Amended plans were received on the 8th of October 2018 which ensure that the proposal would not overhang the site boundary.

Location Plan



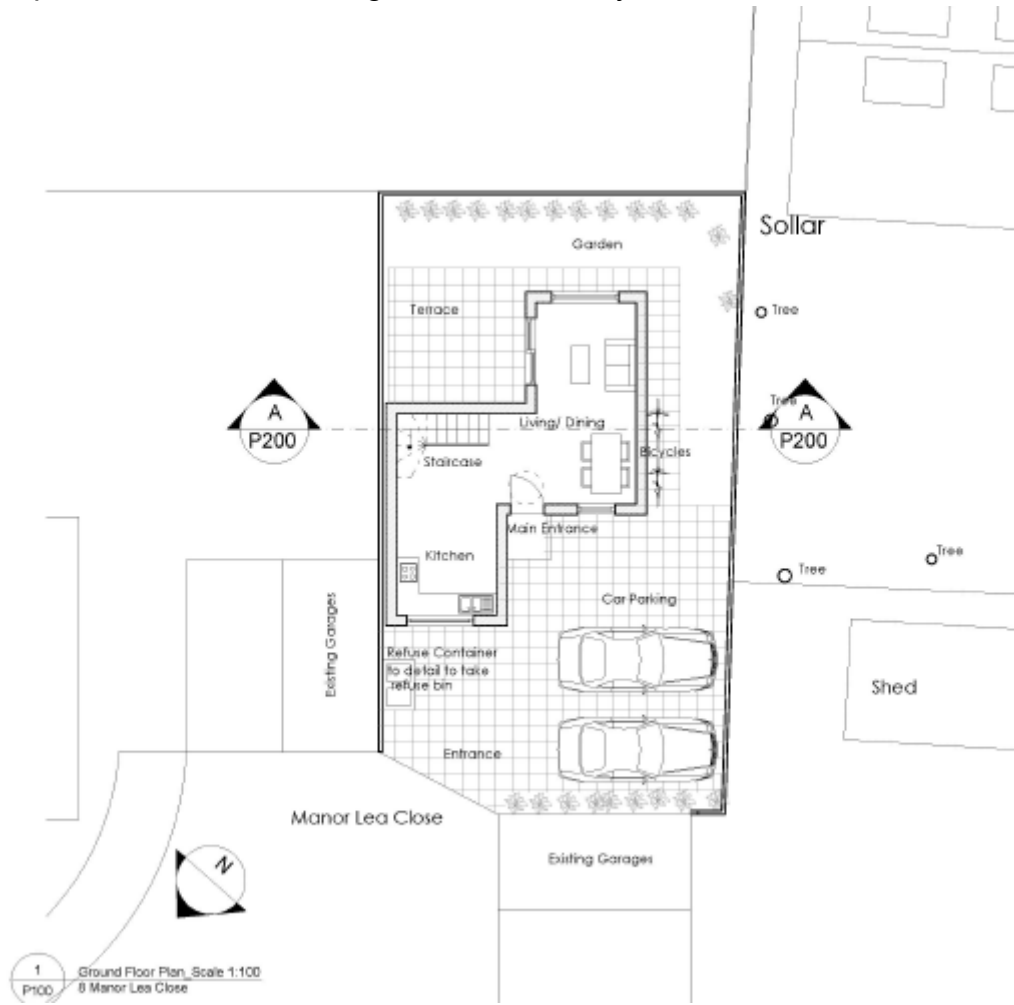
Site Description

The application site is located at the end of a cul de sac on land adjacent to 8 Manor Lea Close Milford. The cul de sac is developed with 2 storey dwellings of a similar period. There are existing garages immediately adjacent to the site to the west and to the front of the site to the south. There is a new detached dwelling being erected on a site to the rear of Soller, adjacent to and immediately to the rear of the site. The site, formerly garden land of 8 Manor Lea Close, is covered in grass and has two trees. The site area measures 158 sqm.

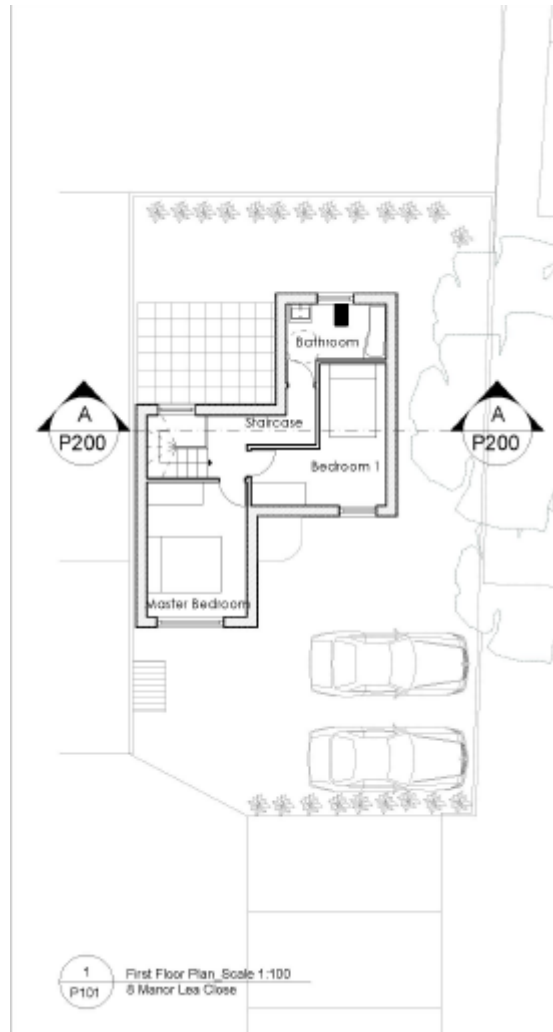
Proposal

The proposal is for a 2 bedroom two storey detached dwelling with a footprint of 40sqm. There would be a rear patio and immediately associated garden area. The plans indicate car parking for two vehicles with an entrance onto Manor Lea Close and a bicycle rack.

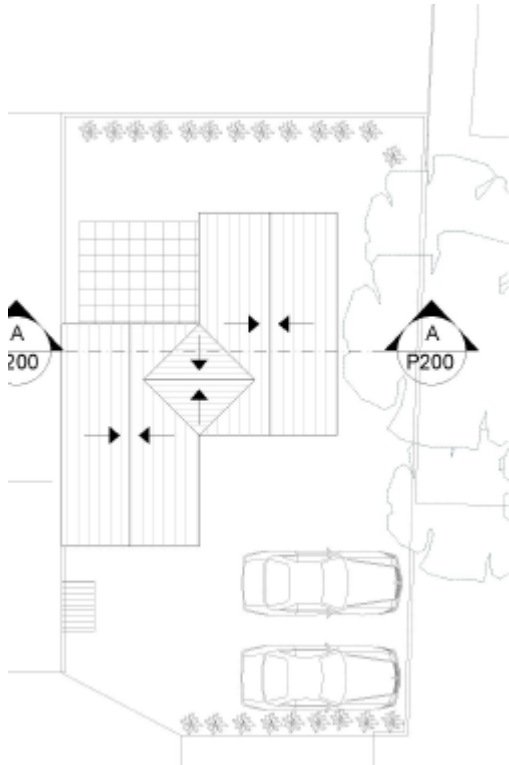
Proposed Site Plan showing Ground Floor layout



Proposal showing first floor



Proposal showing roof plan



Proposed Elevations

Proposed West Elevation



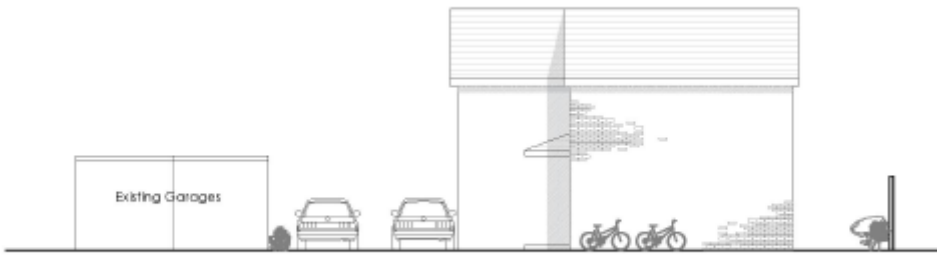
1 West Elevation_Scale 1:100
P300 8 Minor Less Close

Proposed East Elevation



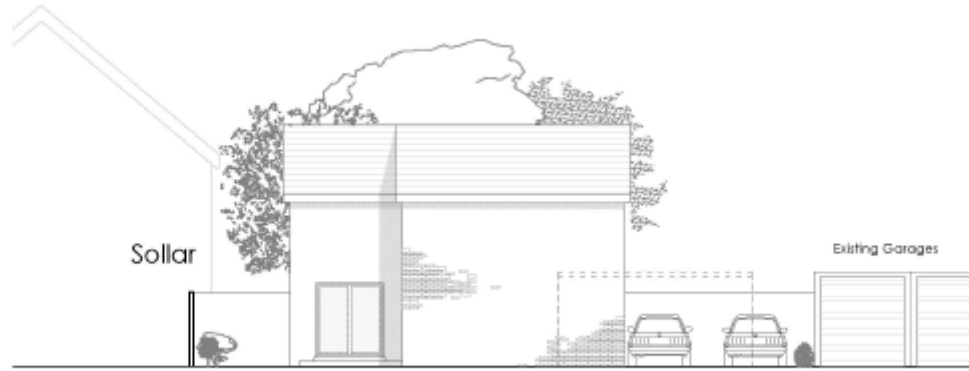
2 East Elevation, Scale 1:100
P300 8 Minor Lea Close

Proposed South Elevation



1 South Elevation, Scale 1:100
P301 8 Minor Lea Close

Proposed North Elevation



2 North Elevation, Scale 1:100
P302 8 Minor Lea Close

Relevant Planning History

WA/2016/2382	Erection of a dwelling	Withdrawn 01/02/2017
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Planning Policy Constraints

Rural Settlement of Milford
Area of Outstanding Natural Beauty (AONB)
Neighbourhood Plan Designation
Wealden Heaths I SAC 2km Buffer Zone
Wealden Heaths I SPA 5km Buffer Zone

Development Plan Policies and Proposals

The development plan includes:

- Waverley Borough Local Plan, Part 1: Strategic Policies and Sites (adopted February 2018)
- Waverley Borough Local Plan 2002 (retained policies February 2018)
- South East Plan (saved policy NMR6)
- Farnham Neighbourhood Plan (made May 2017)

In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) due weight has been given to relevant retained policies in the Waverley Borough Local Plan 2002

Other guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Council's Parking Guidelines (2013)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
- Waverley Local Plan Strategic Highway Assessment (Surrey County Council, 2016)
- Surrey Design Guide (2002)
- Surrey Hills Management Plan (2014-2019)

The relevant policies to this application are:

Local Plan, 2018, Part 1: Strategic Policies and Sites: Policies RE3, TD1, NE1 and NE2.

Retained Policies of the Local Plan 2002: Policies RD1, D1, D4, D8 and D9.

Consultations and Parish Council Comments

County Highway Authority	No objection, subject to recommended conditions and informatives.
Parish Council	Objection raised – the Parish Council believes the proposal constitutes over development which will result in overcrowding of a small site. Access to the site is likely to be constricted by parked vehicles in front of the existing garages; there are very little alternative parking areas for existing residents parking in this road.

Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” neighbour notification letters were sent on 06/04/2018 and the 12th of October 2018..

8 letters have been received raising objection on the following grounds

- There are restrictive covenants on the land.
- Concerns related to vehicle access, parking and congestion. The garages built in the 1960s are too small to hold larger cars and residents have to park in front of their garages. Residents already have to park on grass verges, making it difficult to enter and exit the close especially for large vehicles. The access to the site is about a 4-5 metre gap between 6 garages. The proposed vehicular access is dangerous due to limited space in an already congested area. Tensions could arise between residents. Concern at construction traffic accessing this corner of the road and the small gap between the garages.
- Amenity – This further dwelling (to development to the rear of Soller) would overlook this new property and properties No. 6, 7 and 8 Manor Lea Close. Increased emissions of noise, light or vibration, material loss of natural light and privacy.

At the time of report preparation, feedback had not yet been received on amendments which showed that there was no longer a roof overhang of the adjacent property. Any comments will be reported orally.

Determining Issues

Principle of development

Housing Land Supply

Impact on the rural settlement area

Impact on the AONB

Impact on visual amenity

Impact on residential amenity

Highways and parking

Effect on the SPA and SAC

Biodiversity and compliance with Habitat Regulations 2017

Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

Working in a positive/proactive manner

Response to Parish Council and third party comments

Planning Considerations

Principle of development

The site is located within the Rural Settlement of Milford, wherein the principle of development is acceptable subject to the specific impacts which are considered in the following sections.

Housing Land Supply

On 20th February 2018, the Waverley Borough Local Plan Part 1 2018 was adopted which set out a housing trajectory up to 2032. The examining Local Plan Part 1 Inspector concluded in his report dated 1st February 2018 that the Council does have five years' worth of housing supply. Therefore, the Council can demonstrate the requirement of paragraph 73 of the NPPF 2018.

Impact on the Rural Settlement Area

Retained Policy RD1 of the Local Plan 2002 states that within the Rural Settlement boundaries the Council will only permit development which is well related in scale and location to existing development and which takes account of the form, setting, local building style and heritage of the settlement. Policy RD1 is afforded substantial weight in relation to its accordance with the NPPF 2018.

The proposal is substantially surrounded by development. It is small but still well related in location to existing development. The proposal, with its pitched tiled roof and brick finish to match the existing dwellings, is considered to take account of the local building style and heritage of the settlement. The proposal is therefore considered to accord with Policy RD1.

Impact on the AONB

The site is located within the AONB. Policy RE3 of the Local Plan (Part 1) 2018 sets out that new development must respect and where appropriate, enhance the character of the landscape in which it is located.

The Surrey Hills Management Plan 2014 – 2019 sets out the vision for the future management of the Surrey Hills AONB by identifying key landscape features that are the basis for the Surrey Hills being designated a nationally important AONB.

The dwelling is set in a rural settlement and is largely surrounded by dwellings. The proposal forms part of what was the garden of 8 Manor Lea Close. The dwelling proposed, on a very small plot of land, is not of a scale which would impact the Area of Outstanding Natural Beauty and it would be set amongst largely terraced dwellings which are considered not to make a specific contribution to the AONB.

Overall, it is considered that the proposal would not have a significant impact on the AONB and the characteristics that make the AONB special would be protected. The proposal is therefore considered to accord with Policy RE3 of the Local Plan (Part 1) 2018.

Impact on visual amenity

Policy TD1 of the Local Plan (Part 1) 2018 requires development to be of high quality design and to be well related in size, scale and character to its surroundings. Retained Policies D1 and D4 of the Local Plan 2002 are attributed substantial and full weight respectively due to their level of consistency with the NPPF 2018.

The proposal has a site area which measures 158sqm and is a small plot within the context of surrounding development. The plot is set back from other dwellings in the row, but is at the end of the cul-de-sac where the set back is visually more acceptable and it is partially screened by garages. Therefore, the site is not within a prominent part of the streetscene. Further, it is noted that permission was granted for a dwelling set back from existing dwellings on

a nearby site to the rear of No.5 Manor Lea Close in 2006 (Ref: WA/2006/0238).

Officers consider that sufficient spacing would be retained between existing and proposed built form, such that the proposal would not represent an overdevelopment of the site.

The proposed detached two storey building would feature a pitched roof, with facing brickwork on external walls and concrete roof tiles. It is considered that this would be visually in keeping with the scale, form and appearance of other dwellings found locally.

It is acknowledged that there has been some loss of trees from the site. The two remaining trees on site are both domestic scale Cherry trees of poor form/condition. The proposal would result in the loss of one of these two trees; however, Officers do not consider that this would result in any material visual harm.

Overall the proposal is considered, on balance, to be well related to its surroundings and would accord with Policy TD1 of the Local Plan 2018 (Part1) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Retained Policies D1 and D4 of the Local Plan 2002 are given substantial and full weight respectively due to their consistency with the NPPF 2018.

There is currently a dwelling being erected to the rear of the adjoining property of Soller. Having regard to the angle and layout of the proposed dwelling, along with the positioning of windows, there would not be a direct pattern of overlooking, furthermore, given the orientation to the north there would not be a direct loss of light. In terms of any overbearing impact, taking into consideration the separation of the proposal to the boundary of approximately 2.4 metres (approximately 4 metres from building to building) along with the orientation of the building there would not be a harmful overbearing impact. It is considered that there would be no resultant harm to neighbouring occupiers of this property.

The ground floor of the proposed dwelling would be adequately screened from the neighbouring occupiers at No. 8 Manor Lea Close and there would be no windows at first floor level which would look onto this neighbouring dwelling.

To ensure that this would remain the case, if permission were to be granted, it would be reasonable to impose a condition restricting the provision of further windows on the development.

There would be a separation distance of approximately 30 metres between the front elevation of the proposed dwelling and that of the rear elevation of 'Soller' to the west. Given this distance, it is considered that there would be no resultant impact to neighbouring amenity in this regard.

Whilst it is acknowledged that the front facing windows of the proposed dwelling would look towards the garden area of Soller and that of No. 9 Manor Lea Close, it is considered that the views would be partially obscured by existing garages. On balance, it is considered that any views afforded would not be materially harmful such that refusal would be warranted. Furthermore, the proposal would not result in a material loss of light or overbearing impact on the occupants of these neighbouring properties.

The proposal has been designed so that it does not impact on the development of land which belonged to Soller, to the rear. Any views of windows would be oblique and there is not an overbearing impact on that property. Views of the small private garden area from the development to the rear of Soller would be screened by the design of the building. It is considered that overall, there is not a material adverse impact which would warrant refusal of the application.

With regard to the amenities of future occupants of the proposed development, Policy TD1 of the Local Plan (Part 1) 2018 seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through the provision of appropriate private, communal and public amenity space, appropriate internal space standards for new dwellings, on site playspace provision, appropriate facilities for the storage of waste and private clothes drying facilities.

The proposal would provide for space within the site to serve as outdoor amenity area, along with space for the parking of vehicles, bicycles and refuse storage. The internal floorspace of the dwelling (64m²) would not accord with the Technical Space Standards for a 2 bed, 4 person dwelling (79m²). However, the Council does not have a Local Plan Policy in respect of these standards and, as such, only limited weight should be given to this.

Given the size of the outdoor space would be reduced significantly should further extensions and outbuildings be erected, it is considered reasonable to remove permitted development rights.

Overall, it is considered that there would be no material harm to neighbouring amenity. The proposal would consequently accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

Highways and parking

Policy ST1 of the Local Plan 2018 (Part 1) states that development schemes should be located where it is accessible by forms of travel other than by private car; should make necessary contributions to the improvement of existing and provision of new transport schemes and include measures to encourage non-car use. Development proposals should be consistent with the Surrey Local Transport Plan and objectives and actions within the Air Quality Action Plan. Provision for car parking should be incorporated into proposals and new and improved means of public access should be encouraged.

The County Highway Authority has commented that the proposal would provide two parking spaces within the site and it has been demonstrated that each vehicle can turn within the site and exit in forward gear. The provision of two parking spaces would accord with the Council's Parking Guidelines (2013).

The County Highway Authority acknowledges the concerns which have been raised by local residents with regard to on-street parking pressure on Manor Lea Close. However, this is considered to be an existing situation and the County Highway Authority is of the view that, as the proposal would provide for parking within the site, it would not exacerbate the existing situation. With regard to the proposed access being located between two garages, the County Highway Authority has commented that the parking of vehicles associated with these garages may at times restrict access to the dwelling. However, the County Highway Authority considers that this would not have a material impact on highway safety.

The County Highway Authority has raised no objection to the proposal subject to the imposition of conditions and informatives on any grant of permission. Having regard to this, Officers consider that the proposal would accord with Policy ST1 of the Local Plan 2018 (Part 1).

Effect on the SPA and SAC

The site is located within the Wealden Heaths I SPA 5km Buffer Zone and the Wealden Heaths I SAC 2km Buffer Zone. The proposal would result in an increase in people (permanently) on the site and could therefore result in an impact on the SPA or SAC. An Appropriate Assessment has therefore been

carried out. This concludes that due to the availability of alternative recreational opportunities within the area, which could divert residents from use of the SPAs, the proposal would not have a likely significant effect on the integrity of the SPAs in accordance with Policy NE1 of the Local Plan 2018 (Part 1). Similarly, the proposal would not result in a likely significant increase in environmental pollution and would not have a likely significant effect on the SAC. Natural England has reviewed this and has concluded that they do not think an Appropriate Assessment is required. As such, it is not considered that there would be any unacceptable impact on the SPA or SAC.

Biodiversity and compliance with Habitat Regulations 2017

Policy NE1 of the Local Plan (Part 1) 2018 states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

Further, Circular 06/2005 states 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'

The application property does not fall within a designated SPA, SAC, SNCI or SSSI. It is not within 200m of ancient woodland or water, and is not an agricultural building or barn. Having regard to this, and the completed biodiversity checklist, it is considered that a biodiversity survey is not required in this instance.

Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

There are no implications for this application.

Development Management Procedure Order 2015 - 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 paragraph 38 of the NPPF. This included:-

- 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.
- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

Response to Parish Council and Third Party comments

The objections which have been raised by the Parish Council and third parties are noted by Officers and have been carefully considered as part of the assessment undertaken within this report.

With regard to covenants, Officers advise that this is a private matter and not a material planning consideration.

The objections raised regarding vehicle access and parking, as well as impact on neighbouring amenity, have been addressed under the 'Highways and parking' and 'Impact on residential amenity' sections of this report respectively. In addition, concerns in respect of overdevelopment of the plot have been taken into account within the 'Impact on visual amenity' section.

Conclusion

The proposal is considered, on balance, to be visually in keeping with the surrounding residential context. Whilst the proposed dwelling would be of a small size, it would nevertheless not result in any material visual harm and officers are satisfied that, on balance, it would provide for an acceptable standard of accommodation. The dwelling would be constructed using appropriate materials and there would be no material harm to neighbouring residential amenity which would warrant refusal of the application. The level of parking to be provided would accord with the Council's Parking Guidelines and the County Highway Authority is satisfied that there would be no material impact to highway safety. Overall, the proposal is considered to be in accordance with the Development Plan and, as such, planning permission is recommended for approval.

Recommendation

That permission be GRANTED subject to the following conditions:

1. Condition

The first floor bathroom window in the rear/south eastern elevation shall be glazed with obscure glazing to the extent that inter visibility is excluded and shall be retained.

Reason

In order to protect neighbouring amenity and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed in the first floor of the south western and north eastern side elevations without the written permission of the Local Planning Authority.

Reason

In order to protect neighbouring amenity and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

3. Condition

Before any work on site begins, cross sections/details indicating the existing and proposed finished ground levels surrounding the building shall be approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason

In order to protect the character and amenity of the area and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition as it goes to the heart of the permission.

4. Condition

No variation of the type and colour of the external materials to be used in the construction of the development as shown on the approved deposited plan and accompanying submission shall be made without the prior written consent of the Local Planning Authority. Facing bricks shall match the colour of surrounding buildings in Manor Lea Close.

Reason

In order to protect the character and amenity of the area and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

5. Condition

Prior to the first occupation of the dwelling hereby permitted, a detailed landscaping scheme showing hard and soft landscaping including the height and treatment of boundary fencing shall be submitted to and approved in writing by the Local Planning Authority. The landscaping

scheme shall be carried out prior to the first occupation of the dwelling or as otherwise agreed in writing with the Local Planning Authority, in strict accordance with the agreed details. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

In order to protect the character and amenity of the area and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

6. Condition

The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Manor Lea Close has been constructed in accordance with the approved plans, Drawing No. P102, and thereafter shall be permanently maintained.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policy ST1 of the Local Plan 2018 (Part 1).

7. Condition

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. P102, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policy ST1 of the Local Plan 2018 (Part 1).

8. Condition

No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials

- (d) programme of works (including measures for traffic management)
- (e) measures to prevent the deposit of materials on the highway
- (f) vehicle routing

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policy ST1 of the Local Plan 2018 (Part 1). This is a pre-commencement condition as it relates to the construction process.

9. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification), no development as defined within Part 1 of Schedule 2, Classes A and E of that order, shall be carried out on the site without the written permission of the Local Planning Authority.

Reason

In the interest of visual amenity and size of amenity area to serve the dwelling, in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

- 10 The plan numbers to which this permission relates are P100 dated 08/10/18, P101 dated 08/10/18, P100 dated 10/09/18, P101 dated 10/09/18, P200 dated 10/09/18, P300A dated 10/09/18, P301 dated 10/09/18 The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

Informatives

1. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to

commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.

2. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £116.00 or a reduced rate of £34.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

3. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail waverley.snn@waverley.gov.uk For further information please see the Guide to Street and Property Naming on Waverley's website.
4. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. For this house, the following containers are specified. These should be presented for collection on the appropriate day:
1 x 240 litre black refuse bin

1 x 240 litre blue recycling bin

1 x 240 litre brown garden waste bin (Optional subscription service)

1 x 23 litre food waste green kerbside caddy.

7. The Developer/Management must inform Waverley Borough Council Environmental Services Department at least four weeks prior to the proposed date of initial occupation, in order that final arrangements for refuse and recycling collections can be made.