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Monday, 10 July 2023

To: The Members of the **Planning Applications Committee**
(Councillors: Cliff Betton (Chair), Victoria Wheeler (Vice Chair), Shaun Garrett, Mary Glauert, Nirmal Kang, Liz Noble, David O'Mahoney, Ying Perrett, Murray Rowlands, John Skipper, Kevin Thompson, David Whitcroft, Helen Whitcroft, Valerie White and Richard Wilson)

In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.

Substitutes: Councillors Louise Ashbery, Jonny Cope, Lisa Finan-Cooke, Mark Gordon, Rob Lee, Shaun Macdonald, Jonathan Quin and Pat Tedder

Dear Councillor,

A meeting of the **Planning Applications Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Thursday, 27 July 2023 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Minutes of Previous Meeting	3 - 6
To approve as being a correct record the minutes of the meeting of the Planning Applications Committee held on 29 th June 2023.	
3 Declarations of Interest	

Members are invited to declare any disclosable pecuniary interests and non pecuniary interests they may have with respect to matters which are

to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

4 Planning Enforcement Monitoring Report

7 - 14

Human Rights Statement

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.

Planning Applications

- | | | |
|----------|--|-----------------|
| 5 | Application Number: 22/1001/FFU Westcroft Park Farm, Windlesham Road, Chobham, GU24 8SN | 15 - 88 |
| 6 | Application Number: 23/0602/FFU 39 Alphington Avenue, Frimley. GU16 8LL | 89 - 100 |

*** indicates that the application met the criteria for public speaking**

Glossary

Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 29 June 2023

+ Cllr Cliff Betton (Chair)
 + Cllr Victoria Wheeler (Vice Chair)

+ Cllr Shaun Garrett	+ Cllr John Skipper
+ Cllr Mary Glauert	+ Cllr Kevin Thompson
+ Cllr Nirmal Kang	- Cllr David Whitcroft
+ Cllr Liz Noble	- Cllr Helen Whitcroft
+ Cllr David O'Mahoney	+ Cllr Valerie White
Cllr Ying Perrett	+ Cllr Richard Wilson
+ Cllr Murray Rowlands	

+ Present
 - Apologies for absence presented

Members in Attendance: Cllr Leanne Macintyre
 Cllr Sarbie Kang

Officers Present: Gavin Chinniah, Head of Planning
 William Hinde, Principal Solicitor
 Jonathan Partington, Development Manager
 Rowan Speed, Senior Planning Officer
 Iain Williams, Development Management Team Leader

8/P Minutes of Previous Meeting

RESOLVED that the minutes of the meeting of the Planning Applications Committee held on 2nd June 2023 be approved as being a correct record and signed by the Chairman.

9/P *Application Number: 23/0074/FFU 29, 30 and 30a Brackendale Close, Camberley, Surrey, GU15 1HP

The application was for the erection of 25 affordable apartments with associated access, hardstanding, car parking, landscaping, bin and cycle stores following the demolition of 29 and 30 Brackendale Close and associated outbuildings. The Committee noted the updates provided in the supplementary agenda papers.

As the application had triggered the Council's public speaking scheme Mr Akhil Vyas spoke in opposition to the application. In his representation, Mr Vyas referenced the lack of parking proposed and the impacts this could have on neighbouring streets as well as the scale of the development which was considered to be at odds with the surrounding area.

Whilst the representation from the Urban Design Consultant made reference to the fact that the scale and mass of the development was considered to be appropriate for the area it was considered that the development's design was materially similar to a previous application for the site which had been refused on the grounds of scale and over development.

It was noted that the ecological appraisal was out of date and consequently the proposals did not adequately demonstrate an appropriate level of protection for any that any protected species onsite.

The officer recommendation to refuse the application was proposed by Councillor Kang, seconded by Councillor Skipper, put to the vote and carried.

RESOLVED that application number 23/0047/FFU be refused for the following reasons:

- i. The proposed development by reason of its overall quantum, scale, size, design and density, would represent an overdevelopment of the site, failing to integrate positively within the surrounding area resulting in a dominant, urbanising and incongruous form of development that would fail to respect the verdant, semi-rural character and form of the area, including the Wooded Hill Character Area. The proposed building results in an overly bulky, large span of development without sufficient break, whilst the parking forecourt would result in a large area of hardstanding without relief. The proposal therefore would be contrary to Policy CP2 and DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Principles 6.4, 6.7, 6.8, 6.9, and 7.3 of the Residential Design Guide Supplementary Planning Document 2017, Principles WH1 and WH3 of the Western Urban Area Character Supplementary Planning Document 2012.
- ii. Insufficient information has been submitted by way of an up to date ecological appraisal, to demonstrate whether protected species and their habitats are present on site, whether the proposal would be likely harm these and whether any mitigation is required. The proposal therefore fails to safely ensure the protection of any protected species and their habitats on site, failing to demonstrate that the proposal would conserve and enhance biodiversity the application is contrary to policy CP14A of adopted Surrey Heath Core Strategy and Development Management Policies 2012 and the adopted NPPF (2021).
- iii. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contributions towards Suitable Alternative Natural Greenspaces (SANGs) and 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 2019).
- iv. In the absence of a legal agreement to secure the required provision of affordable housing, the proposal is contrary to Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

NOTE 1

It was noted that the Brackendale Close Residents' Association had written to some of the Committee members outlining their concerns about the application.

NOTE 2

In accordance with Part 4, Section D, Paragraph 18 of the Constitution the voting in favour of the motion to refuse the application was as follows:

Voting in favour of the motion to refuse:

Councillors Betton, Garrett, Glauert, Kang, Rowlands, Skipper, White and Wilson
Voting against the motion to refuse:
Councillors O'Mahoney, Thompson and Wheeler

Having arrived part way through consideration of the application Councillor Noble did not participate in the discussion or voting.

10/P Application Number: 23/0217/FFU 5 Cedar Gardens, Chobham, Woking, Surrey, GU24 8PG

The application was for the erection of a single storey rear extension with roof light. The Committee noted the updates provided in the supplementary agenda papers.

It was noted that the application had been called in by Councillor Wheeler at the behest of Chobham Parish Council due to concerns about the impact that the proposal would have on residential amenity.

It was clarified that there was one tree subject to a Tree Preservation Order at the front of the site; proposed Condition 4 would enable the safeguarding of trees on the site.

The Committee was informed that it was considered that the proposed extension would not cause adverse harm to the character of the area and would not result in any adverse highways impacts. Concern about the reduction in size of the private garden space was noted however the remaining space was considered to be of an adequate size for the dwelling concerned. It was noted that the Design Guide standards for amenity space only applied to new developments. Moreover, it was considered unreasonable to apply new Design Guide Standards to an existing development that pre-dated the guidance. However, section 10 of the Design Guide specifically dealt with residential extensions and this proposal complied with that section.

The officer's recommendation to approve the application subject to the conditions set out in the report and the update sheet, was proposed by Councillor Wilson, seconded by Councillor Kang put to the vote and carried.

RESOLVED that application number 23/0217/FFU be approved subject to the conditions in the officer's report and the planning update sheet.

NOTE 1

In accordance with Part 4, Section D, Paragraph 18 of the Constitution the voting in favour of the motion to approve the application was as follows:

Voting in favour of the motion to approve:

Councillors Betton, Glauert, Kang, Noble, O'Mahoney, Rowlands, Skipper, Thompson and Wilson

Voting against the motion to approve:

Councillors Garrett, Wheeler and White.

Chair

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Surrey Heath Borough Council
Planning Applications Committee
27 July 2023

Planning Enforcement Monitoring Report

Strategic Director: Nick Steevens, Strategic Director: Environment & Community
Report Author: Julia Greenfield, Corporate Enforcement Manager
Wards Affected: All

Summary and purpose

An information item providing an overview of function and performance of the Planning Enforcement Service for the period 1st January 2023 to 30th June 2023

Recommendation

The Committee is advised to RESOLVE that the report be noted.

1. Background and Supporting Information

1. Key Issues

1.1 This report provides an overview of the performance and resourcing of the Planning Enforcement Team for quarter four of the last financial year and quarter one of the current financial year i.e. from 1st January 2023 to 30th June 2023.

1.2 The following matters will be discussed within the report:

- Enforcement performance information
- Resource update
- Enforcement Notices / Injunction Issued
- Uniform / Enterprise

Resource update

1.3 Following a recruitment drive at the end of last year, we are very pleased to confirm that the planning enforcement team is now fully resourced with permanent Officers.

1.4 With this dedicated resource, compliance checking has now been recommenced and incorporated into the workload of the two appointed Senior Planning Enforcement Officers. The compliance checking will involve pro-active assessment of all building commencement notices and will eventually involve monitoring of all CIL commencement or liability notices for compliance with conditions.

1.5 The reassignment of compliance checking will be overseen by the Principal Planning Enforcement Officer and the Corporate Enforcement Team Leader who will in the short

term concentrate on progressing major enforcement cases involving complex or controversial issues, High Court Injunctions and appeals.

- 1.6 An Enforcement Team Action Plan has been formulated to address a number of procedural improvements to practices and systems used by the team. The main issues identified which have been prioritised to be undertaken in this financial year include a review and publication of the Statutory Register of Notices and a review of the processes, standardised documents and use of the Uniform database along with Enterprise Tasks.
- 1.7 Longer term issues have also been identified within the plan including a review of the Adopted Local Enforcement Plan and review of the related Key Performance Indicator (KPI) associated with the planning enforcement function. At present, the only reported KPI relates to the number of visits undertaken in accordance with the adopted targets for site visits. The team wish to explore whether additional meaningful information could be reported to better illustrate the functions undertaken by the team. These matters are likely to both be prioritised for completion during the next financial year (2024/5). Update reports will however be provided to members if this estimated timescale can be revised.

Enforcement Performance

- 1.8 During quarter 4 (January to March), the Planning Enforcement Team, investigated allegations of planning breaches, as shown below:

Number of referrals received during period	61
No breach established	25
Breach resolved	9
Not expedient to pursue	1
Planning applications received dealing with matters under investigation	0
Pending consideration (open investigations)	26
Enforcement Notices issued	5
Breach of Conditions Notices issued	0
High Court injunction obtained	0

- 1.9 Graphs are provided at Annex 2 at the end of this report, the first showing number of investigations per Ward and the second showing the type of investigations per Ward.
- 1.10 Quarter 4 saw the team again exceed the 80% target (**92%**) set out in their Key Performance Indicator (KPI) of planning enforcement referrals where the initial action (e.g. a site visit) takes place within the target timescales as set out in the adopted Local Enforcement Plan.
- 1.11 During quarter 1 (April to June), the Planning Enforcement Team investigated :

Number of referrals received during period	47
No breach established	10
Breach Resolved	1
Not expedient to pursue	1
Planning application received dealing with matter	3
Pending consideration (open investigation)	32
Enforcement Notices issued	0
Breach of Condition Notices issued	0

- 1.12 Quarter 1 saw the team exceed the 80% target (94%) set out in their Key Performance Indicator (KPI) of planning enforcement referrals where the initial action (e.g. a site visit) takes place within the target timescales as set out in the adopted Local Enforcement Plan.
- 1.13 Graphs are provided at Annex 2 at the end of this report considering the performance information and comparison between these quarters.

Enforcement Notices Issued during reporting period

- 1.14 Five Enforcement Notices were issued since the last report on performance was made these are as follows:
- 1.15 Enforcement Notice – 31 The Avenue, Chobham, Surrey. (22/0122/ENF) Alleging “Without planning permission, the operational development consisting of the erection of a wooden bridge between 31 The Avenue and adjacent fields construction over public right of way” on 13th February 2023. An appeal against this notice has been lodged.
- 1.16 Enforcement Notice – 55A Robins Bow, Camberley, Surrey. (23/0003/ENF) Alleging “Without planning permission, the construction of a dormer window, on the southern roof elevation” on 21st February 2023. An appeal against this notice has been lodged.
- 1.17 Enforcement Notice – Land at former Hillings Nursery, Bagshot Road, Chobham, Surrey. Notice A (19/0095/ENF). Alleging “Without planning permission, the material change of use of the Land shown shaded purple from horticulture to a car park ancillary to the use of the land to the south as Chobham Adventure Farm, and ancillary to the other storage and office uses on the site” on 21st February 2023. An Appeal was lodged against the notice however the notice was withdrawn.
- 1.18 Enforcement Notice – Land known as south side of Bagshot Road, Chobham, Surrey. Notice B (19/0095/ENF). Alleging “Without planning permission, the material change of use of the Land shown shaded blue from horticulture to a mixed use comprising horticulture and storage use, including the siting of containers, siting of a curved roof building and the storage of machinery and other items not required in connection with the lawful horticultural use of the site” on 21st February 2023. An Appeal was lodged against the notice however the notice was withdrawn
- 1.19 Enforcement Notice – Land at former Hillings Nursery, Bagshot Road, Chobham. Notice C (19/0095/ENF). Alleging “Without planning permission, the construction of two open-sided gazebo structures, a curved roof building on the western boundary, and a canopy all shown shaded orange on the attached plan; the construction of hardstanding west and south of the animal building as shown hatched black on the attached plan; the material change of use of the land shown shaded purple from horticulture to a car park for Chobham Adventure Farm” on 21st February 2023. An appeal was lodged against the notice however the notice was withdrawn.
- 1.20 **The following cases which were subject to appeal have been determined during the reporting period :**

Fenns Lane Nursey, West End. Reference number 3281220. Start date 1/11/21.
Appeal Grounds C, D. The Inspector decided to allow the appeal in part but otherwise dismiss it. The enforcement notice was upheld subject to corrections and variations.

Hall Grove Farm Industrial site, Bagshot. Reference numbers 3292131 & 3292141 Start date 15/2/22. Appeal grounds. A, E, F, G. The Inspector quashed the enforcement notice.

Hillside House, 23 Highview Road, Lightwater. Reference number 3291502. Start date 10/2/22. Appeal grounds A, F. The Inspector dismissed the appeal and upheld the enforcement notice subject to corrections.

Land at Miles Green Farm, Bisley. Reference number 3294991. Start date 30/3/22. Appeal grounds. A, C, D, F. The Inspector quashed the enforcement notice.

Land at Easigrass, Hillings Nursery, Bagshot Road, Chobham. Reference number 3306190. Start date 08/09/22. Appeal grounds: A, B, D, F,G. – (N.B. This notice was withdrawn accordingly the appeal did not proceed to determination but is no longer outstanding).

31 The Avenue, Chobham, Surrey. Reference number 3318319. Start date 21/3/23. Appeal grounds: A, G. Procedure – written representations. The Inspector allowed the appeal.

1.21 The following cases have been appealed and are with the Planning Inspectorate for determination

Land on South East side of 79 Guildford Road, Bagshot. Reference number 3295907. Start date 12/4/22. Appeal grounds A, C, D, F, G.

1 Middle Close, Camberley. Reference number 3299756. Start date 13/6/22. Appeal grounds A F G.

Chobham Car Spares, Clearmount, Chobham Reference number 3301643. Start date 5/7/22. Appeal grounds. A, C, D, E, F. Reference number 3301644. Start date 5/7/22. Appeal grounds. C, D, F, G.

Land to the East of Highams Lane, Chobham. Reference number 3301015. Start date 20/6/22. Appeal grounds. A, C, D, F, G. Reference 3301016. Start date 20/6/22. Appeal grounds. C, D, F, G.

Four Oaks Nursey, Highams Lane, Chobham. Reference number 3301935. Start date 12/7/22. Appeal grounds. A, D.

55A Robins Bow, Camberley, Surrey. Reference number 3319565. Appeal grounds A, C, F. Procedure – hearing.

Uniform / Enterprise

1.22 Given there has been a successful recruitment of officers into the team, their main priorities will be to deal with the outstanding enforcement work but to also to address the necessary Uniform improvement works during this financial year.

1.23 As part of the planning enforcement team action plan, the necessary tasks have been reviewed, prioritised and given the following timescales :

- Process Mapping – within Q2 - to standardise the approach to use of the system across the team and to inform preparation of standard documents/templates and enterprise tasks.
- Enterprise Tasks – within Q3 – following process mapping of the procedures in place formulating appropriate tasks.
- Standard documents/Templates – in Q3 and Q4 – introduction and updating of all templates and documents applicable to the function.

1.24 The abovementioned tasks and priorities are obviously affected by the availability of I.T colleagues and other urgent priorities which occur, however, they will remain under review. Members will be updated on progress in future reports.

Summary

1.25 The new structure will provide much needed resilience, continuity and expertise to support the existing team. This will improve the resilience of the service and improve public confidence in the planning system.

1.26 In the short term, officers are dealing with some difficult and contentious cases and resolving historic matters, however, the Council will not need to rely on contractors to deal with such matters in future given the expertise which is now available.

1.27 Whilst some disappointing appeal decisions have been received in recent months, these cases will be reviewed by the team. Where it is expedient and in the public interest to consider re-issuing notices, elected members will be updated in due course.

2. Reasons for Recommendation

2.1 To keep councillors apprised of planning enforcement matters.

3. Proposal and Alternative Options

3.1 No alternative options.

4. Contribution to the Council's Five Year Strategy

4.1 Not applicable.

5. Resource Implications

5.1 As detailed in the body of the report

6. Section 151 Officer Comments:

6.1 Nothing further to add.

7. Legal and Governance Issues

7.1 As set out in the body of the report.

8. Monitoring Officer Comments:

8.1 Nothing further to add

Annexes

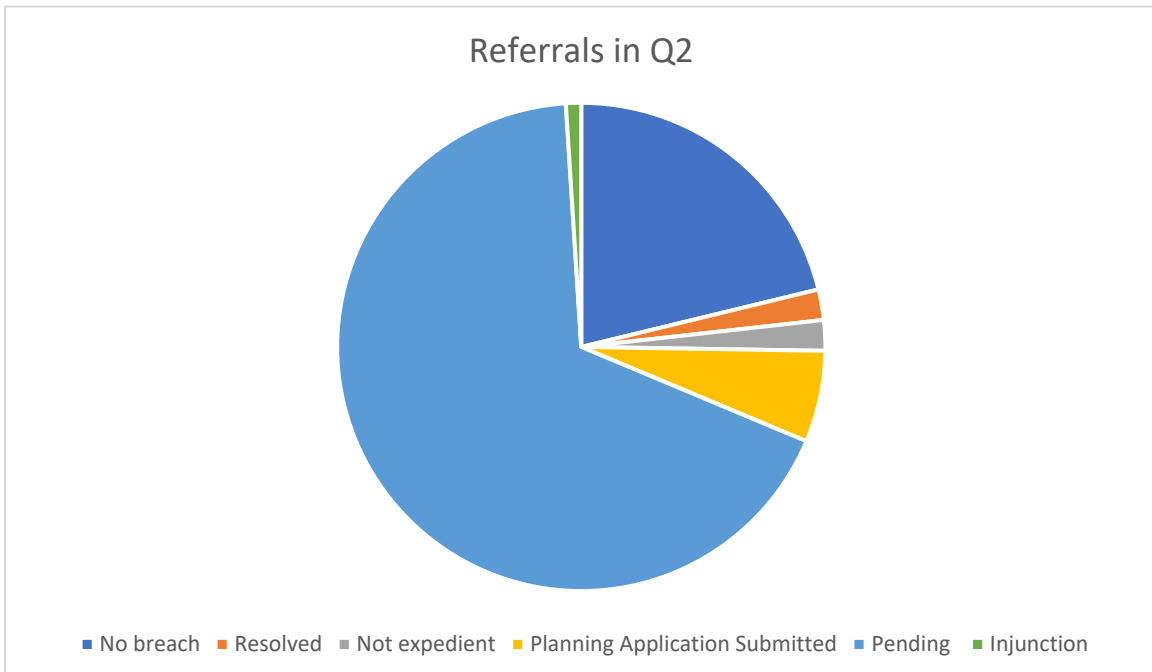
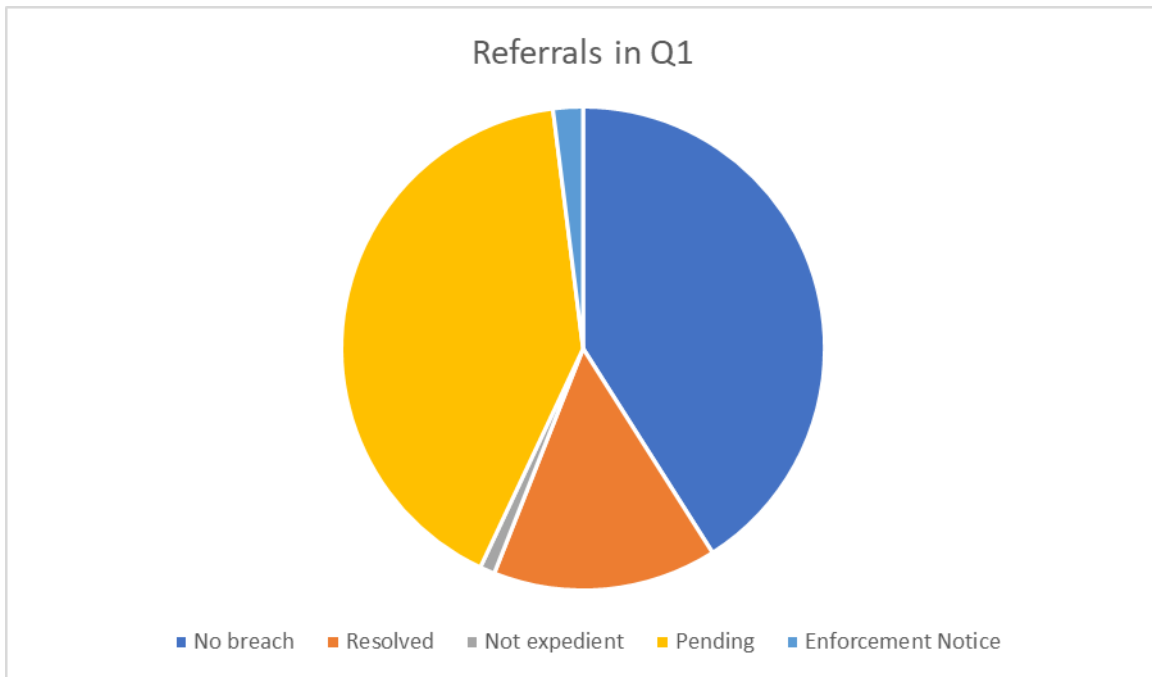
Cases Received by Breach Type (1st January 2023 - 30th June 2023)

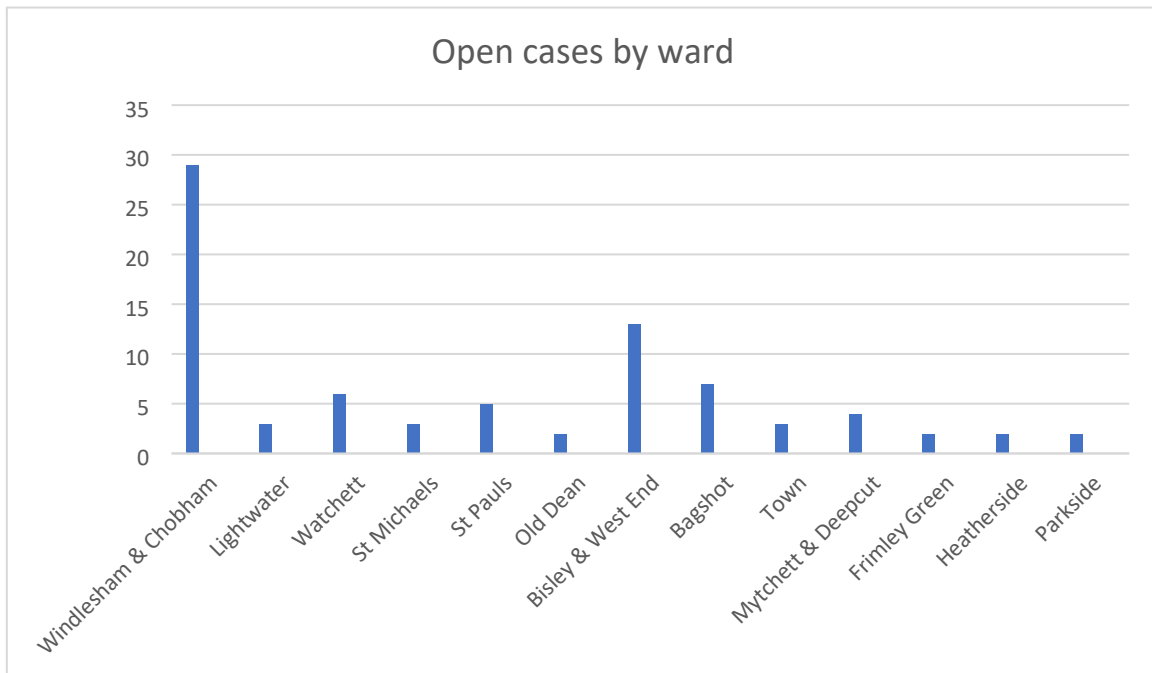
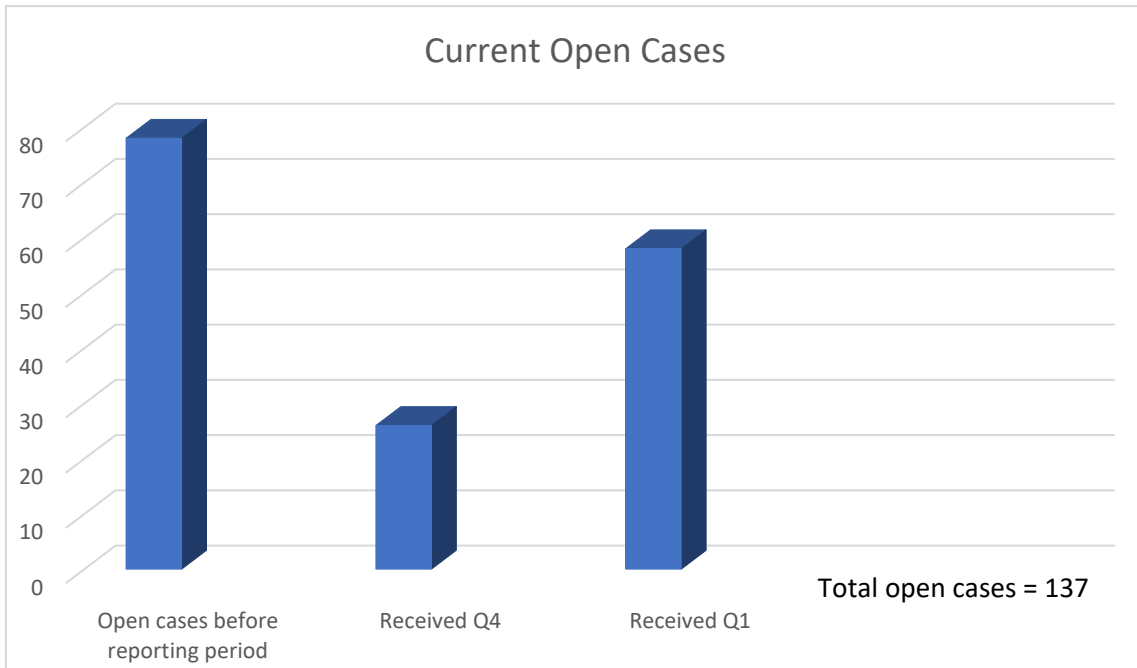
Cases Received by Ward (1st January 2023 - 30 June 2022)

Background Papers

None

PLANNING ENFORCEMENT CASES BY WARD





LOCATION:	Westcroft Park Farm, Windlesham Road, Chobham, Woking, Surrey, GU24 8SN
PROPOSAL:	Construction of 20 dwellings with associated parking, access and landscaping following demolition of existing buildings (except Post Box Cottage)
TYPE:	Full Planning Application
APPLICANT:	Mr A Searchfield
OFFICER:	Navil Rahman

This application has been reported to the Planning Applications Committee because it is a major development (a development of ten dwellings or over).

The applicant has submitted an appeal for non-determination and therefore the Planning Inspectorate is now the determining authority. However, for the appeal it is still necessary to conclude what the Council's decision would have been if it had been the determining authority.

RECOMMENDATION: WOULD HAVE BEEN TO REFUSE PLANNING PERMISSION

1.0 SUMMARY

- 1.1 The application relates to the redevelopment of an existing private equestrian site, for the construction of twenty residential units together with associated parking and landscaping.
- 1.2 The site is located within the Green Belt and the development is considered to result in substantial harm upon the openness of the Green Belt representing inappropriate development in the Green Belt. By association, the development would conflict with the purposes of the Green Belt by reason of countryside encroachment.
- 1.3 No very special circumstances have been identified that would outweigh the harm to the Green Belt and the other harm identified. Other harm includes the development being contrary to the Council's spatial strategy, resulting in major development to an unsustainable and unsuitable location that fails to demonstrate how the development would provide safe and appropriate access for all users.
- 1.4 The proposal has failed to provide an acceptable offer of affordable housing on site, without justification, and therefore fails to maximise the contribution of the site to the supply of affordable housing in the borough or meet an identified need of 40% affordable units on a qualifying site.
- 1.5 In the absence of a policy compliant drainage scheme the development fails to demonstrate that it could occur without adverse harm to surface water flood risk in the surrounding area.

- 1.6 In addition, the proposed layout and quantum of development would be considered uncharacteristic of the low-density rural setting. In the absence of a legal agreement to secure SAMM monies the proposal would also conflict with the Thames Basin Heath SPA.
- 1.7 As such the recommendation is that the Council would have refused this application if it had been the determining authority.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to an irregular shaped plot of land situated on the northern side of Windlesham Road between the settlements of Windlesham and Chobham, within the Green Belt. The site measures approximately 1.83 hectares and forms Westcroft Park Farm, previously known as the Ascot Polo Club. The site is primarily accessed via Windlesham Road, with vehicular access found to the centre of the boundary of the site, whilst a secondary access is found to the western part of the site fronting Windlesham Road as well as a disused access via Woodcock Lane which adjoins the eastern boundary of the site. Windlesham Road does not benefit from any pedestrian footpath to the area surrounding the application site.
- 2.2 The site comprises a number of buildings on site: a two-storey dwelling (Post Box Cottage) to the southeast corner of the site; a dated stable block and storage building to the southwest corner of the site; and large steel barns situated towards the centre of the site comprising stabling, tack rooms, storage, groom accommodation, office, and ancillary facilities. The buildings on site measure approximately 2,937 sqm in footprint with a range of building heights standing at a maximum height of approximately 7.55m. The northern part of the site is open, with areas of hardstanding and is used for informal parking.
- 2.3 The site and its surroundings are predominantly rural in character with a number of agricultural and equestrian use whilst there is a limited number of low-density residential development. Immediately north and northwest of the site is open grazing land and, to the east a horticultural nursery which includes various buildings and structures spanning to the northeast of the application site. To the west is Westcroft Park House, a large mansion house and its ancillary buildings, and Graylands, a residential chalet style bungalow which sits to adjacent to the southwestern corner of the site. Further east is a small number of single-family residential dwellings fronting Windlesham Road. To the south of the site to the other side of Windlesham Road is Windlecroft Farm. The site benefits from extensive mature planting predominantly to the southern, eastern, and western boundaries of the site.

3.0 RELEVANT PLANNING HISTORY

- 3.1 14/0590 Erection of a two-storey dwelling with accommodation in the roof and an attached garage building with accommodation above following the demolition of existing buildings. *Granted 27/10/2014.*
- 3.2 15/0110 Erection of a two-storey detached dwelling with accommodation in the roof and a basement with linked two storey covered swimming pool block, access drive, balancing pond, and landscaping with retention of Post Box Cottage following the demolition of all other existing buildings. *Granted 20/05/2015.*

- 3.3 19/0308 Certificate of Lawful Proposed Development to confirm the commencement of the construction of the development, under planning permission SU/15/0110 (relating to the erection of a two-storey detached dwelling with accommodation in the roof and a basement with linked two storey covered swimming pool block, access drive, balancing pond, and landscaping with retention of Post Box Cottage following the demolition of all other existing buildings).
Certificate of Lawfulness Granted 17/10/2019

4.0 PROPOSAL

- 4.1 Planning permission is sought for the demolition of the existing buildings on site (aside from Post Box Cottage), and the construction of twenty residential units, in the form of 9x4 bedroom, 7x3 bedroom, 3x2 bedroom and 1x1 bedroom units, together with ancillary parking and landscaping. The central vehicular access would be retained and enhanced to service the development.
- 4.2 The dwellings would have a mixed form, comprising of chalet bungalows, two-storey dwellings, and two-storey properties with accommodation in the roof space. Units 7-11 would form part of a flatted block, with Units 7, 8 and 11 having private entrances, with Units 9 and 10 sharing an access lobby. All residential units would have private amenity spaces apart from Units 8-10 which would have access to the proposed shared communal space.

Unit No (type)	RDG Guidance	Proposed private amenity space
1 (3b6p)	55	372.5
2 (3b6p)	55	230.75
3 (3b6p)	55	85.6
4 (4b7p)	70	127.9
5 (4b7p)	70	119.4
6 (4b8p)	70	83
7 (2b4p)	55	81.75
8 (2b4p flat)	N/A	0
9 (1b2p flat)	N/A	0
10 (2b4p flat)	N/A	0
11 (3b5p)	55	63.7
12 (4b8p)	70	115.7
13 (4b8p)	70	86.1
14 (3b6p)	55	66.8
15 (3b6p)	55	67.25
16 (4b8p)	70	68.05
17 (4b8p)	70	108.2
18 (4b7p)	70	178.4
19 (4b7p)	70	170.3
20 (3b6p)	55	109.7

Table 1 – Private amenity provision

4.3 The proposed housing mix are outlined in table 2 below:

Unit Type	Number of Units	Unit Percentage
1-bedroom	1 (1 flat)	5%
2-bedroom	3 (2 flats + 1 dwelling)	15%
3-bedroom	7 (7 dwellings)	35%
4-bedroom	9 (9 dwellings)	45%

Table 2 – Housing Mix

4.4 Table 3 below provides a comparison between the existing and proposed development. The heights of the existing buildings range, with a maximum height of approximately 7.55m and 1.1m (lowest) whilst the proposed heights of the buildings would range between maximum heights of 7.45m to 9.7m to the ridge.

	Building Footprint (m ₂)	Hardstanding (m ₂)	Volume (m ³)
Existing	2,937.0	6,769.0	13,001.0
Proposed	1,896.6	3,726.6	12,313.5
Difference (%)	-35%	-44.94%	-5%

Table 3 – Existing and proposed comparison

4.5 Units 8, 9 and 10 (2x2 bedroom flat and 1x1 bedroom flat) would be shared ownership units i.e., a 15% affordable housing provision.

4.6 Units 1 and 2, would be sited to the southwest corner of the site, designed in a chalet bungalow form. The remaining units would be spread across the centre and rear of the site contained in a rectangular plot, surrounded by soft landscaping with vehicular access running down towards the western boundary of the site to the rear. Soft landscaping would be retained and enhanced to the boundaries of the site.

4.7 Forty-six car parking spaces, including six visitor spaces and two blue badge spaces would be provided. Each dwelling would have two allocated parking spaces whilst dwelling 7 (2-bedroom) and flats 8-10 would have one allocated space. Each unit would have access to an EV charging point. 12 PV panels would be installed to the roof of the flatted development, whilst each unit would benefit from air source heat pumps and air source hot water cylinders. The fabric insulation is proposed to be above the minimum standards required by the Building Regulations.

4.8 The proposed material palate seeks a traditional aesthetic with a mix of red brick work, render, clay, and slate roof tiles.

4.9 The application has been supported by the following documents:

- Design and Access Statement
- Planning Statement
- Transport Statement
- Travel Plan
- Landscape & Visual Impact Appraisal
- Landscape Master Plan

- Arboricultural Impact Assessment (AIA) and Method Statement (AMS)
 - Ecological Impact Assessment (including Biodiversity Net Gain measure)
 - Historic Environment Desk-based Assessment
 - Sustainability and Energy Statement
 - Flood Risk Assessment and Drainage Strategy
-
- Affordable Housing Viability Appraisal

5.0 CONSULTATION RESPONSES

5.1 The following external consultees were consulted, and their comments are summarised in the table below:

External Consultation	Comments received
County Highways Authority	Consider that the site is not an ideal location for residential development in sustainable transport terms, being contrary to sustainable transport objectives. However acknowledge that some development such as those in rural areas will not be able to meet the requirements of locational and transport policies and note that there are other dimensions to sustainable development. Recommend conditions in respect of minor highway works, parking layout, EV charging, cycle parking, travel plan and construction management plan in the event of a grant of permission. Raise no concerns in respect of traffic generation and road safety given existing context of site which benefits from ancillary residential accommodation for staff. (See Annex 1 for a copy of their response).
Lead Local Flood Authority	Raise objection on the basis of insufficient information submitted to demonstrate the development would meet drainage policy requirements.
Surrey Wildlife Trust	Raise no objection and recommend the submission of a Construction Environment Management Plan (CEMP) at condition stage.
Surrey Fire and Rescue	Raise no objection to the proposal on fire safety grounds.
Joint Waste Solutions	Raise no objection.
Thames Water	Raise no objection subject to conditions relating to foul water and surface water drainage.
Chobham Parish Council	Raise objection on the following grounds: <ul style="list-style-type: none"> • Inappropriate development within the Green Belt • Permissive pedestrian route should be given no weight and does not overcome sustainable transport concerns. • Harm of the cycle stores upon the openness • Potential overlooking of Plot 1 to the Graylands • Supports SCC Highways objection.

Council's Viability Consultant	<p>Raises concerns as to why the developer has pursued this site noting the lower return relative to the Alternative Use Value which they do not wish to proceed with, and higher cost associated with the land as a result of this alternative use value. The applicant has not made an assessment of the Existing Use Value + premium which is considered the first component of calculating the Benchmark Land Value.</p> <p>Consider that accepting the alternative use value in determining the benchmark land value could set a precedent in allowing developers to game the system by artificially raising the Benchmark Land Value.</p> <p>(See Annex 2 for a copy of their response).</p>
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5.2 The following internal consultees were consulted, and their comments are summarised in the table below:

Internal Consultation	Comments received
Climate Change Officer	No representation received.
Council's Drainage Engineer	Raise objection on the basis of insufficient information submitted to demonstrate the development would meet drainage policy requirements.
Council's Urban Design Consultant	<p>Raise objection. Consider that the development, owing to the greater distribution of built form, the increased spread of development, together with the building heights and their formal rectangular layout would result in an urbanised form of development, that would reduce the characteristic spaciousness of the site, harmful to the long-distance views and visual connection with the open rear fields to the rear of the site. The increased traffic movement, use of domestic lighting, street lighting and use of front and rear gardens etc. will increase the urbanizing impact of the site. It would be considered to result in an overdevelopment, inappropriate and detrimental to this low density, open rural location, and the wider Green for which the development encroaches upon.</p> <p>(See Annex 3 for a copy of their response).</p>
Council's Housing Manager	Raise no objection, however, recommends delivery of affordable housing to be in the form of socially rented units.

Arboricultural Officer	Raises no objection, however, recommends pre-commencement condition in relation to tree protection measures and soft landscaping.
Environmental Health Officer	Raise no objection subject to contaminated land condition and a Construction Environment Management Plan (CEMP).

6.0 REPRESENTATION

- 6.1 A total of fourteen letters of consultation were sent on the 05/10/2022 to neighbouring residents, together with a site notice dated 10/10/2022 and press notice on the 21/10/2023. Six letters (from five households), three of support and three raising objections were received as part of the public notification exercise. The concerns are summarised and responded to below.
- 6.2 A total of fourteen letters of consultation were sent on the 05/10/2022 to neighbouring residents, together with a site notice dated 10/10/2022 and press notice on the 21/10/2023. Seven letters (from five households), three of support and four raising objections were received as part of the public notification exercise. The concerns are summarised and responded to below.

Comment	Officer response
Principle	
Against fundamental aim of Green Belt to prevent urban sprawl.	The development would be considered inappropriate development within the Green Belt. This is considered further in section 3 of the report.
Demand for this housing does not exist.	The Council can demonstrate a 5-year housing supply and therefore the provision of additional housing is not given significant weight.
Amenity	
Harm to privacy, increased noise pollution	The proposed development would not be considered to result in any significant amenity harm over and above the existing development. The amenity impact of the development is further considered in section 7.5 of the report.
Site in close proximity to electricity pylon, the minimum distance should be 200m however the proposal is within 10m.	The electricity pylon is situated beyond the rear of the site. It is not considered to raise any health and safety concerns considered under planning legislation to warrant an objection.
Highway Impact	
Unsustainable location without car use, no footpath or public transport. Increased traffic to busy road.	The development is considered an unsustainable location. This is considered further in section 7.6 of the report.
Tress	
Potential loss of trees to boundaries resulting in dramatic aesthetic change to rurality. Recommend existing boundary trees retained.	The proposed landscaping strategy would retain appropriate boundary planting and overall would see an increase in biodiversity on the site.

6.3 The table below summarises the material planning reasons for support:

Material Reason for Support	Officer Response
Support the regeneration of the land for dwellings to create a community on Windlesham Road.	The principle of the land use is subject to other considerations in addition to the housing use. This is discussed in section 7.3 of the report.
Would be more beneficial than extant permission providing 20 units which would be more in keeping with the surroundings.	The principle of the land use is subject to other considerations in addition to the housing use. This is discussed in section 7.3 of the report.

7.0 PLANNING CONSIDERATIONS

7.1 In considering this development regard is given to Policies CP1, CP2, CP5, CP6, CP8, CP11, CP12, CP14, DM1, DM3, DM7, DM9, DM10, DM11, and DM13 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 Surrey Heath Residential Design Guide 2017 (RDG); Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (AAS); Development Contributions SPD (2011); the Infrastructure Delivery SPD (2014); the Planning Practice Guidance (PPG); the Written Ministerial Statement 24.05.21 (WMS); the Council's First Homes Policy Guidance Note 2021 (FHP); and the National Design Guide.

7.2 The key issues to be considered are:

- Principle of development, affordable housing provision, need and Green Belt assessment.
- Impact on the character, appearance, and trees of the surrounding area.
- Impact on residential amenity.
- Impact on sustainability, highways safety and parking capacity.
- Impact on flood risk and drainage.
- Impact on the Thames Basin Heaths Special Protection Area
- Impact on biodiversity and ecology; and
- Other matters.

7.3 Principle of development, affordable housing provision, need and Green Belt assessment.

7.3.1 Section 13 of the NPPF contains specific policies relating to development within the Green Belt. Paragraph 147 of the National Planning Policy Framework (NPPF), states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

7.3.2 Paragraphs 147 and 148 of the NPPF further state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

7.3.3 The NPPF has a presumption in favour of sustainable development. Policy CP1 (Spatial Strategy) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) states that new development will largely come forward through redevelopment of previously developed land and sustainable locations in the west of the borough. The site is contrary to this strategy being within an unsustainable location (see section 7.6 below) not located in the west of the borough.

Additionally, paragraph 74 of the NPPF requires plan-making authorities to identify a five-year supply of deliverable housing sites. The Council's Five-Year Housing Land Supply Paper 2021-2026 (1 April 2021) indicates that there is currently about a 7.2-year supply of housing available within the Borough.

- 7.3.4 These factors weigh against delivering development within this Green Belt location. The construction of new buildings is to be regarded as inappropriate in the Green Belt subject to a limited number of specific exceptions. Relevant in this instance is the exception at paragraph 149 g) of the NPPF that permits limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.3.5 The land is occupied by permanent structures in the form of barns, brick buildings, and other structures in occupation for equestrian uses. It is therefore considered to meet the definitions of previously developed land as described in the NPPF. In addition, the site benefits from residential development previously approved on site (see application ref.15/0110) in the form of a single manor house. Ground works had commenced on site (now paused) in relation to this development whilst the existing equestrian buildings remain. The acceptability of the loss of the private equestrian facility and employment has therefore been established.
- 7.3.6 The proposed development therefore has potential to being an exception to inappropriate development in the Green Belt. The following assessment of whether the development would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of Green Belt, subject to meeting an identified affordable housing need, will determine this.

Affordable Housing Provision & Housing Mix

- 7.3.7 National Policy seeks new development to deliver sustainable, inclusive, and mixed communities in accessible locations. Policy CP6 of the CSDMP requires the provision of a range of housing sizes across the Borough. The policy does not, however, specify a precise mix of housing types. The policy also sets out that the Council will consider site characteristics and viability.
- 7.3.8 The proposed development provides a mix of predominantly larger family homes, with 80% of the development representing 3+ bedroom units. Whilst the range of housing mix on offer could be improved it nonetheless provides a mix of housing types which would contribute towards a mixed and inclusive community by enabling a variety of housing types to meet the identified local needs. The proposed development would not unduly harm the existing balance in the locality. It is therefore considered an acceptable mix.
- 7.3.9 Policy CP5 of the CSDMP requires the provision of 40% of the proposed housing to be affordable (or eight units). This is normally split between socially rented and intermediate (shared ownership). The definition of affordable housing, as set out in Annex 2 of the NPPF, has widened the options for affordable housing. A financial contribution in lieu of provision for affordable housing will only be acceptable where on-site provision is not achievable and where equivalent provision cannot readily be provided by the developer on an alternative site. This proposal is for three units or 15% affordable so equating to a shortfall of five units.

- 7.3.10 The Council's Affordable Housing Guidance note sets out that where it is considered that the delivery of affordable housing in accordance with the policy is unviable, this must be demonstrated through the submission of a financial appraisal. If, following the review, the Council concludes that it is in fact economically viable to provide for the affordable housing requirement in accordance with Policy CP5, this could lead to the application being refused. However, if the Council is satisfied that affordable housing cannot be provided in accordance with the policy, it will seek to negotiate alternative provision.
- 7.3.11 The proposal originally did not support any provision of affordable housing on site. The applicant's financial appraisal sets out the proposed development is in deficit of -£1,596,238 (adjusted profit of 9%), having a Residual Land Value (RLV) (*definition: sale income minus expenditure*) of £4,198,019 with a Benchmark Land Value (BLV) (*definition: existing or alternative use value + incentive/premium to landowner to bring forward the development*) of £5,794,257. On this basis no affordable housing can be provided. In accordance with PPG best guidance, the proposal appears to be marginally viable prior to considering inclusion for affordable housing.
- 7.3.12 The BLV is based on the Alternative Use Value (AUV) of the extant permission on site relating to the development of a manor house. The PPG advises that consideration to the following should be given as to whether an AUV can be considered to inform the BLV.
1. if there is evidence that the alternative use would fully comply with up-to-date development plan policies,
 2. if it can be demonstrated that the alternative use could be implemented on the site in question,
 3. if it can be demonstrated there is market demand for that use
 4. if there is an explanation as to why the alternative use has not been pursued.
- 7.3.13 The applicant has stated that the alternative use has not been pursued as the applicant is not a developer of manor houses and identified the subject site as one that would be a suitable location for their product.
- 7.3.14 In considering points 1-4 above, the alternative use relates to an extant permission and therefore point 1 is satisfied. The manor house, taking into account the gross development value minus total costs would result in a net land value of £5.8 million (allowing a 20% profit on the gross development value) whilst the proposed scheme would have a lower net land value of £4.2million. The extant permission would therefore represent a more lucrative option for the developer to implement, however aside from the reason presented in paragraph 7.3.13 above, no further explanation has been provided as to why the alternative use has not been pursued. In setting out that the developer is not a developer of manor houses there is significant doubt as to whether there is a reasonable likelihood of the alternative use value being implemented, and therefore whether point 2 is satisfied, particularly as the developer is pursuing the less valuable development on this site.
- 7.3.15 The applicant has not provided an assessment of the EUV (Existing Land Value) nor on the EUV+ (*definition: existing land value + the premium for the landowner to provide a reasonable incentive to sell the land whilst allowing a sufficient contribution to fully comply with policy requirements such as affordable housing provision*). The BLV has been calculated solely on the consideration of the AUV which is contrary to the PPG which states that the EUV "is the first component of calculating benchmark land value".

- 7.3.16 In the absence of these assessments, the Council's viability consultants have carried out their own assessment and concluded an EUV+ figure of approximately £2.6 million based on a review of similar equestrian properties which would allow for a surplus of circa £3 million towards affordable housing. The EUV+ is significantly lower than that of the AUV and would allow for a policy compliant affordable housing provision.
- 7.3.17 The applicant has not disclosed the value of their purchase option for the site considering this information as sensitive however, have set out that owing to the high market demand for the use of the manor house that it was "necessary for the developer to submit an offer at a level which reflected the site's value for development purposes as a manor house".
- 7.3.18 The PPG sets out that "site purchasers should consider policy requirements when agreeing land transactions" such as the provision of affordable housing. It further states that "It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan".
- 7.3.19 The price paid for the land therefore does not represent relevant justification to use the AUV to determine the BLV in this instance. The developer had already identified that they would not be interested in developing the site as a manor house, and there is therefore a lack of clarity and reasoning as to why they would move forward with an offer for the land that failed to consider the need to meet policy requirements. The failure to provide a policy compliant affordable housing provision is therefore not considered a result of the viability of the scheme rather it is a result of the decision to move forward with the site option despite recognising that there was an inability to meet policy requirements.
- 7.3.20 The PPG sets out that the "AUV of the land may be informative in establishing benchmark land value" however as referenced above, the PPG considers the EUV as the first component of establishing the BLV and in the absence of any information regarding the EUV, the applicant fails to demonstrate that the use of the AUV in informing the BLV is the reasonable and appropriate approach in this instance.
- 7.3.21 The Council's viability consultants raise concern that "in accepting the AUV in this case could set a precedent for 'gaming the system' i.e., landowners getting any valuable consent to artificially raise the BLV and then submit an application for another scheme...which although not directly contradicting the PPG does not appear to be 'in the spirit' of the PPG."
- 7.3.22 On the basis of the above and the assessment carried out by the Council's Viability consultants, it is considered that the development would be able to support a higher level of affordable housing on site. The proposed offer of 15% falls short of the Policy sought 40% requirement for a development of this size, and the proposal has failed to justify that it is unable to meet this requirement on viability grounds. It therefore fails to maximise the contribution of the site to the supply of affordable housing in the borough failing to accord with the objectives of Policy CP5 of the CSDMP and the NPPF.

Meeting an affordable housing need for the purposes of paragraph 149 (g) of the NPPF

- 7.3.23 The Council's Local Housing Needs Assessment (2020) identifies that there is a net need for seventy-two affordable rented units per annum and thirty shared ownership units in the rest of borough sub-area. It advises that the level of net housing need in the Borough is considerable, and the Council should seek the maximum affordable housing provision from development as viably possible.

7.3.24 As evidenced above, the development has failed provide affordable housing in compliance with policy and has instead offered three shared ownership units. For the purposes of the Green Belt assessment, notwithstanding the insufficient level of affordable housing provided, the proposed offer would contribute towards meeting part of the housing need identified in the rest of the borough sub-area and therefore no objection is raised to the tenure of housing provided. However, the proposed development would be contrary to the requirements of policy CP5 of the Core Strategy.

Impact on the openness of the Green Belt

7.3.25 Caselaw has established that Green Belt openness is open-textured, and this includes spatial and visual impacts. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.

7.3.26 Table 2 in this report and the supporting documents outline that the development relative to the existing buildings on site would result in a 35% reduction (1,040.4m²) in the overall building footprint, 5% reduction in building volume (687.5m³) and 44.94% (3,042.4m²) reduction in hardstanding. The heights of the existing buildings range, with a maximum height of approximately 7.55m and as low as 1.1m. The proposed buildings would overall represent significant increases to the overall height on the site, with a minimum ridge height of 7.45m to the one and a half storey dwellings and a 9.7m height to the two and a half-storey building.

7.3.27 The existing buildings on site are largely situated to the centre of the site allowing long distance views towards the rear of the site and the land beyond, providing an open visual link to the wider Green Belt. Although some of the existing buildings are large structures, they are not dispersed over the site and therefore their visual and spatial harm is lesser than if these buildings were plotted across the site. The proposed development would increase the spread of development over the site, at an overall greater height, standing at a maximum of 9.7m to the tallest buildings, which is considered to be significant. Where some of the proposed buildings would stand at one and half storey height, this still represents a height of 7.45m which is 0.1m lesser than the highest ridge of the existing buildings limited to a single building.

7.3.28 In addition, some of the existing buildings are open-sided and weathered whilst the areas of hardstanding particularly towards the rear and eastern boundary of the site have somewhat blended into the landscape. A quantitative assessment of the footprint and volume therefore does not truly reflect the impact of the development on the openness in this instance.

7.3.29 It is accepted that the proposed development would have a lesser footprint, volume (albeit very limited), and expanse of hardstanding relative to the existing structures to be removed and the visual impact of the development is therefore lessened. The secondary access to the southwest of the site would be closed, and replaced with soft landscaping, thereby reducing views into the site from Windlesham Road, with the proposed dwellings to this area set further back relative to the existing barn.

7.3.30 The proposed development whilst similar would not follow the same layout of built form as exists. Crucially, the development would extend into the northern area of the site as well as reducing the spaciousness towards the eastern boundary, where there is currently no development of permanent construction above ground level. The reduction to the overall volume of development on site is very limited (-5%) and does not represent a substantial improvement on the existing buildings. The proposal results in a greater number of buildings spread wider across the site than present, at an increased maximum height, reducing long views towards the land beyond the rear of the site.

- 7.3.31 Hardstanding by virtue of being at ground level, has a lesser impact on the openness of the Green Belt than development above ground level. The reduction of hardstanding therefore holds limited benefit when considered against the overall context of the spread of development, its height, and the subsequent harm to the openness.
- 7.3.32 Where the development would make use of areas covered by existing buildings it would also result in use of the areas of hardstanding that have a more rural appearance. This more rural appearance, in particular towards the rear plays an important visual function in linking the site with the wider surrounding open context, where to the north are large expanses of fields, without development. The proposed buildings would therefore effectively encroach further into the surrounding countryside and would fail to maintain the integrity of the surrounding landscape character and the visual openness of the Green Belt.
- 7.3.33 The existing site is of a private equestrian use, common to rural areas such as this, and the proposed development would introduce residential paraphernalia and activities that markedly contrasts with the existing uses. The development would result in a more permeable form of development, resulting in an encroaching urbanising effect that would be markedly at odds with the rural character of the wider surrounding area. The proposed residential use would be apparent throughout the day and throughout the year, with increased vehicle movements within the site, lighting across the site, and use of domestic gardens and communal areas. Whilst residential development in the form of Post Box Cottage and Westcroft Park House is found in the surrounding area, these are isolated residential developments, common to rural settings such as this, and the level of activity associated with these dwellings would not be comparable to the introduction of potentially one-hundred and twenty-three residents on site.
- 7.3.34 In summary the overall volume and footprint of development would be less than that of the existing buildings on site. However, the spread of development results in buildings sited above areas of previously open land, at an overall increased height across the site, whilst the proposed buildings would have a heavier appearance relative to the existing open sided, part timber framed buildings. In combination with the activity on site (including lighting, use of gardens and communal areas, coming and goings, deliveries etc), and the context of the open rural surroundings, the proposed development would result in substantial harm upon the openness of the Green Belt.
- 7.3.35 The NPPF sets out five purposes served by the Green Belt. Particularly relevant is purpose c) to assist in safeguarding the countryside from encroachment. Whilst the site is established as previously developed land, the substantial harm to openness would, by association, harm the rural and open characteristics of the area which sits within the surrounding context of open fields and horticultural uses. The development would therefore encroach into the countryside and subsequently be contrary to one of the purposes served by the Green Belt.
- 7.3.36 The proposed development would therefore fail to meet the exceptions set out in paragraph 149 of the NPPF and subsequently fall contrary to Part 13 of the NPPF. Very Special Circumstances would therefore be required to outweigh this harm.

Very Special Circumstances

- 7.3.37 Whilst very special circumstances (VSC) have not been explicitly stated, the supporting information outlines that the development would bring various benefits including:
- a) 35% reduction in building footprint, 5% reduction in building volume, 42% reduction in hardstanding
 - b) 75% reduction in vehicle movements associated with the site.
 - c) 37% reduction in CO2 emissions (excess of policy requirement of 10%)

- d) 242% increase in biodiversity net gain (and 60% net gain in hedgerow units)
- e) Provision of 3 x on-site affordable dwellings
- f) Provision of twenty residential units

7.3.38 Benefit a) has been discussed in detail in the preceding assessment. In summary, the overall reduction to the footprint, volume and hardstanding is outweighed by the increased spread of development and the increased maximum height which, in combination with other factors, result in substantial harm upon the openness of the Green Belt.

7.3.39 Benefit b) details the reduction of vehicle movements associated with the site setting out that there would be -117 total arrival and departures at the site relative to the existing use on weekdays and -602 trips on weekends. The proposed development is not considered comparable with the existing use, with the proposal being a trip generator that would result in new trips onto the highway network particularly during peak times. As such, whilst there would be a benefit to the reduction of HGVs and horse related vehicles, limited weight is attached to this benefit.

7.3.40 Benefit c) has not been clearly demonstrated, with no conclusive information submitted to evidence this claim. It is therefore given no weight.

7.3.41 Benefit d) refers to a 242% increase in biodiversity net gain on site. This is of significant benefit. Whilst it is recognised that the existing site is of poor biodiversity quality, this does not impact the weight afforded to the benefit which is considered significant.

7.3.42 Benefit e) refers to the affordable housing level to be provided. The proposed offer of three on site affordable dwellings (15%) falls short of policy, which would seek a 40% provision of affordable housing on offer for a site of this scale. Any benefit would need go over and above policy compliance to demonstrate very special circumstances, and therefore this benefit holds no weight.

7.3.43 Benefit f) refers to the provision of housing. The Council can demonstrate a 7.2-year housing supply within the borough and therefore no significant weight is attached to this benefit.

7.3.44 The proposed development would result in some benefits towards reduction in traffic generation and biodiversity net gain which in combination hold moderate weight. However, these are not considered sufficient in outweighing the harm to the Green Belt, and any other harm identified below, to amount to VSC.

7.4 Impact on the character, appearance, and trees of the surrounding area

7.4.1 Part 12 of the NPPF sets out that good design is a key aspect of sustainable development, helping make development acceptable to communities. Developments should function well and add to the overall quality of the area and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping whilst being sympathetic to local character. Policy CP2 states that new development should use the land efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural, and historic environments.

7.4.2 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 promotes high quality design. Development should respect and enhance the character of the local environment and be appropriate in scale, materials, massing, bulk, and density. It also seeks to protect trees and vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate. Principle 6.2 of the RDG requires residential developments to use trees, vegetation, gardens, and open spaces to create a strong, soft green character to streets.

Layout & Context

- 7.4.3 The proposed development would replace the existing equestrian buildings on site (aside from the Post Box Cottage). The general arrangement provides a permeable layout largely situated around the centre of the site, without the creation of any awkward unattractive spaces. The proposed vehicle path running down the west of the site provides convenient access to all dwellings without being convoluted and without obstruction. The layout whilst allowing for some spacing between the properties, is more akin to that of an urban location, owing to its formal rectangular positioning rather than that of the rural countryside. Where the site benefits from larger existing buildings, these are of a design and form typical of rural locations such as this. The proposed development owing to the quantum of development proposed, and the relatively tight layout, would represent an overdevelopment of this rural countryside site. The proposed development therefore fails to respond to the character of the surrounding area, resulting in an urbanising form of development that harmfully contrasts with the open low density rural surroundings.

Scale, Bulk and Massing

- 7.4.4 The proposed buildings when considered in isolation are of balanced proportions in floor levels, widths and depth and allow a good balance and relationship between the built form and garden amenity on their individual plots.
- 7.4.5 However, the proposed dwellings would stand relatively tall, measuring a minimum of 7.45m to a maximum of 9.7m to the ridge lines. Whilst in isolation they may appear of an acceptable scale, relative to surrounding context, the proposed dwellings would appear unnecessarily tall, whilst overall resulting in the height of development being increased across the height. This again harmfully contrasts with the rural open surroundings.

Detailing and Materials

- 7.4.6 Although the proposed development is unacceptable in other aspects, it is however considered that the proposed elevational treatment, detailing and form of the development has taken cues from the wider surrounding area, as has the material palette, providing a traditional aesthetic acceptable within this context. The contrast between properties enhances the overall quality of the development as does the use of landscaping. In the event of a grant of permission, conditions would be secured relating to details of materials and cycle and refuse/recycling stores to ensure their quality.

Landscaping & Trees

- 7.4.7 The existing site, noting its existing use and layout, aside from the boundary treatment provides limited soft landscaping benefit. The supporting documents state that the development would result in a 242% increase in biodiversity net gain on site. The proposed design, which includes front and rear garden soft landscaped, together with tree planting to the gardens, and boundaries of the site, represents a significant uplift in overall soft landscaping provision. From a design perspective, the level of soft landscaping introduction on site is considered acceptable and appropriate in ensuring good placemaking and enhancing the visual quality of the development.
- 7.4.8 The Council's Arboricultural Officer has reviewed the proposal and the supporting AIA and AMS. It is recommended that the minor amendments are made to the layout of the footway relative to T44 – T49 as well as the car parking spaces north of T9 to ensure the RPA of these trees is protected. The alterations necessary are considered minor amendments and could be secured as part of revised plans. Revised drawings have not been requested in this instance as the application is recommended for refusal.

Aside from the minor amendments, conditions relating to tree protection measures and soft landscaping management is requested and would have been imposed if planning permission were granted.

Summary

- 7.4.9 The proposed layout, quantum of development and increased maximum heights which results in twenty separate buildings of permanent construction plotted over the site, standing at a minimum of 7.45m and up to 9.7m high, results in an overdevelopment of the site harmful to the open, spacious character and contrary to this low-density rural location. The Council's Urban Design consultant also objects to the development on these grounds. As such, the proposed development would be considered unacceptable failing to satisfy the objectives of Policies CP2 and DM9 of the CSDMP and the NPPF.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP indicates that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. Principle 6.2 of the RDG sets out the requirements for residential developments. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents. Policy DM16 of the CSDMP requires the provision of play space provision for residential developments on site. The policy does not set a site area or threshold as to when this is required.
- 7.5.2 The nearest residential properties sit immediately adjoining to the west of the site. The Graylands, a residential chalet style bungalow with various single-storey buildings within the curtilage sits adjacent to the southwestern corner of the site, with the main dwelling setback 24.7m from the Unit 1 with the ancillary outbuilding to the rear set 4.5m away from Unit 1. Westcroft Park House is a sizeable manor house that is situated approximately 80m from Unit 1. Post Box Cottage to the southeast, is situated some 35m from Unit 2. No other residential properties adjoin the site, with the nearest dwellings situated to the eastern side of Woodcock Nurseries, set 75m from the curtilage of the application site.
- 7.5.3 When assessing the proposed development against Graylands, the existing site benefits from a wide (35m) one and half storey barn structure which sits near the boundary. The proposed dwellings would be set a further 7m rearwards, whilst they maintain a similar separation of 4.6m from the shared boundary. The orientation of the proposed dwellings, together with the relative separation distances and noting they are designed in a chalet-form, ensures that there would be limited harm to the neighbouring occupier's amenity particularly in context of the existing building on site. The proposed residential use would not result in any significant noise, disturbance, or light impact over and above the existing use.
- 7.5.4 Due to the separation distances relative to all other residential development it is considered there would be no significant amenity harm to these neighbouring occupiers.
- 7.5.5 The Department for Communities and Local Government Technical Housing Standard – Nationally Described Space Standard sets the requirements for internal space within new dwellings and is suitable for application across all tenures. Principles 8.4 – 8.6 of the RDG set out garden size requirements for new dwellings. Principle 8.6 sets out that flattened developments will be expected to provide outdoor amenity space for each unit.

- 7.5.6 All units would exceed the minimum space standards set out within the NDSS document. In addition, the internal layouts are well designed, ensuring acceptable levels of outlook, privacy, and natural light for all units.
- 7.5.7 All dwellings are provided with generous private rear gardens that meet the garden size requirements set out in the RDG which requires 55m₂ (2 or 3 bedroom) and 70m₂ (4+ bedroom) for gardens predominantly facing south and 65m₂ (2 or 3 bedroom) and 85m₂ (4+ bedroom) for gardens predominantly facing north. The flatted units whilst having access to the communal amenity space, do not benefit from any private amenity provision contrary to Principle 8.6 of the RDG. The absence of private amenity space for all residents demonstrates the overdevelopment of the site, failing to provide an acceptable standard of accommodation for residents of the flats.
- 7.5.8 The proposed development provides an area of play space within the curtilage, accessible and convenient for users which is considered acceptable and appropriate.
- 7.5.9 Due to the absence of private amenity space for the occupiers of the flats, Units 8, 9 and 10, the proposed development fails to provide an acceptable standard of accommodation for all residents, contrary to Policy DM9 of the CSDMP and Principle 8.6 of the RDG.

7.6 Impact on sustainability, highway safety and parking capacity

Sustainability of the site

- 7.6.1 Paragraphs 105 and 110 of the NPPF promotes sustainable transport objectives. This includes safe and suitable access for all users and has the benefit of reducing emissions. Policies CP1 and CP11 of the CSDMP reflect these objectives by directing development to sustainable locations with good transport links, promoting sustainable modes of transport and reducing the need to travel. Policy DM11 of the CSDMP states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. All development should ensure safe and well-designed vehicular access and egress and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians. The County Highways Authority (CHA) have not raised a formal objection to the development owing to the existing land use context however consider that the site does not represent a sustainable location that would provide safe and suitable access for all users, therefore not providing genuine choice of transport modes, contrary to sustainable transport objectives.
- 7.6.2 The application site is situated outside of the settlement boundaries, in a rural location away set 2.5km away from the nearest village (Chobham). Access to the site is via Windlesham Road, a 40mph rural road without a pedestrian footway, whilst having poor / little lighting making the roadway unsuitable for pedestrians and less desirable for cyclists, particularly in hours of darkness. Access to the site is therefore vehicle dependent, whilst there are no local amenities situated in a safe, walking distance from the site.
- 7.6.3 Due to its location, the proposal would conflict with the spatial strategy set out in the CSDMP. The Council can demonstrate a 5-year housing supply and therefore there is no requirement for significant weight to be afforded to the provision of housing in this instance. Occupiers of the proposed dwellings would be reliant on the use of private cars to access most everyday services even if some of these journeys may be relatively short in distance. Ninety-five percent of the development is 2+ bedroom units, and it is therefore likely that children will be present at the site requiring access to nurseries and schools. The development fails to provide a 'Safe Route to School', and SCC could therefore be required to pay for the provision of taxis to get children to school from the development site.

- 7.6.4 It is recognised that rural areas generally have a greater reliance on private car ownership and there are residential properties situated in the wider surrounding area. Notwithstanding this, the development would be contrary to the aim of providing sustainable patterns of growth. The proposed development would also result in a considerable degree of social harm providing new homes in a location which does not provide suitably for the day-to-day needs of its residents, nor give ready access to them by sustainable means and so would encourage unsustainable patterns of travel.
- 7.6.5 The applicant argues that there is a permissive path and local bridleway. However, this public right of way could be removed at any time and therefore cannot be relied upon. Furthermore, this would not be considered an appropriate route, being unlit with no footway and having narrow verges. Private transport would therefore be the convenient option to access this service.
- 7.6.6 The submitted transport statement sets out that the development would provide the following benefits:
- Seventy-five percent reduction in vehicular movements associated with the site.
 - Reduction in HGV traffic
 - Closure of two substandard accesses on Windlesham Road
 - Removal of horse and ride movements
 - Removal of tractor movements
 - Provision of a permission path to existing bridleway
 - Thirty-seven percent reduction in CO2 emissions
 - Removal of recreational pedestrian movements within Woodcock Lane and Windlesham Road
- 7.6.7 In addition, a travel plan has been submitted with measures and initiatives to promote sustainable modes of transport and reduce the need to travel including, mobility credits framework, EV charging points and cycle parking facilities.
- 7.6.8 The development is not comparable to the existing use in terms of trip generation with the existing use an end destination and a trip attractor, whilst being a use that would be expected in a rural location. The proposed development would be a trip generator and result in new trips onto the highway network particularly during the AM and peak times.
- 7.6.9 The existing use benefits from the provision of ancillary residential accommodation providing grooms accommodation for up to 25 staff in portacabins on sites. Whilst the site provides a form of residential accommodation which is used in conjunction with the existing use this is not considered comparable to that of a typical residential development as proposed. The grooms staff are generally individuals on work visas who travel to the country specifically to work with the horses providing specialist care and training. The number of staff on site is dependent on the polo season, with the season running from March – October and with the winter months resulting in a downturn in activity on site. The staff, owing to the level of care and training required for the horses would typically be expected to stay on site throughout the day with only the occasional movement off site for grocery shopping.
- 7.6.10 This is in contrast to the level of activity required for the future residents of the site who would require access to a range of medical, leisure and educational facilities in addition to having greater and more diverse shopping needs. Therefore, whilst the existing accommodation on site is recognised, the staff have a significantly lower need to travel.

- 7.6.11 The alternative modes of transport available for future residents is of limited scope, owing to the quality of the highway infrastructure (unlit roads and pathways, no defined pedestrian footpaths) and given the distance to local facilities, the development would be considered poorly located to support these aspects. The proposal does not provide any significant contribution towards improving the highway infrastructure for the benefit of future residents. The proposal, even in reducing trip generation would not reduce the reliance on private transport given the lack of genuine choice in alternative modes and therefore fails to overcome the concern relating to the unsuitable location of the site in relation to existing services and facilities.
- 7.6.12 Officers accept the benefit of the proposal in reusing an existing site as well as reducing the use of HGVs to the site and encouraging the use of electric vehicles through EV charging bays. It is unclear as to how the development would reduce CO2 emissions and the trip generation numbers do not provide conclusive evidence on the relative greenhouse gas emissions arising from each as this would depend on distance and type.
- 7.6.13 Notwithstanding, the site fails to demonstrate appropriately how the development would provide safe and appropriate access for all users. Given the percentage of family homes provided, there is particular concern regarding the appropriateness of the location for children and young adults in accessing local facilities and services. The development would fail to accord with the Council's spatial strategy and subsequently result in significant social harm for the future residents of the site. The proposal would therefore be considered contrary to policies CP1, CP11 and DM11 of the CSDMP and the NPPF.

Parking Capacity

- 7.6.14 The proposed development would provide a total of forty-six parking spaces including six visitor spaces resulting in a parking ratio of 2.2 spaces per unit. Each dwelling would have access to an EV charging point.
- 7.6.15 With respect to cycle parking, each unit would be provided a store within the curtilage of the dwelling or otherwise a communal store for the flatted units. The proposed vehicle and cycle parking provision sufficiently meets the requirements set out the SCC Highways parking guidance.

Access

- 7.6.16 The existing central access to the site would be retained and enhanced, providing a 6m wide vehicle path through the site allowing vehicles to simultaneously pass whilst meeting requirements for waste operatives and emergency vehicles to safely enter and access the site. The other accesses off Windlesham Road would be closed and relandscaped which is considered acceptable and appropriate.

Summary

- 7.6.17 The proposed development is considered an unsustainable location for residential uses of this scale and fails to demonstrate safe and suitable access for all users. Whilst parking capacity, and access within the site is considered acceptable, the unacceptability of the site location and reliance of private transport remains. On this basis, the proposed development is considered unacceptable in highway terms and fails to comply with the objectives of Policies CP1, CP11 and DM11 of the CSMDP and the NPPF.

7.7 Impact on flood risk and drainage

- 7.7.1 Policy DM10 of the CSDMP indicates that development within flood risk zones 2 and 3, or on sites of one hectare or more, will not be supported unless it can be demonstrated that the proposal would, where practicable, reduce risk both to and from the development. Development will be expected to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at an appropriate level to the scale and type of development.
- 7.7.2 The application site lies in a Zone 1 (low risk) flood area however relates to a site of greater than one hectare in area. The proposal includes a surface water drainage scheme; however, the Lead Local Flood Authority and the Council's Drainage Engineer consider this insufficient in demonstrating that the development would reduce the volume and rate of surface water run-off. Where objections have been raised in respect of insufficient information, the principle of the development is not objected to subject to appropriately demonstrating it can meet policy requirements set out above. Further information was not sought from the applicant as the proposal was considered unacceptable on other grounds and in the absence of a policy compliant drainage scheme the development subsequently fails to accord with Policy DM10 of the CSDMP and the NPPF.

7.8 Impact on the Thames Basin Heaths Special Protection Area

- 7.8.1 Policy CP14 of the CSDMP indicates that development will only be granted where the Council is satisfied that the proposal will not give rise to a likely significant adverse effect upon the integrity of the Thames Basin Heath Special Protection Area (SPA). All new (net) residential development within five kilometres of the SPA is considered to give rise to the possibility of likely significant effect. Policy NRM6 of the SEP reflects these requirements. Proposals will be required to provide appropriate measures in accordance with the AAP. This includes contributions towards SAMM measures. SANG requirements are provided through CIL.
- 7.8.2 The Council has sufficient capacity of SANG for the development in the event planning permission is granted for the proposed development. The applicant has confirmed that the SAMM contribution would be secured through a legal agreement prior to the determination of this application. Subject to the signing of the legal agreement the proposal satisfies the objectives of Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the NPPF and advice in the AAP.

7.9 Impact on biodiversity and ecology

- 7.9.1 Policy CP14 of the CSDMP indicates that development which would result in harm to or loss of features of interest for biodiversity will not be permitted whilst biodiversity gain is recommended.
- 7.9.2 The application is supported by an ecological impact assessment with Surrey Wildlife Trust (SWT) consulted as part of the application. SWT have recommended that a bat roost survey is conducted in reference to T33 which has been identified as having moderate bat roosting suitability. The tree is proposed to be retained and given its siting to the eastern boundary of the site away from the development, it is not considered necessary to conduct a further survey.
- 7.9.3 Recommendations have been made by SWT for conditions to be attached to any grant of approval in relation to ecological enhancements and management plans. Subject to appropriate conditions the development would be acceptable in ecological terms and comply with Policy CP14 and the NPPF.

7.10 Other matters

- 7.10.1 Policy CP2 of the CSDMP indicates that development will be required to provide measures to improve energy efficiencies and sustainability. The energy statement provided to support the application includes measures to include a fabric first approach, within the building fabric, insulation and double glazing, high-efficiency heating systems and low energy lighting. In addition, photovoltaic panels would be provided to the flatted development. An expected reduction of 37.36% reduction in emissions which is equivalent to Level 4 Code for Sustainable Homes.
- 7.10.2 Policy DM17 of the CSDMP indicates that on sites of 0.4 hectares or over, a prior assessment of the potential archaeological significance of the site must be undertaken. In this case, a desk-based assessment has been provided which indicates that the site has a low archaeological potential. In addition, due to the previous site history, the archaeological implications for this development are low, with no evidence indicated, and it is considered that a programme of archaeological work is not required in this instance.
- 7.10.3 Paragraph 183 of the NPPF indicates that planning decisions should ensure that a site is suitable for its proposed use considering ground conditions and any risks arising from land contamination. Noting the historic site use, it is considered prudent to seek agreement of an approach to any land contamination on this site. A condition in this respect would be required, an approach which is supported by the Senior Environmental Health Officer.
- 7.10.4 The site involves the creation of twenty new dwellings and would therefore be CIL liable.

8.0 PUBLIC SECTOR EQUALITY DUTY

- 8.1 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex, and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

9.0 CONCLUSION

- 9.1 The proposed development is considered unacceptable in principle, representing inappropriate development within the Green Belt, by reason of substantial harm upon the openness whilst it would encroach upon the countryside thereby falling contrary to the purposes of the Green Belt.
- 9.2 The proposed development relative to the existing site would comprise of buildings standing taller, of a more solid permanent construction and spread across a greater area resulting in an urbanising form of development that is out of character with the low density, spacious rural surroundings.
- 9.3 The development site would also be considered an unsustainable location that fails to provide safe and suitable for all users, resulting in social harm and failing to demonstrate how the development would accord with sustainable transport principles.
- 9.4 The proposal fails to provide an acceptable offer of 40% affordable housing and therefore fails to maximise the contribution of the site to the supply of affordable housing.

- 9.5 Insufficient information has been submitted to demonstrate the development could occur without increased surface water flood risk.
- 9.6 In addition, the absence of a completed legal agreement for SAMM and the proposal is also contrary to policy.
- 9.7 The applicant has appealed against the non-determination of this application and as such the decision will rest with the Planning Inspectorate. As such, the recommendation is that the Council would have been to refuse this application if it had been the determining authority.

10.0 RECOMMENDATION

The Council WOULD HAVE REFUSED this application for the following reasons:

1. The proposed development by reason of its overall quantum, spread of development and overall height would represent inappropriate development within the Green Belt, resulting in substantial harm upon the openness and resulting in encroachment into the countryside, thereby conflicting with the purposes of the Green Belt. As such, the proposal meets none of the exceptions for development set out in paragraph 149 of the National Planning Policy Framework (NPPF) and there are no very special circumstances to outweigh this Green Belt harm and the harm identified in reasons 2-6. The proposal is contrary to part 13 of the NPPF and Policy DM3 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012.
2. The proposed development by reason of its layout, quantum of development and overall height across the site together with the provision of inadequate private amenity space for Units 8, 9 and 10, would result in an overdevelopment of the site, creating an urbanising form of development that would be harmful to the low-density rural character of the surrounding area whilst failing to provide an acceptable standard of accommodation for all residents. This would be contrary to the NPPF, Policy DM9 of the adopted Surrey Heath Core Strategy and Development Management Policies 2012 and Principle 8.6 of the Residential Design Guide 2017.
3. The proposed development fails to demonstrate that it would be an appropriate location for providing large scale housing, failing to demonstrate how the development would provide safe and appropriate access for all users whilst falling contrary to the Council's spatial strategy and subsequently result in significant social harm for the future residents of the site. The proposal would therefore be considered contrary to policies CP1, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.
4. The proposed development fails to provide an acceptable offer of affordable housing on site, without justification, and therefore fails to maximise the contribution of the site to the supply of affordable housing in the borough or meet an identified need of 40% affordable units on a qualifying site. The application is therefore contrary to the aims and objectives of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework, and advice within the Surrey Heath First Homes Policy Guidance Note 2021 and Written Ministerial Statement (24.05.21).
5. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 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 (2019).

6. Insufficient information has been submitted by way of a drainage scheme to demonstrate that the proposed development would not result in adverse harm to the drainage and flood risk of the surrounding area contrary to the objectives of Policy DM10 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 and NPPF (2021).

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APPLICATION NUMBER	SU/22/1001/FFU
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DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: Mr A Searchfield

Location: Westcroft Park Farm , Windlesham Road, Chobham, Woking, Surrey, GU24 8SN

Development: Construction of 20 dwellings with associated parking, access and landscaping following demolition of existing buildings (except Post Box Cottage)

Contact Officer	Richard Peplow	Consultation Date	4 October 2022	Response Date	05 July 2023
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The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

Sustainable Transport / Location Advice

The NPPF 2021, states that local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport, and that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The NPPF does, however, recognise that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Policy CP1 of the Surrey Heath Core Strategy states that new development will be in locations which are or can be made sustainable, so will be concentrated within the existing built up areas of the District, the Western corridor, where there is a choice of mode of transport available and where the distance to travel to services is minimised. Policy DM11 states that all development should ensure safe and well-designed vehicular access and egress and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

The County Highway Authority (CHA) considers that the application site is not an ideal location in sustainable transport terms for new residential use, as it is not easily accessible by modes of transport other than the private car. It is not located within a reasonable walking distance from key services and facilities such as jobs, shops, schools, health and leisure facilities, or public transport. Residents of the proposed residential use would therefore be heavily dependent on the private car for access to normal day to day services and facilities, hence the development would be contrary to the sustainable transport objectives of the NPPF and Policies CP1 and DM11 of the Surrey Heath Core Strategy.

The CHA acknowledges that there are three dimensions to sustainable development - economic, social and environmental - hence the sustainability of the site should not be assessed purely in terms of transport mode and distance. It also acknowledges that planning policy does permit the conversion and re-use of buildings in the Green Belt and hence some developments will not be able to meet the requirements of locational and transport policies. Therefore, it is for the Local Planning Authority to weigh up the CHA's sustainable transport advice against the other policies in the NPPF and the Core Strategy, particularly those relating to rural areas, in order to determine whether or not the proposed development would be sustainable in its wider sense.

If the LPA is minded to approve the proposed development the CHA would recommend that the following conditions are imposed:

Conditions

- 1) No part of the development shall be first occupied unless and until the proposed modified vehicular and pedestrian access to Windlesham Road has been constructed and provided with 2.4 x 90 metre visibility splays in accordance with the approved plans (Drawing No. FA21-1855-057) and thereafter the visibility splays shall be kept permanently clear of any obstruction between the height of 1.05 and 2.0 metres above the level of the carriageway.
- 2) The development hereby approved shall not be first occupied unless and until the existing western-most access and the central access from the site to Windlesham Road have been permanently closed and the highway verge fully reinstated.
- 3) The development hereby approved shall not be first occupied unless and until a 2 metre wide permissive pedestrian path has been constructed through the site to link to the public footpath (route 122) to the south of the site and the bridleway (route 133) to the north of the site in accordance with the approved plans (Drawing No. L90-201).
- 4) 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. FA21-1855-063) for vehicles to be parked and 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 purpose.
- 5) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge Electric Vehicle Charging Point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 6) Prior to the first occupation of the development a Travel Information Pack shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy

Framework and Surrey County Council's Travel Plans Good Practice Guide for Developers. The approved Travel Information Pack shall be issued to the first time occupier of each dwelling, prior to first occupation.

- 7) The development hereby approved shall not be first occupied unless and until the proposed dwellings have each been provided with parking for a minimum of two bicycles in a robust, secure and lockable enclosure including charging points for electric bikes in accordance with the approved plans for bicycle storage (Drawing No. FA21-1855-155) and thereafter the said approved facility shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

- 8) 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) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (j) on-site turning for construction vehicles

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.

(Notice in writing must be given by the Local Planning Authority to the Applicant that if planning permission is granted this condition is intended to be imposed, or pre-authorisation from the applicant must be sought before recommending the imposition of this condition. The Validation requirements for planning applications needing the submission of a Construction Management Plan will provide this notice).

Reason

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

Policy

Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2021.

Highway Informatives

- 1) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water

course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see

<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>

- 2) The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 3) 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).
- 4) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
- 5) The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
- 6) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- 7) The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance.

Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.

- 8) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- 9) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022.

Note to Case Officer

The County Highway Authority (CHA) previously objected to the proposed development on sustainability grounds for the reasons as set out above. However following a thorough site visit in which we were shown evidence of existing residential accommodation with capacity for 24 persons to live on site (although on a temporary basis) and also witnessed the scale of the current commercial activity with stabling for 90 horses, the CHA has reconsidered its position. It is apparent that when assessing the existing lawful use of the site, particularly considering if it was operating at its full capacity, with the need for grooms and security staff to live on site, the proposed residential development would lead to a significant net reduction in vehicle trips over the course of a typical week day and weekend day, including a reduction in HGV movements onto Windlesham Road.

Traffic generation

The trip rate assessment in the Technical Advisory Note accords with the TRICS methodology. An estimate of the trip rate for the whole site (48.2 hectares) has been made. This trip rate has then been applied pro-rata to the northern land holding (20.636 hectares), as this land is accessed via the application site and is served by the buildings / facilities that are contained within the application site. Both weekday and weekend trips have been considered.

A net traffic generation assessment has then been made by comparing the existing trip generation to that for the proposed residential use. The CHA confirms that this approach provides a robust assessment.

Based on the calculated trip rates of 10.3 per hectare for weekdays and 32.5 per hectare for weekend days the assessment shows the total trip generation for the equestrian use to be 213 trips over a typical weekday and 671 over a typical weekend day.

Based on a daily trip rate of 4.84 per dwelling the trip generation for the proposed residential use is predicted to be 97 trips over a typical weekday and 69 over a weekend.

From this the net traffic impact has been predicted to be a net daily reduction of 117 trips on a weekday and 602 trips on a weekend day. This would include a significant reduction in goods vehicle trips.

A weighted average daily trip generation calculation has also been included to take account of both weekday and weekend trips. This shows a net reduction of 256 trips.

Road Safety

On the site visit the CHA also witnessed a large group of horses being led out of the site onto Windlesham Road, which is understood to be a regular occurrence. In this context the road safety benefits set out in section 3 of the Applicant's submitted (Highways) Technical Advice Note (January 2023) do appear to be a material consideration.

Taking all of the above into consideration the CHA is minded to accept the residential element subject to the above conditions, but understands that the LPA may wish to refuse the application on sustainability grounds.



Introduction/background

1. Dixon Searle Partnership (DSP) were commissioned by Surrey Heath Borough Council (SHBC) to carry out an independent review of the 'Viability Appraisal and Report' (VAR) dated 13 September 2022 and supplied to the Council on behalf of the applicant, Searchfield Homes, by Kempton Carr Croft Ltd (KCC), in relation to the proposed development at Westcroft Park Farm, Windlesham Road, Chobham, GU24 8SN.
2. Our report (ref DSP 22330AL) tested alternative assumptions for GDV, build costs and sale/marketing costs for the proposed scheme. We also noted that the proposed Benchmark Land Value (BLV) (based on the AUV of the consented scheme for a large manor house on the site) appeared to conflict with some of the circumstances suggested in the PPG that might make this an appropriate approach – namely that:
 - It can be demonstrated there is market demand for that use
 - If there is an explanation as to why the alternative use has not been pursued
3. KCC responded with a 'Viability Appraisal Addendum' (VAA) dated 1 March 2023 which provided their comments on the above areas of disagreement, as well as an updated estimate of build costs for the proposed scheme.
4. DSP reviewed this response, providing a review of the KCC addendum on 21 March 2023 which included the following:
 - DSP's view that pricing should be at the upper end of the market, noting also the location and context of the proposed homes
 - An increase in build costs would be allowable based on clarifications from the applicant, reviewed by ERM surveyors on behalf of the Council, there an amount of £7,779,828 excluding contingency to be applied in an updated appraisal.
 - Clarification that contingency at 5% was included separately in our appraisal
 - Agreed an increased sales/marketing allowance based on a 3% sales and marketing allowance (a total of £580,800 for sales and marketing; £29,040 per unit).
5. The DSP response of 21 March 2023 also discussed BLV at length. This remains the principal point of disagreement and the most significant factor in the viability of the scheme. The



Council have therefore requested that DSP provide a further addendum setting out a commentary on the main argument between the EUV+ and AUV approach to determining the benchmark land value for this application.

6. DSP agreed that based on values/costs at the time, the AUV scheme had a value of £5.7 million, which exceeds the residual value within DSP's updated appraisal – therefore if the Council were to accept the applicant's approach of using an AUV based on the extant permission for a large manor house, this would indicate that no surplus is available for affordable housing.
7. To clarify, DSP's updated appraisal (March 2023) indicated a residual value of £5,734,521 for the scheme, which is just below the submitted BLV of £5,794,257.
8. However in our view and that of the Council, the AUV/BLV has not been fully justified. The applicant has not undertaken an assessment of EUV or offered any opinion on what the EUV+ might be. In carrying out our original review, and on the basis of no information being provided by the applicant team in terms of the EUV, we undertook our own analysis of the site, utilising what little information there was on the component parts of the site. In our view (based on the limited information available regarding the existing use and buildings on the site) an EUV+ based on the value of the stables/polo club plus a suitable landowner premium would be closer to £2.6 million. This view was based on the review of similar equestrian properties set out in our original viability review ref DSP23330AL. Applying this BLV would therefore indicate a surplus for affordable housing of c. £3 million.
9. In DSP's opinion the AUV in this case is unlikely to be a suitable basis for BLV. The reasons for this (some of which have been discussed in previous correspondence) are set out below.

Benchmark Land Value

10. The AUV is not necessarily an appropriate means of assessing BLV in this case. The viability outcomes and report conclusions do not appear logical in that, as originally presented in the applicant's viability assessment, the AUV scheme has a value of £25 million, total costs of £18,913,792, therefore a net land value of £5,794,257, after allowing a profit of 20% GDV (£5 million). The landowner could therefore sell the site for £5.8 million.



11. By contrast, the proposed scheme, as presented in the applicant's viability assessment, has a much lower value of £18.7 million but requires £14.5 million of costs to achieve this value (including a 17.5% developer profit of £3,270,750), therefore has a net land value of £4.2 million. If the site were sold with permission for the proposed housing, only £4.2 million would be realised. The landowner/developer position appears worse for the proposed scheme than the AUV scheme, having accounted for the risk of proceeding with each. It is therefore unclear why the proposed scheme would be preferred to the AUV scheme, and on this basis would appear to be at odds with paragraph 17 of the PPG which states (our underlining):

12. *'Plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with up to date development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued.'*

13. In our view the AUV scheme does not appear to comply with the underlined points above. KCC have responded to this by stating that there is a high market demand for the use as a manor house, and that this made it *'necessary for the developer to submit an offer at a level which reflected the site's value for development purposes as a manor house'*. The VAA also states that the week before the applicant's exchange of contracts a higher offer was received by the vendor *'from a development company purchasing the site on behalf of an owner occupier for whom they would purchase a property. However as the applicant was so close to exchange of contracts the vendor did not pursue this option'*.

14. The amounts involved in either option have not been specified by KCC/the applicant.

15. KCC go on to state that Searchfield, the developer, are not a developer of manor houses and *'identified the subject site as one that would be a good location for their product'*.

16. The fact this is a *'good location for their product'* reinforces our view that the prices expected to be achieved will be in line with Searchfield's typical product aimed at the upper end of the market. As does the fact that the developer has been able to compete with what is (according to the submitted figures and statement of market demand) a more lucrative option for sale of the site as a manor house development.



17. We accept the point that there is market demand for the manor house. The above commentary does however raise the question of how much has been paid for the site – and whether the price paid properly reflected the need to meet policy requirements such as affordable housing. Given that the high BLV is a significant factor in the apparent lack of scope to provide affordable housing in this case, the non-viability would appear to be a problem of site selection, or of over paying for the site, rather than an inherent problem with the viability of the development.

18. The PPG also notes, regarding land value, (our highlighting):

'Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement).'

19. We understand that the applicant has a purchase option on the site and the Council has requested details of this, however the applicant has refused to provide this information, stating that it is commercially sensitive.

20. As noted above, the applicant has not offered an assessment of EUV, instead going straight to an AUV valuation.

21. The PPG however states that BLV should be established on the basis of EUV+ (paragraph 013) and that *'Existing use value (EUV) is the first {DSP emphasis} component of calculating benchmark land value'*. The PPG goes on to discuss (paragraph 17) *'Can alternative uses be used in establishing benchmark land value?'* and states that *'AUV of the land may be informative in establishing benchmark land value'*.

22. This implies that EUV should at the very least be considered first before referring to AUV.

23. This view was supported by a Planning Inspector in the attached Appeal decision (ref APP/M9584/W/20/3258321 & APP/M9584/W/20/3258322). In paragraph 12 the Inspector notes that the PPG *'expresses a preference for the use of EUV+'*.



24. The Inspector stated (in paragraphs 15 to 18 of the attached Appeal decision) that:

'There is a significant difference between the value of the site using the commercial AUV and its value using the EUV. It is also relevant that the value using the commercial AUV appears to be considerably higher than its value using a mixed use AUV. Although the PPG states that the AUV of the land may be informative in establishing the BLV, this does not necessarily mean that it should then automatically be used as the BLV in every case without further consideration, particularly having regard to the SPG¹ that it will only be considered in exceptional circumstances. It is informative but it is not necessarily determinative.

Using EUV+ with a 30% premium has been reasonably demonstrated as capable of delivering a policy compliant amount of affordable housing. A 30% premium for these appeals on this site appears to be appropriate for context of this assessment and taking account of other developments. It falls at the top end of the 10%-30% range set out in the SPG. At this level it would follow the PPG which advises that the premium should provide a reasonable incentive for a landowner to bring forward land while allowing a sufficient contribution to fully comply with policy contributions.'

Bearing in mind the preference for the use of EUV+ and guidance in the PPG that the use of AUV may be informative, there is not an overriding policy requirement in testing viability for the appellant's commercial highest value AUV scheme to be finally determinative in assessing BLV.'

Conclusions

25. Stepping back and looking at the viability picture as a whole, it appears to us contradictory that the developer has chosen to pursue this site and had to make a high offer for the land in order to pursue a scheme which would not achieve significant values but has very high build costs.

26. It would appear that the amount offered for the site exceeds what should reasonably have been offered taking into account the policy requirement for affordable housing.

27. It is not clear what would have changed with the site that issues with viability would not have been picked up at the feasibility stage, i.e. before making an offer for the site.

¹ The London SPG in the case of this Appeal decision.



28. As KCC note, the PPG does not specify that all the suggested tests for whether an AUV is suitable have to be met. The PPG states that *'Plan makers can set out in which circumstances alternative uses can be used'*, implying that councils have discretion in these matters.
29. It is for the Council to consider whether the submitted position is acceptable, given the above.
30. In our view, accepting the AUV in this case could set a precedent for 'gaming the system', i.e. landowners getting any valuable consent to artificially raise the BLV and then submit an application for another scheme (the scheme that they actually want to come forward) which although not directly contradicting the PPG does not appear to be 'in the spirit of' the PPG.
31. The question for the Inspector to consider in this case is what is a reasonable amount for a developer to pay for the site/what is a reasonable amount for the landowner to expect? In our view this should be linked to the value of the site in existing use, not the assumed value of a permission which although implementable has not been built out and is not being pursued.

DSP comments end
13 July 2023



Appeal Decisions

Hearing held on 22 February 2022

Site visit made on 21 February 2022

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11/04/2022

Appeal A Ref: APP/M9584/W/20/3258321

55-69 Rothbury Road, London, E9 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Goldcrest Land against the decision of London Legacy Development Corporation.
 - The application Ref 19/00537/OUT, dated 22 November 2019, was refused by notice dated 29 July 2020.
 - The development proposed is the demolition of the existing buildings and redevelopment for a development with a part basement/part 6/part 7 storey mixed use building to provide for 252.3m² B1 class and 28 residential units.
-

Appeal B Ref: APP/M9584/W/20/3258322

55-69 Rothbury Road, London, E9 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Goldcrest Land against the decision of London Legacy Development Corporation.
 - The application Ref 19/00538/OUT, dated 22 November 2019, was refused by notice dated 29 July 2020.
 - The development proposed is the demolition of the existing buildings and redevelopment for a development with a part basement/part 6 storey mixed use building to provide for 252.3m² B1 class and 25 residential units.
-

Decision

1. Both Appeal A and Appeal B are dismissed.

Preliminary Matters

2. Both applications are in outline with matters of access, appearance, layout and scale being considered in the detail and with landscaping reserved for future consideration.
3. The descriptions used in the banner headings above are taken from the relevant planning application forms which are also repeated in the Statement of Common Ground. Prompted by discussion at the hearing, the main parties subsequently agreed and suggested revised descriptions for both schemes, though this has no bearing on the consideration of the main issue.
4. Completed and signed S106 unilateral undertakings for both schemes were submitted at the hearing. They include obligations relating to affordable housing, employment and training, transport and highways, sustainability, heritage fund, public realm and play space and design monitoring. Shortly

<https://www.gov.uk/planning-inspectorate>

before the hearing, both main parties submitted statements setting out their respective positions on the content of the undertakings. I return to consider the undertakings in 'Other Matters' below.

5. I made an unaccompanied site inspection on the day before the hearing. In the light of the main issue under consideration for both appeals and the opportunity for me to already see the site and its surrounds on an unaccompanied basis, it was agreed with the main parties that in this case a further accompanied site inspection was not necessary following the hearing.
6. An agreed Statement of Common Ground was submitted on 17th February 2022 in advance of the hearing. Noting that some considerable time has elapsed from the Council's determination of the applications and the submission of the appeals, this sets out the current position of both parties, including those areas of viability where there remained disagreement. These areas of disagreement formed the basis of the discussion on viability at the hearing.

Main Issues

7. At the hearing, the London Legacy Development Corporation (LLDC) confirmed that its objection relates to the overall proportion of affordable housing proposed rather than the proposed mix of tenures.
8. The main issue for both Appeals A and B is therefore whether the proposed development would make satisfactory provision for affordable housing, taking account of the viability for each scheme.

Reasons

Background

9. Policy H5 of the London Plan 2021 ('the London Plan') and Policy SP2 of the LLDC Local Plan 2020 to 2036 ('the Local Plan') seek to maximise affordable housing delivery through a minimum 35% target. The Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance 2017 ('the SPG') sets out a 'Viability Tested Route', including a standardised approach, for schemes that do not meet the 35% threshold.
10. The updated proposals for affordable housing provision have been confirmed as follows. For Appeal A (28 dwellings scheme) not less than seven units (25%) are proposed for affordable housing as shared ownership units. For Appeal B (25 dwelling scheme) not less than three units (12%) are proposed for affordable housing, also as shared ownership units.

Benchmark land value

11. The SPG states¹ that 'Existing Use Value plus' ('EUV+') is usually the most appropriate approach for planning purposes and that an alternative approach will only be considered in exceptional circumstances which must be robustly justified by the applicant. It goes on to say that where there is no existing implementable permission (as is now the case with both appeals) the approach should only be used if the alternative use would fully comply with development plan policies, and if it can be demonstrated that the alternative use could be implemented on the site in question and there is market demand for that use.

¹ Paragraphs 3.47 & 3.48

The applicant should also explain why the alternative use has not been pursued.

12. The Government's Planning Practice Guidance (PPG), which post-dates the SPG, also expresses a preference for the use of EUV+. It states that alternative use value (AUV) may be informative in establishing benchmark land value and that such alternative uses should be limited to those uses which would fully comply with up to date development plan policies.
13. There is agreement between the main parties that the commercial scheme used by the appellant to establish the AUV would be policy compliant. However, the commercial AUV takes the value of the land very significantly above both the Existing Use Value and an AUV based on a policy compliant mixed use scheme. Such a mixed use AUV is a helpful check for these appeals as it would generally accord with the outline planning permission for the wider Masterplan area. For both appeals this results in a positive residual land value and in both cases it leads to a significant uplift over and above the EUV. From the evidence before me it appears that the use of an alternative mixed use scheme in the assessment of benchmark land value would still provide a reasonable incentive for the developments to proceed.
14. Even if a scheme is policy compliant this does not necessarily mean that there is a reasonable likelihood of it being implemented. The appellant is primarily a residential developer and does not have an interest in implementing the wholly commercial scheme. Consequently, there is considerable doubt as to the likelihood of the alternative commercial scheme being implemented if the appeals are dismissed. The lack of a reasonable indication that a fully commercial scheme would be implemented on the site limits the weight I give to the argument that a landowner would not accept a valuation for the site that is lower than that derived from a fully commercial scheme.
15. The appellant has not provided an assessment of BLV using the EUV+ approach, rather its viability assessment is provided solely on the basis of an alternative commercial AUV approach. This is contrary to the approach set out in the PPG which says that EUV is the first component of calculating BLV.
16. There is a significant difference between the value of the site using the commercial AUV and its value using the EUV. It is also relevant that the value using the commercial AUV appears to be considerably higher than its value using a mixed use AUV. Although the PPG states that the AUV of the land may be informative in establishing the BLV, this does not necessarily mean that it should then automatically be used as the BLV in every case without further consideration, particularly having regard to the SPG that it will only be considered in exceptional circumstances. It is informative but it is not necessarily determinative.
17. Using EUV+ with a 30% premium has been reasonably demonstrated as capable of delivering a policy compliant amount of affordable housing. A 30% premium for these appeals on this site appears to be appropriate for context of this assessment and taking account of other developments. It falls at the top end of the 10%-30% range set out in the SPG². At this level it would follow the PPG which advises that the premium should provide a reasonable incentive for

² Paragraph 3.46

a landowner to bring forward land while allowing a sufficient contribution to fully comply with policy contributions.

18. Bearing in mind the preference for the use of EUV+ and guidance in the PPG that the use of AUV may be informative, there is not an overriding policy requirement in testing viability for the appellant's commercial highest value AUV scheme to be finally determinative in assessing BLV. In this case, I have given significant weight to the LLDS's suggested approach using EUV+ with a 30% premium and also its alternative mixed-use AUV approach, both of which could lead to greater proportions of affordable housing being able to be provided for both Appeal A and Appeal B. Considering all these matters, there is a reasonable potential that both schemes could provide further affordable housing than proposed helping to provide for a suitable number and range of homes to meet the needs of present and future generations, whilst still being viable to develop including a competitive return to the developer.
19. Although one of the examples (Bombay Street) provided by the LLDC to support its EUV+ position is in a different Local Authority area, the schemes considered as a whole appear to be broadly comparable, whilst not benefiting from detailed extant consents. Notwithstanding the appellant's concern regarding a circular argument, the cross checks provided by the Council cast further doubt on the reasonableness of the appellant's AUV approach in these cases.
20. I acknowledge that there are other schemes where the AUV has been used to determine the benchmark land value, including at the proposed development at Marshgate Business Centre, Stratford that was dismissed at appeal in 2020³. Each case needs to be considered on its merits and in that case the AUV was on the basis of open storage land and there was an extant scheme with a negative land value. Bearing in mind the guidance in the PPG that AUV may be informative, I do not consider it follows that its use on one site in the same Local Planning Authority area necessarily means that it can be used on another site with different circumstances. This example does not therefore change my conclusions on this matter for the current appeals.
21. Whilst I have had regard to the appellant's AUV position, the factors set out above considerably reduce the weight I have given to the appellant's approach in assessing viability, with particular regard to the assessment of benchmark land value.

Profit on market housing

22. The Local Plan viability assessment used a profit margin on market housing of 20% on Gross Development Value. The PPG states that a viability assessment submitted with a planning application should be based upon and refer back to the viability assessment that informed the plan. It goes on to say that the decision maker should have regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force. The Local Plan viability study⁴ also acknowledged that individual schemes may require lower or higher profits, depending on site circumstances.
23. There is evidence from the LLDC of a range of schemes across London which have used profit margins of less than 20%, the majority being 17.5%. The

³ APP/M9584/W/20/3247968

⁴ Paragraph 4.36 of the LLDC Revised Local Plan Viability Study October 2018

verification of these schemes including details and outcomes is limited, although there are a good variety of developments included. They are all recent schemes (later than the Local Plan viability assessment), and are most likely to have been subject to similar considerations regarding uncertainty as the appeal proposals, including any uncertainty associated with Brexit. Reference is also made to an appraisal (by BNP Paribas) in July 2020 that did adopt a 20% figure for developer's profit noting the uncertainty and potential risks associated with Brexit and the pandemic.

24. Whilst both proposals include a basement, which is a fairly common feature of similar developments, the schemes do not seem to be of any exceptional risk that would justify a higher than normal profit figure. The Local Plan viability study acknowledged at the time that there was a degree of uncertainty about the future trajectory of house prices and therefore adopted a profit margin of 20% for testing purposes. Nevertheless, the evidence before me does not suggest that Brexit or the pandemic have had or are going to have such a significant effect on residential sales and values that would now justify the use of a higher profit figure for market housing in the assessment.
25. Consequently, for the proposed scheme I consider that a profit on market housing figure of 18% is more reasonable for the appeal assessments than the higher 20% figure. Given the circumstances of these cases, there is sufficient justification to differ from the Local Plan viability assessment which is three to four years old and at a higher level than the site specific assessment now required.
26. The implications for this are that Appeal A, using a 18% profit margin would appear to be capable of achieving a considerably increased level of affordable housing, although it would not make such a significant difference to the opportunity for affordable housing in Appeal B.

Professional fees

27. The appellant's figure of 12% of gross development value is based, and indeed reduced, from its own cost consultant's assessment of 13.5%. The Council's evidence includes several other developments in London that have used a lower 10% figure. These schemes are larger, though not particularly so, in three of the five cases, and provide a useful cross check to the appeal proposals.
28. The Local Plan viability assessment incorporates a 10-12% allowance for professional fees, which is at the middle to higher end of the scale for most schemes.
29. For the appeal cases, the development schemes are not particularly complex ones that might justify higher end professional fees. They relate to a single site with no significant off-matters such as highway arrangements to be considered. The Council has also shown that 10% fees have been used elsewhere. I acknowledge that much larger schemes might be ones where fees could be reduced given the overall value of such schemes and economies of scale, although they might also be sites which contain more complexities requiring additional professional input. Overall I give more weight to the Council's position that 10% fees would be appropriate for this scheme, though this in itself does not detract significantly from the weight to be given to the appellant's overall viability assessment for either scheme.

Conclusions on viability

30. The commercial AUV scheme results in a high benchmark land value that leads to a constrained affordable housing provision for both appeal schemes. The Council has demonstrated that an alternative mixed use scheme that generally accord with Masterplan outline permission would be capable of providing a greater proportion of affordable housing for both schemes. It has also reasonably demonstrated that the use of EUV+ with a premium of 30% would also be capable of providing a greater proportion of affordable housing.
31. From the evidence, in spite of the policy compliance, it is not certain whether the fully commercial scheme would be delivered, and it does not appear that the appellant seeks to do so. As a primarily residential developer, the appellant clearly has an interest in a residential led scheme. However, taking a balanced approach on viability, considering the great need for affordable housing and reflecting the relevant guidance, it appears from the evidence that the proposed schemes could be viably delivered with a greater proportion of affordable housing than currently proposed for both schemes and that there would still be reasonable incentive for the landowner to bring the land forward for development.
32. Furthermore, in the case of the Appeal A, given my conclusion on market housing profits, it appears to be possible for a policy compliant percentage of affordable housing to be provided even using the appellants AUV approach.
33. I therefore conclude that, for both Appeals A and B, the weight to be given to the appellant's viability assessment should be limited. Neither scheme proposes a policy compliant level of affordable housing. The PPG makes clear that viability should help to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the grant of planning permission. In this case it appears that both schemes are capable of providing greater affordable housing in the public interest whilst still being able to reasonably provide for the aspirations of the landowner/developer.
34. Both Appeals A and B would therefore be contrary to the aims, including to maximise the provision of affordable housing and to promote the creation of mixed and inclusive communities, of Policy H5 of the London Plan, SP2, H1 and H2 of the Local Plan, the SPG and the National Planning Policy Framework.

Other Matters

Planning obligations

35. As referred to above, unilateral undertakings have been submitted for both schemes. They would include provision for the delivery of affordable housing via the terms set out in the undertakings (notwithstanding my conclusions on viability above). They would also provide for matters relating to employment and training (including affordable workspace), transport and highways (including highways and bus service contributions), sustainability, heritage fund, public realm and play space and design monitoring.
36. The main parties disagreed on the proposed trigger for early review of viability. Although in outline, only landscaping is a reserved matter for both appeals which appears capable of relatively easy resolution given the limited opportunity for landscaping for this scheme. Furthermore, the proposals do not

appear to be particularly complex development schemes and are unlikely to require untypically difficult or complex matters needing to be resolved by the suggested conditions. Furthermore, the SPG notes that such mechanisms recognise the need to maximise the affordable housing provision and address the economic uncertainties which may arise over the lifetime of a development proposal. It is possible that a longer review trigger point would miss an opportunity for affordable housing to be maximised. Even with some uncertainty on matters such as supply chains or labour shortages, there is no such significant justification in this case to differ from the two year trigger point generally advocated by the SPG. I note the appeal decision⁵ at Westcliffe-on-Sea in 2019 but it is not clear that the circumstances in that case were the same or similar to those before me.

37. With regard to the proposed contributions in lieu, the LLDC has confirmed that it accepts the principle of an affordable housing contribution in lieu for Appeal A but not Appeal B on the basis of there being only three affordable housing units proposed. Policy H4 of the London Plan states that affordable housing should be provided on site and that it should only be provided as cash in lieu in exceptional circumstances. Whilst on-site provision would therefore need to be considered as the first and preferred option, the provision of a cascade mechanism is reasonable in the event that it is not possible for a Registered Provider to take on the affordable units. I do not have such information before me to consider the likelihood of this being an issue in this case.
38. Given my concerns regarding the appellant's viability assessments, the period between the completion of the undertakings six months following commencement of development along with potential changes in market conditions, it would be reasonable for an in lieu contribution to be determined by an independent expert.
39. With reference to the other provisions within the Undertakings, there are some where, whilst need in principle for a relevant contributions have been reasonably made out, it is not clear as to how certain contributions have been calculated. Several contributions, in spite of the lack of detail on how they have been formulated, are based pro-rata on the contribution secured in the Hackney Wick Master Plan, this being the case for the highways, bus service, heritage, local play area and youth play area contributions. In the case of the carbon offset contributions, relevant formula is provided in the Carbon Offset Supplementary Planning Document.
40. Whilst the cumulative impact of construction from different schemes would lead to justification for some mitigation it is not apparent how the figure of £10,000 for either scheme has been established. For employment and training, it is not apparent from the evidence how the figure of £16 per square foot has been calculated and therefore it is not clear that this figure is fair and reasonable.
41. Such gaps in the information before me, on the formulae for several of the relevant contributions and the figure for affordable floorspace, mean that it is not possible to properly consider whether they are fairly and reasonably related in scale and kind to the development. Nevertheless, given my overall conclusions on the appeal, this matter does not need to be taken further as part of these appeals.

⁵ APP/D1590/W/18/3196078

Benefits arising from the proposed schemes

42. Both proposals would make a notable contribution towards the supply of housing, including a good proportion of family sized units. This would include affordable housing, albeit not of the quantum sought by the development plan.
43. The 2021 Housing Delivery Test (HDT) results show a HDT measurement of 106%. This is an improvement over the 2020 HDT result (98%) and a very significant improvement over the 2018 result (52%). The forecast delivery against the adopted Local Plan housing target (5 years from monitoring year 2020/21) shows a shortfall up to and including 2022/23, although with subsequent significant surpluses in 2023/24 and 2024/25. The Framework also seeks to boost the supply of housing. In this context, the delivery of housing carries considerable weight in support of either proposal, although the policy breach with regards to affordable housing is itself significant taking account of the very considerable need for affordable housing. Although scheme A would provide for more affordable housing than scheme B, the shortfall is still significant and unjustified in both cases and represents a breach of the development plan to which I attached significant weight in both cases in the context of the great need for affordable housing.
44. The schemes would both provide an area of ground floor commercial workspace including affordable workspace that would lead to modest economic benefits. Further, albeit fairly limited economic benefits from either scheme would arise from council tax revenue and the new homes bonus. The proposals would also contribute to the wider regeneration of the masterplan area, including the provision of the open public 'yard' area as part of the schemes facilitating pedestrian access from Rothbury Road to White Post Lane. It is also likely that either scheme could be built out and occupied within a reasonably quick time frame.

Planning Balance

45. The delivery of appropriate levels of affordable housing is an important requirement in order to meet the demand for affordable housing and to create and sustain balanced communities. Given the shortfall of affordable housing below policy requirements and the limited weight I have given to the appellant's viability assessments, I consider that the developments would be contrary to the development plan when considered as a whole. Whilst the scheme would lead to several benefits, overall the benefits of the appeal proposals in either case would be outweighed by the significant harm that would arise from the conflict with the development plan.

Conclusion

46. Both the schemes proposed by appeal A and appeal B would be contrary to the development plan and there are no material considerations that indicate that the decisions should be taken other than in accordance with the development plan.

David Cliff

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kevin Goodwin	KG Creative Consultancy
Nick Bignall	Turner Morum LLP
Alex Ground	Russell Cooke Solicitors

FOR THE LOCAL PLANNING AUTHORITY

Isabella Tafur of Counsel	Francis Taylor Building
Daniel Davies	LLDC
Will de Carni	LLDC
Emma Hargreaves	Pinsent Masons
Anthony Lee	BNP Paribas
Sacha Winfield-Ferreira	BNP Paribas

DOCUMENTS SUBMITTED AT THE HEARING

1. LLDC Annual Monitoring Report (2020/2021) July 2021
2. Planning Practice Guidance extract on Viability
3. London Plan policy extracts
4. Local Plan policy extracts
5. LPA's erratum sheet to Statement of Case for 25 dwelling scheme
6. LPA's erratum sheet to Statement of Case for 28 dwelling scheme
7. LLDC Housing Delivery Test Results for 2018, 2020 and 2021
8. LPA's conclusions on viability and affordable housing matters
9. S106 planning obligation (3258321)
10. S106 planning obligation (3258322)

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Updated agreed list of suggested planning conditions and description of development

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22-1001 Annex 3

URBAN DESIGN AND HERITAGE CONSULTATION RESPONSE

22/1001

Construction of 20 dwellings with associated parking, access and landscaping following demolition of existing buildings (except Post Box Cottage)

Westcroft Park Farm, Windlesham Road, Chobham, Woking, Surrey GU24 8SN

Recommendations

The fundamental aim of Green Belt designation is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence (NPPF 137).

The NPPF 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. (NPPF 148) “Very special circumstances “will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.” The proposal is contrary to “NPPF 149.....

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

Westcroft Park House is a former Country House of mid C19th origin with associated farm and agricultural land, lodge and a large, open setting of surrounding former parkland. The place name Westcroft is referenced in sources dating back to Medieval times. The country house itself was demolished and redeveloped in the early C21st with additional changes to the parkland. The Historic Landscape Character of the site is recorded by the HER as ‘Parkland and designed landscape (CB047)’. To the west of the application site, in the former park grounds, is a historic Clock tower, Grade II listed bell tower dating back to c.1910. There is also a Grade II listed timber framed and thatched building in the vicinity, the Cottage, which in historic maps is referenced as Foster’s Farm, separated from the application site itself by open fields. Historic maps give evidence that the land has continuously had an overall open, natural character surrounding the country house and its associated functions over several centuries. The existing buildings within the redevelopment area are agricultural buildings, associated with the agricultural/equestrian land use and rural, barnlike in character. Large areas of the site are used as paddocks for horses, which retain the sense of openness and ruralness. The area to the north is also open and spacious in character and provides an unbroken visual connection between the site and the surrounding, open countryside.

The application site is an irregularly shaped area of land situated on the northern side of Windlesham Road between the settlements of Windlesham and Chobham, within the Green Belt. The immediate

setting to the north and northwest is open fields, grazed by animals. To the east is a nursery for horticultural production. To the south of Windlesham Road is Westcroft Farm. The western, southern and eastern boundaries benefit from mature vegetation.

The established land use is an equestrian center and a polo club, which is considered fully in line with the Green Belt policy. The existing buildings on site are mainly positioned to the center of the site, allowing long distance views towards the rear of the site and the land beyond, providing a continuous visual connection between the core of the site and the wider Green Belt. The existing structures provide a feathered integration with the surrounding landscape to the rear and along the eastern boundary, due to the semi-open and worn character of the buildings.

A quantitative assessment of the footprint and volume is therefore not considered a full representation of the impact of the development on the openness due to the character of the site. The proposed development has a marginally reduced total volume and proposes landscaping for some of the areas which today are characterized by hard standing. However, the existing large areas of open land within the site, asphalted or not, does provide a strong sense of spaciousness and openness and provide long distance views to the wider Green Belt beyond the site, vital characteristics and qualities of the Green Belt which the designation permanently protects. Residential development of the existing open areas will generate substantial harm to the openness of the Green Belt, is contrary to policy, constitutes inappropriate development and is therefore considered unacceptable from an urban design and heritage perspective.

The proposal is for the residential development of a major, quadrangular area which extends considerably beyond the existing built form within the site, and which affects large expanses of currently open land to the north and to the east, where no built form is found today, all protected as Green Belt. The increased spread of the development at an overall increased building height, standing at a maximum of 9.7 m to the tallest buildings, is considered significant and will cause significant harm to the openness and ruralness of the site. Comparatively, the proposed 1.5 storey buildings represent a height of 7.45m which is 0.1m lesser than the highest ridge of the existing buildings currently limited to a single building. With a maximum ridge height of 9.7 m, the proposed scheme will have a strong, tall appearance. Some of the units are also characterized by large footprints, large scale and bulky appearance.

In addition to the quadrangular development, the erection of two bungalow units of substantial footprint is proposed separate from the main development area and prominently positioned diagonally to the east of Westcroft House and directly opposite the small-scale cottage in the south-east corner of the site. These two proposed units are considered damaging to the general openness in terms of their position, angle, scale, large built form and bulky appearance in the important spatial connection between the Mansion house, its formal pleasure gardens and the setting of the small-scale cottage at the corner of Windlesham Road and Woodcock Lane. The submitted 3D visuals confirm their detrimental impact on openness in this prominent and sensitive location. A different, more neutral built form and a less extensive footprint is advised to retain the sense of spaciousness and continuity of green space at the main approach to the site.

The scheme is for 20 residential units and associated 46 car parking spaces and landscaping. The proposed layout is a formal rectilinear grid of urban character with buildings of 1 to 2.5 storeys high, in stark contrast to the rural nature and low density of this countryside site. The development includes a block of flats, with a shared communal garden. Most dwellings have private entrances and private gardens, whilst some have shared entrances, although the overall layout is relatively tight. Although the proposed development would have a lesser footprint in numerical sense than the existing barns, the visual impact of the proposed residential development is considered to have a considerably stronger visual and spatial impact on the openness of the site due to the distribution of built form over a larger area, the scale of the development and the formal built pattern than the existing few agricultural buildings, loosely organized and sited at the center of the site, leaving extensive surrounding open areas. The proposed development creates a built-up character and a cluster of

buildings encroaching into the open countryside, harming the visual connections between the site and the wider open, rural landscape to the north.

The proposed scheme will, due to its scale, its formal and rectilinear layout, the quantum of development, the built-up character and the built form have a detrimental, definitive and urbanizing effect on the openness and ruralness of the area which has characterized this former country house site for centuries and which the Greenbelt designation protects. The proposed development will alter the rural character connected to its historic and current agricultural/equestrian land use and introduces a large-scale residential housing scheme of 20 units formally arranged around an urban network of streets. The formal grid layout and the extent of development which stretches across the open setting and former parkland will transform the openness and ruralness of the site into a built-up area of urban character dominated by dwelling houses with associated car parking and represents overdevelopment, inappropriate and detrimental to this rural location. With the residential development follows increased traffic movement, an increased appearance of domestic lighting after dark, the need for street lighting, domestic use of front and rear gardens, the use of garden parasols etc., which all have an urbanizing effect, considered alien to the protected rural part of the borough, which also serves to retain the wider rural landscape between two historic villages. Consequently, the proposed development will have a greater impact on the openness of the application site than the existing agricultural buildings associated with the existing rural land use. Although the building design is inspired by traditional vernacular architecture and include materials such as red facing bricks and hanging tiles in combination with render, red clay/slate roof tiles and some detailing, the principle of residential development of this scale in the protected Green Belt is contrary to national and local policy, constitutes inappropriate development and cannot be supported from an urban design perspective.

The layout of the proposed development and indeed the landscaping scheme should have been informed by, and more strongly based on, a clear understanding of the historic and spatial development of the site as a former country house with associated parkland, landholdings, farms and cottages. The proposed site boundary at the new entrance p.7, Design and Access Statement part 2, causes concerns in this rural and sensitive location. The landscaping proposal should seek to re-establish the qualities and character of the historic parkland as part of the overall strategy, especially as these qualities have been recorded and recognized at the national level (HER). Protecting and re-establishing important sightlines and other visual relationships are other important drivers that do not come across strongly enough but should have shaped the layout and contributed to the placemaking.

The proposed development is considered to cause substantial harm to the open, rural character of the Green Belt, part of which also constitutes the setting of the statutorily Grade II listed cottage. However, the development also encroaches into the countryside causing substantial harm to the wider context of large, open rural fields.

The NPPF §127 also requires developments to be sympathetic to local character.

Development Management policy DM9 requires development to (iii) respect and enhance the local, natural or historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.

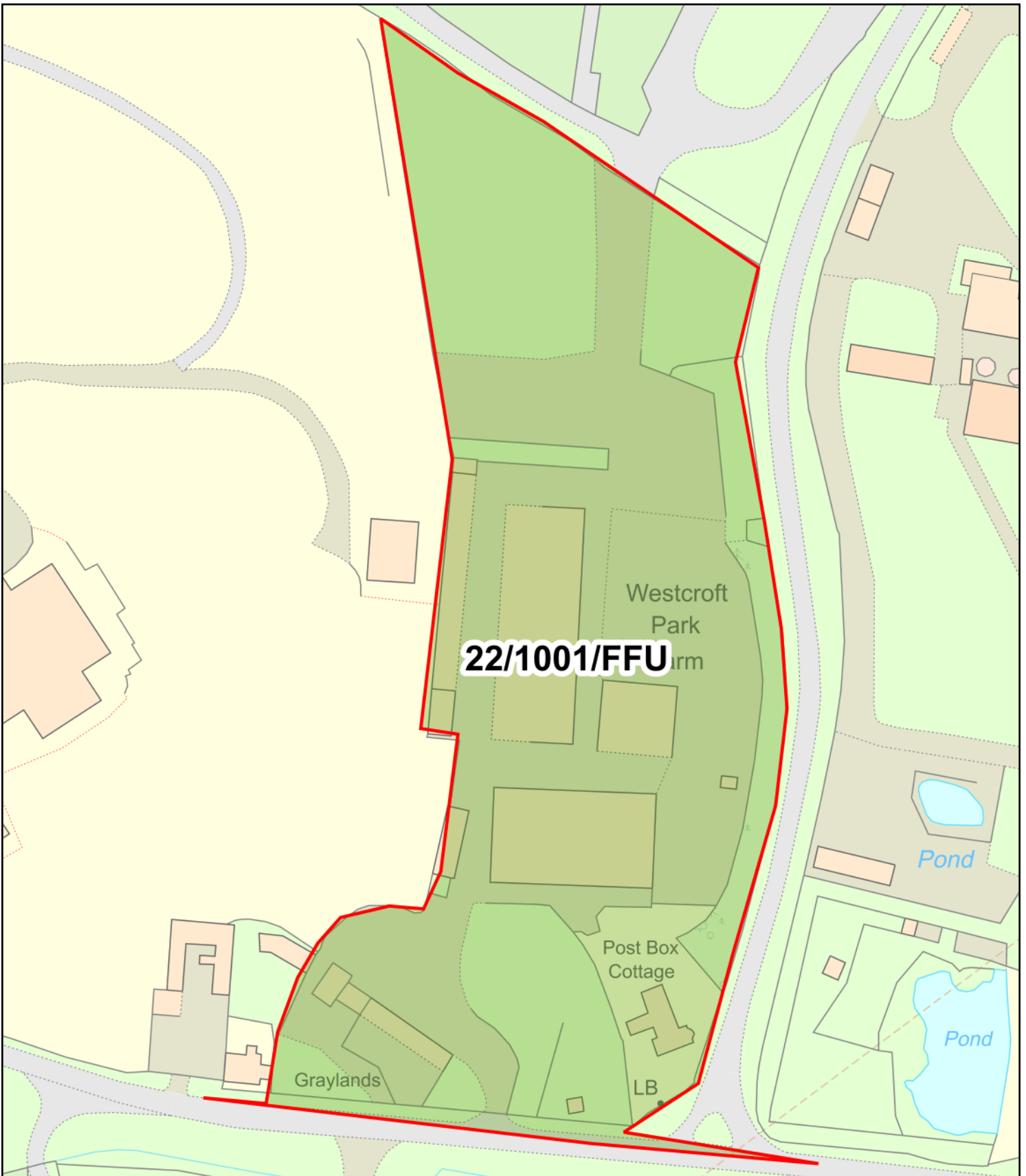
Paragraph 5.6 which supports Policy CP1 indicates that inappropriate development will include proposals that cause harm to its intrinsic character..."

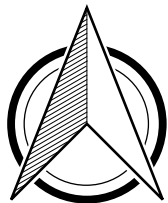
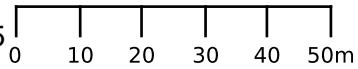

The Residential Design Guide SPD 2017 principle 6.6 also requires new developments to respond to the size, scale and rhythm of surrounding built patterns, taking into consideration the specific characteristics of the site and its immediate context to ensure all developments add to the overall quality of an area and integrates well with the natural, built and historic environment.

The strategic objective 7 and Core Policy CP2 Sustainability Development and Design consequently requires development to respect and enhance the quality of the existing urban, rural, natural and historic environment.

In summary, the proposal development is considered to result in substantial harm to the openness and ruralness of the Green Belt, which also constitutes the setting of the Grade II listed property. The development therefore represents inappropriate development in the Green Belt. By association, the development would conflict with the purposes of the Green Belt by reason of countryside encroachment. No very special circumstances have been identified that would outweigh the harm to the Green Belt and the other harm identified. In addition, the proposed residential layout and quantum of development is considered uncharacteristic for the low-density rural setting. The application is consequently recommended for refusal.

M. Gustafsson MSc MA
Urban Design and Heritage Consultant



Title	22/1001/FFU						
Application Number	22/1001/FFU						
Address	Westcroft Park Farm Windlesham Road						
Proposal	Construction of 20 dwellings with associated parking, access and landscaping following demolition of existing buildings (except Post Box Cottage)		<table border="1"> <tr> <td>Scale @ A4</td> <td></td> </tr> <tr> <td>Date</td> <td>03/05/2022</td> </tr> </table>	Scale @ A4		Date	03/05/2022
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© Crown copyright and database right. All rights reserved (100018679) 2023		Page 65					
							

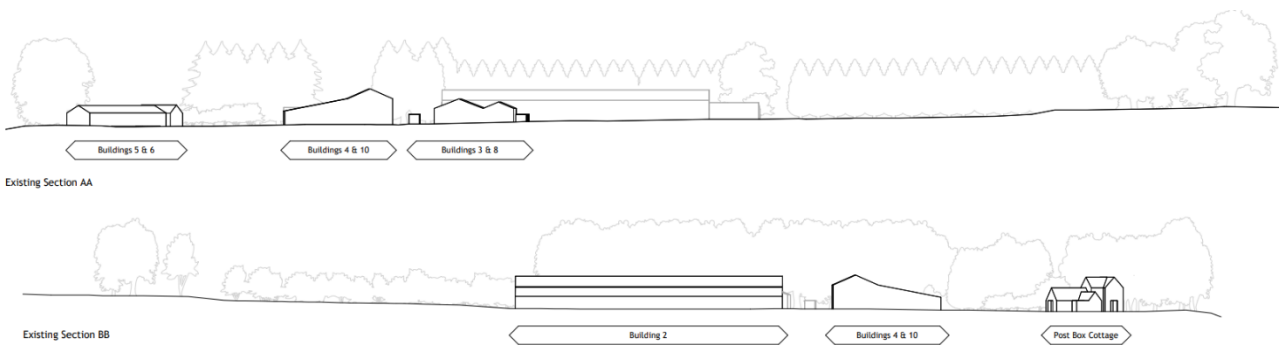
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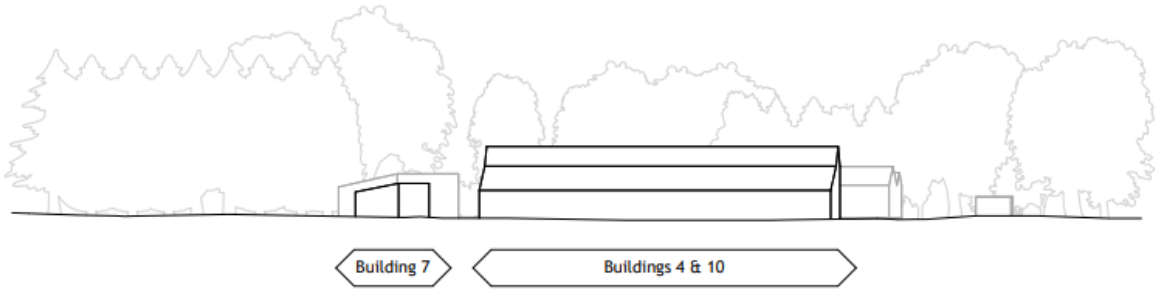
22/1001 Westcroft Park Farm Windlesham Road Chobham Woking Surrey
GU24 8SN Plans & Photos

Location Plan

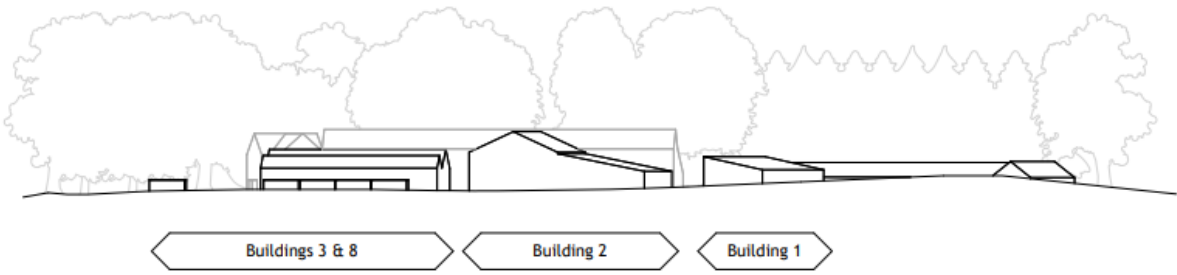


Existing site sections





Existing Section CC



Existing Section DD

Building Heights Plan



Housing Mix



Street Scene (from Windlesham Road)



Street Elevation (from within the site)



Street Elevations (from within the site)



Street Scene FF

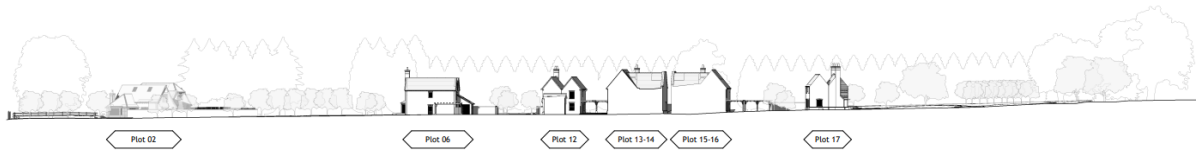


Street Scene DD



Street Scene EE

Proposed Site Sections



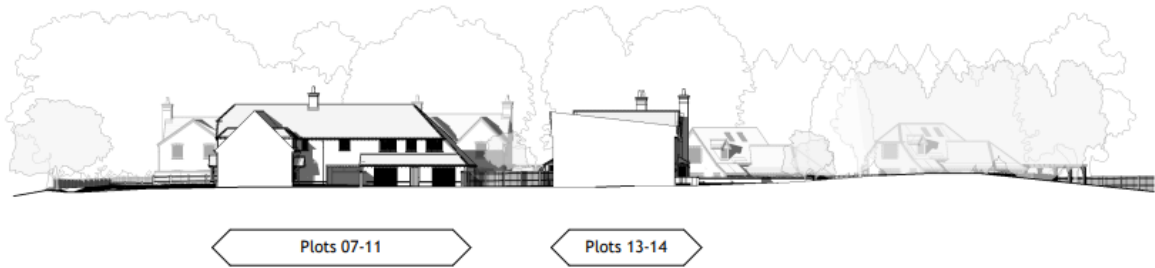
Proposed Section AA



Proposed Section BB

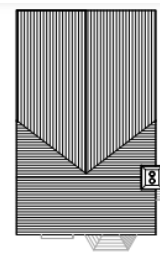


Proposed Section CC



Proposed Section DD

Plot 3 Plans & Elevations



Roof Plan



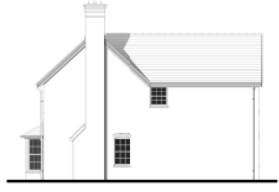
First Floor Plan



Ground Floor Plan



Front Elevation



Right Flank Elevation

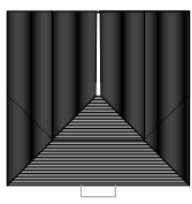


Rear Elevation



Left Flank Elevation

Plot 4 Plans & Elevations



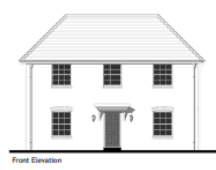
Roof Plan



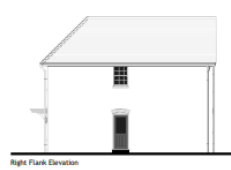
First Floor Plan



Ground Floor Plan



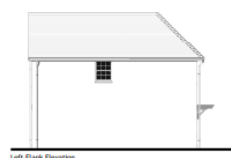
Front Elevation



Right Flank Elevation

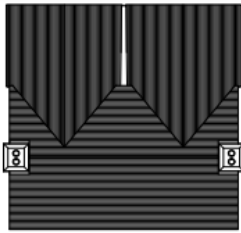


Rear Elevation



Left Flank Elevation

Plot 5 Plans & Elevations



Roof Plan



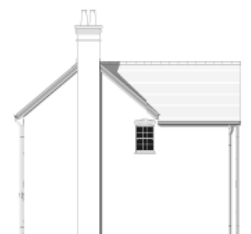
First Floor Plan



Ground Floor Plan



Front Elevation



Right Flank Elevation



Rear Elevation



Left Flank Elevation

Plots 6&12 Plans & Elevations



Roof Plan



First Floor Plan



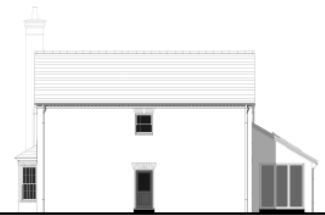
Ground Floor Plan



Front Elevation



Right Flank Elevation

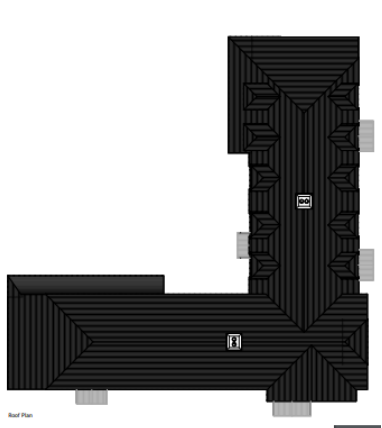
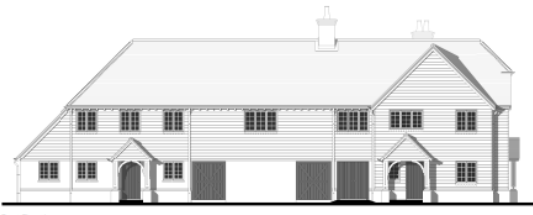


Rear Elevation

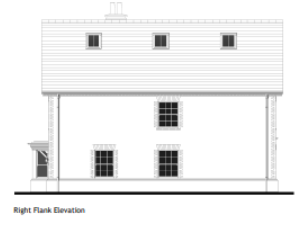
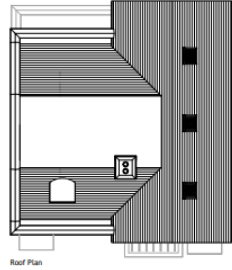


Left Flank Elevation

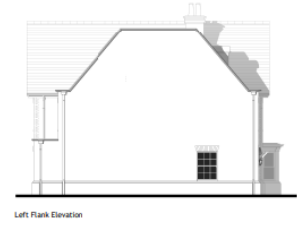
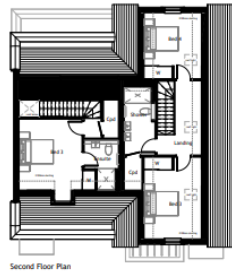
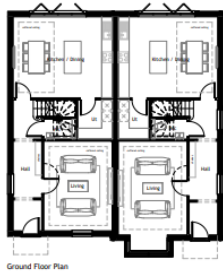
Plots 7-11 Plans & Elevations



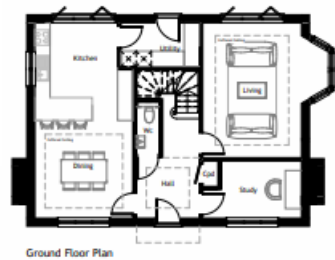
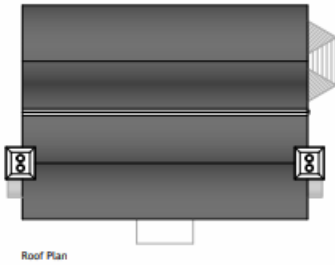
Plots 13&14 Plans & Elevations



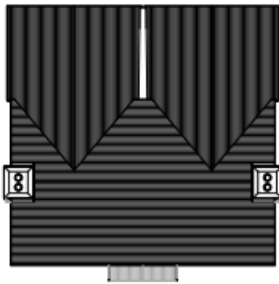
Plots 15&16 Plans & Elevations



Plot 17 Plans & Elevations



Plot 18 Plans & Elevations



Roof Plan



First Floor Plan



Ground Floor Plan



Front Elevation



Right Flank Elevation



Rear Elevation



Left Flank Elevation

Plan 19 Plans & Elevations



Roof Plan



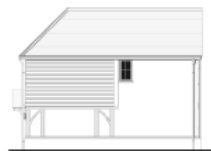
First Floor Plan



Ground Floor Plan



Front Elevation



Right Flank Elevation

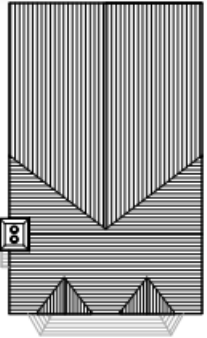


Rear Elevation



Left Flank Elevation

Plot 20 Plans & Elevations



Roof Plan



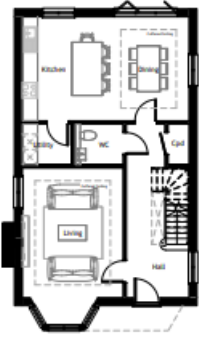
First Floor Plan



Front Elevation



Right Flank Elevation



Ground Floor Plan



Rear Elevation



Left Flank Elevation

Proposed CGI's







Existing Views & Photos

















23/0602/FFU

Reg. Date

12 June 2023

Frimley

LOCATION: 39 Alphington Avenue, Frimley, Camberley, Surrey, GU16 8LL

PROPOSAL: Change of use of the land from privately owned amenity land to a private garden incidental to the enjoyment of the dwelling house at 39 Alphington Avenue, and enlargement of the curtilage of the dwelling house and erection of replacement fencing.

TYPE: Full Planning Application

APPLICANT: Mr Alan Ashbery

OFFICER: Shannon Kimber

This application is being reported to the Planning Applications Committee because the applicant is a Councillor.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 A part retrospective planning permission is sought for the part enlargement of the rear garden and residential curtilage over the grass verge along Tomlins Avenue to the east. This grass verge is owned by the applicant. This application also includes the erection and relocation of the boundary treatment with the former wall replaced by a close boarded 2 metre high fence. The new fence has already been erected in a relocated place, adjacent to the near-side-edge of the highway to the north-east, however it is proposed by this application to set the new fence back by 0.5 metres.
- 1.2 The principle of the development is considered acceptable. It does not result in an adverse impact on the character of the area, host dwelling or residential amenities of the occupiers of the neighbouring dwellings. The development does not have a detrimental impact on highway safety.
- 1.3 The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site lies within the settlement area of Camberley and is part of the Post War Open Estates Character Area. The application dwelling is located on the northwest corner of the Alphington Avenue and Tomlins Avenue junction and is a single storey detached property with a gable fronting Alphington Avenue. The dwelling is set back from the highway to the front. The property forms one of a series of similarly designed single storey dwellings on this side of the road, while on the opposite side are two storey dwellings which sit elevated from the highway.
- 2.2 There is a Tree Preservation Order covering the Oak in the rear garden close to the eastern boundary fence (reference: TPO 12/66). On the opposite side of Tomlins Avenue is a group Order and an area of open space that forms part of the western bank of Tomlin's Pond.

3.0 RELEVANT HISTORY

3.1 There is no relevant planning history.

4.0 THE DEVELOPMENT

4.1 Planning permission is sought (part retrospectively) for the change of use of the land from privately owned amenity land to a private garden incidental to the enjoyment of the dwelling house at 39 Alphington Avenue, and enlargement of the curtilage of the dwelling house and erection of replacement fencing.

4.2 The previous wall has been replaced with a 2 metre high fence. Some fence panels have additional trellis fixed to them, these do not form part of this application and will be removed. This runs for 13 metres along the rear boundary of the site and for 33 metres along the side boundary of the site. The unenclosed front garden is unaffected by this development.

4.3 The replacement fence has been erected. However there is a 14.7 metre long section, centrally located along the side boundary, which has been relocated from the original location of the previous boundary wall. Whilst currently this new fence is hard-against the boundary with the public realm, it is proposed to set this section of the fence back by 0.5 metres, in order to retain a section of soft landscaping to lessen the impact of the development on the street scene.

4.4 The area of land enclosed is wedged shaped with a maximum width of 2.4 metres and a minimum width of 1.7 metres. It has a depth of 14.7 metres.

5.0 CONSULTATION RESPONSES

5.1 The following external consultees were consulted and their comments are summarised in the table below:

External Consultation	Comments Received
County Highways Authority	No objections raised

5.2 The following internal consultees were consulted and their comments are summarised in the table below:

Internal Consultation	Comments Received
Arboricultural Officer	No objections raised.

6.0 REPRESENTATION

6.1 A total of 7 individual letters of notification were sent out on 27.06.2023. Following a revision to the wording of the description of the development, a revised neighbour letter was sent out on the 29.07.2023. To date no letters of representation have been received.

7.0 PLANNING CONSIDERATION

7.1 This application is considered against advice contained with the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development. Regard will be given to Policies CP1, CP2 and DM9 of the adopted Core Strategy and Development Management Policies Document 2012 (CSDMP). In addition, regard will be given to the adopted Supplementary Planning Documents (SPD) including the Western Urban Area Character Appraisal 2012 (WUAC) and the Residential Design Guide 2017 (RDG).

- 7.2 The site lies within the settlement area and therefore the principle of the development is acceptable. The main issues to therefore be considered with this application are:
- Impact on the character and appearance of the area, including trees
 - Residential Amenity
 - Highway Impacts
 - Other Matters
- 7.3.2 The Post War Open Estate (PWOE) Character Area of the WUAC hallmarks include estates of houses with a common age and architectural styling, no enclosure of front gardens by fences or walls, and long winding avenues with numerous cul-de-sacs. Mature vegetation is listed as a positive feature of this character area in the WUAC, and that an identified negative feature is a hard environment with a lack of mature vegetation to facilitate urban cooling in the summer periods.
- 7.3.3 The development does not enclose the front garden space of the application site, nor does it erode the space between built forms and so in this respect does not have a negative effect upon the characteristics of the PWOE Character Area. However, due to the corner plot location, the enclosing of part of the verge to the side of the plot is noticeable from the public realm.
- 7.3.4 The land germane to this application is under private ownership. Principle 6.11 of the RDG states the importance of clear definition between privately owned land and the public realm. As such, whilst it is considered that this section of verge, by virtue of the Silver Birch tree, does make a positive contribution to the character of the area, the development does not result in the loss of that vegetation. In addition, due to the height of this Silver Birch tree, being taller than the fence, it is still visible from the public realm and therefore still has a positive contribution. A gap of 0.5 metres is proposed between the new fence and the near-side-edge of the highway. The relocation of the boundary treatment, albeit a maximum of 2.4 metres closer to the public realm, does not result in a significant alteration to the existing street scene.
- 7.3.5 When approaching the site from Alphington Avenue from the west, the well vegetated front garden which has no hard boundaries dominates the site. As the application site is located on a corner plot, there are longer views of the site when approaching the site from Alphington Avenue from the east, from which the relocated fence can be glimpsed. As the site is viewed against a backdrop of housing, it is considered that the replacement and relocated fence does not result in a significant alteration from the previous situation when viewed from this direction.
- 7.3.6 The relocated boundary fence along the north-western side boundary is not parallel to the highway. There is an area of retained vegetation which has not been enclosed. When approaching the site from Tomlins Avenue to the north, this retained vegetation screens the fence from view. As such, the development does not result in an overly dominant impact on the street scene when viewed from this approach.
- 7.3.7 The development, amended as part of this retrospective application, will retain a 0.5 metre strip of amenity land between the fence and the near-side-edge of the highway. This retention of some soft amenity space between the fence and the highway to the north-east of the site along the whole side boundary softens the impact of the fence on the public realm. In addition, on the opposite side of Tomlins Avenue, there is green amenity space and Tomlin's Pond. This is a designated green space within the

settlement. As such, there is no built form opposite the side fence and therefore this area is already very open, therefore the small enclosed section to the side of the original residential curtilage of number 39 results in a limited impact on the character of the surrounding area in this instance.

- 7.3.8 There is an Oak tree, located beyond the rear boundary of the application site, which is covered by an individual Tree Preservation Order (reference: 12/66). The location of the boundary treatment, at the point closest to this protected tree, has not been altered. The development, therefore, does not result in an adverse impact on the health of this protected tree.
- 7.3.9 In addition, it is noted that there are other examples of plots within the same housing estate which have enclosed amenity land and erected panel board fences closer to the public realm, including at 57 Alphington Avenue, 1 and 2 Caroline Way, and 2 Alphington Green.
- 7.3.10 It is therefore considered that the development does not result in an adverse impact on the host dwelling or the street scene. It complies with the NPPF, policy DM9 of the CSDMP, principle 6.11 of the RDG and guiding principles PO1, PO2 and PO3 of the WUAC.

7.4 Residential amenity

- 7.4.1 Policy DM9 (iii) of the CSDMP is relevant as this requires development to respect the amenities of occupiers of neighbouring properties and uses.
- 7.4.2 No neighbouring dwelling is directly affected by this development given its north east location. Due to the scale and nature of the development, it does not result in a significant impact on the residential amenities of the occupiers of the surrounding dwellings.
- 7.4.3 The development therefore complies with Policy DM9 of the CSDMP.

7.5 Highway impacts

- 7.5.1 Policy DM11 of the CSDMP is relevant stating that development would not be acceptable where there is an adverse impact on the safe and efficient flow of traffic.
- 7.5.2 The development does not alter the number of bedrooms at the application property, nor does it alter the existing parking situation. The new fence is located 23 metres away from the junction with Tomlins Avenue and Alphington Avenue. Due to this separation distance, the fence, in its proposed location, would not affect the visibility splays, and therefore would not have an impact on vehicles leaving or entering the junction. County Highways has raised no objection and has no requirements to make.
- 7.5.3 As such, it is considered that the development does not have a negative impact on highway safety. The development complies with policy DM11 of the CSDMP.

7.6 Other matters

- 7.6.1 The development is not CIL liable.

8.0 PUBLIC SECTOR EQUALITY DUTY

- 8.1 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The development is not considered to conflict with this duty.

9.0 CONCLUSION

- 9.1 The development is acceptable in principle. It does not result in an adverse impact on the character of the area, host dwelling or residential amenities of the occupiers of the neighbouring dwellings. The development does not have a detrimental impact on highway safety. The development complies with the NPPF, policies DM9 and DM11 of the CSDMP, the RDG and the WUAC.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

1. The development shall comply with the following approved plans:
Site Location Plan, Drawing reference: DRG #1, Received 12.06.2023
Proposed Block Plan, Drawing reference: DRG #3, Received 12.06.2023
Proposed Fence Elevation and Layout Plan, Drawing reference: DRG #5, Received 12.06.2023
Tree Site Plan, Drawing reference: DRG #6, Received 12.06.2023
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.

2. Within 3 months of the development hereby approved, the fence shall be relocated and the trellis removed to comply with approved plan Proposed Fence Elevation and Layout Plan, Drawing reference: DRG #5.

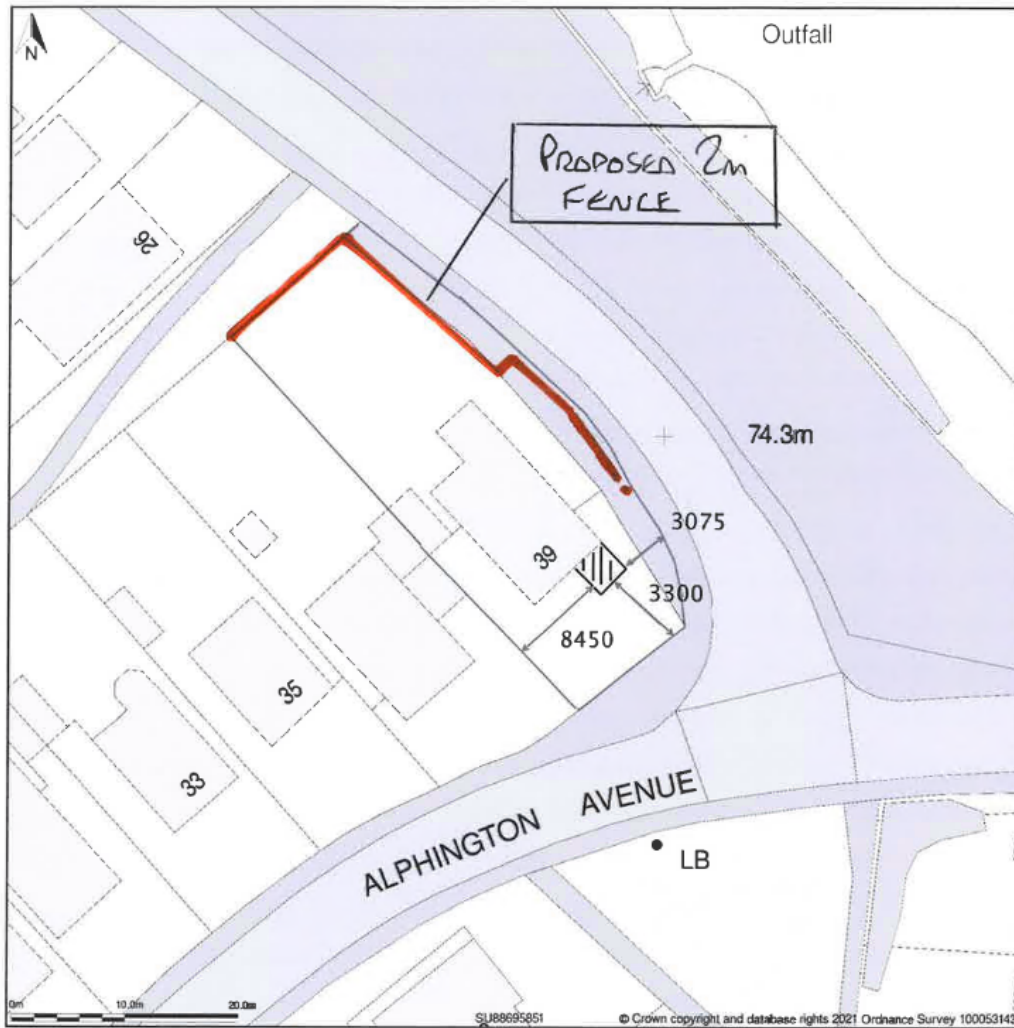
Reason: To ensure visual amenities are not prejudiced and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and National Planning Policy Framework.

Informative(s)

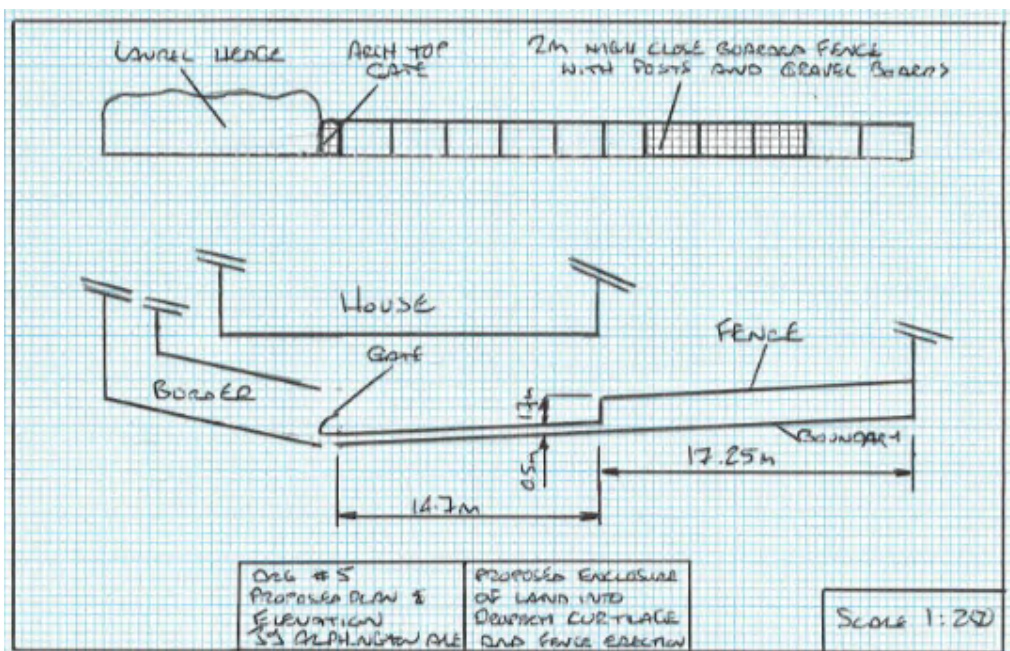
1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Further information on how this was done can be obtained from the officer's report.
3. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.

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Proposed Site Layout Plan



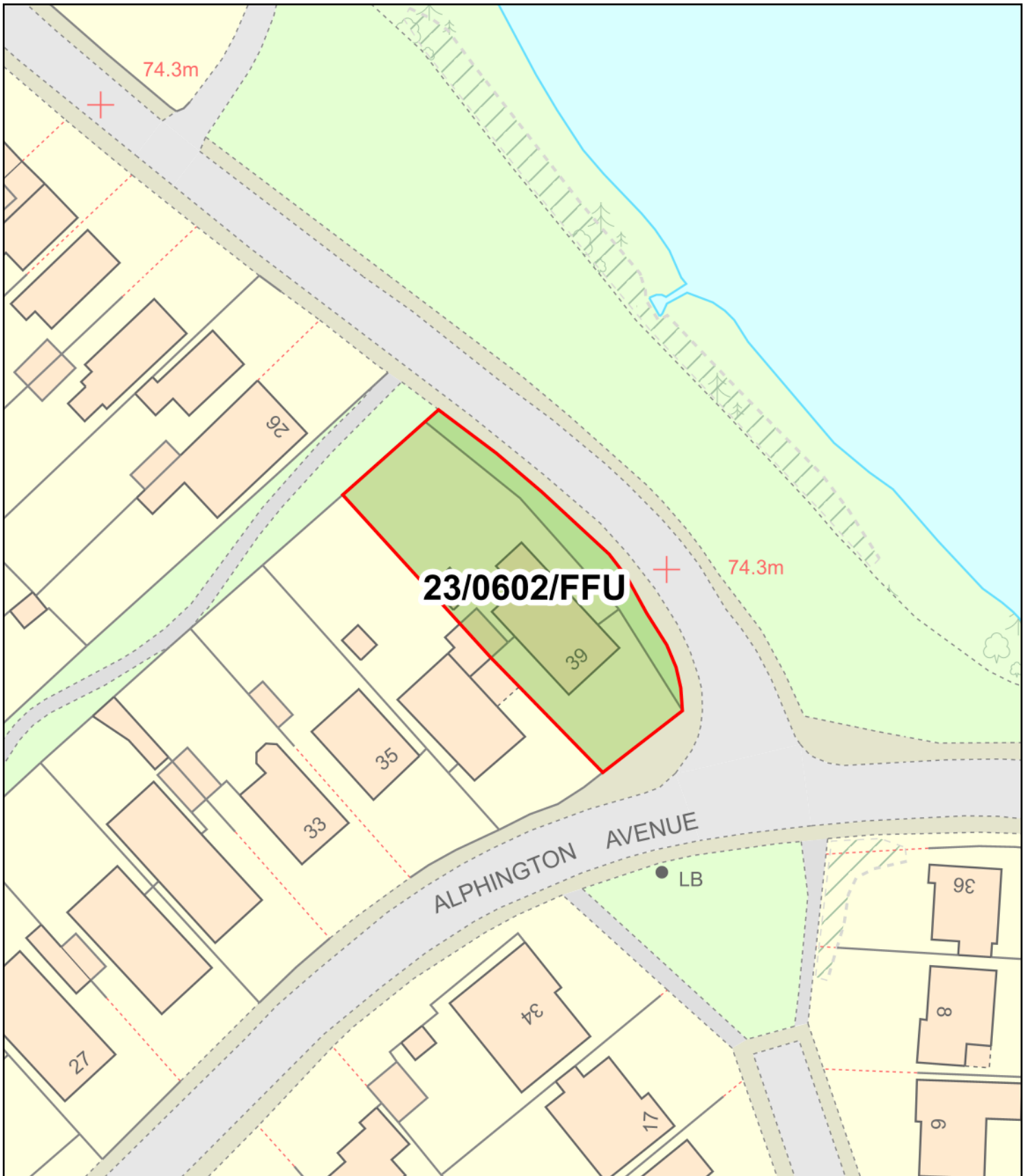
Proposed Elevations and Proposed Location of Fence

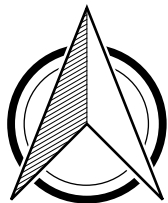
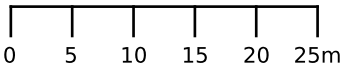







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Title	23/0602/FFU		
Application Number	23/0602/FFU		Scale @ A4
Address	39 Alphington Avenue Frimley		Date 07/07/202
Proposal	Change of use of the land from privately owned amenity land to a private garden incidental to the enjoyment of the dwelling house at 39 Alphington Avenue, and enlargement of the curtilage of the dwelling house and erection of replacement fencing.		
© Crown copyright and database right. All rights reserved (AC0000812461) 2023		Page 99	 
			

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**APPLICATIONS FOR PLANNING PERMISSION & RELATED APPLICATIONS FOR
CONSIDERATION BY THE PLANNING APPLICATIONS COMMITTEE**

NOTES

Officers Report

Officers have prepared a report for each planning or related application on the Planning Committee Index which details:-

- Site Description
- Relevant Planning History
- The Proposal
- Consultation Responses/Representations
- Planning Considerations
- Conclusion

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in the report.

How the Committee makes a decision:

The Planning Applications Committee's decision on an application can be based only on planning issues. These include:

- Legislation, including national planning policy guidance and statements.
- Policies in the adopted Surrey Heath Local Plan and emerging Local Development Framework, including Supplementary Planning Documents.
- Sustainability issues.
- Layout and design issues, including the effect on the street or area (but not loss of private views).
- Impacts on countryside openness.
- Effect on residential amenities, through loss of light, overlooking or noise disturbance.
- Road safety and traffic issues.
- Impacts on historic buildings.
- Public opinion, where it raises relevant planning issues.

The Committee cannot base decisions on:

- Matters controlled through other legislation, such as Building Regulations e.g. structural stability, fire precautions.
- Loss of property value.
- Loss of views across adjoining land.
- Disturbance from construction work.
- Competition e.g. from a similar retailer or business.
- Moral issues.
- Need for development or perceived lack of a need (unless specified in the report).
- Private issues between neighbours i.e. boundary disputes, private rights of way. The issue of covenants has no role in the decision to be made on planning applications.

Reports will often refer to specific use classes. The Town & Country Planning (Use Classes) Order 1995 (as amended) is summarised for information below:

A1. Shops	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops and funeral directors.
A2. Financial & professional Services	Banks, building societies, estate and employment agencies, professional and financial services and betting offices.
A3. Restaurants and Cafes	For the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes.
A4. Drinking Establishments	Public houses, wine bars or other drinking establishments (but not nightclubs).
A5. Hot Food Takeaways	For the sale of hot food consumption off the premises.
B1. Business	Offices, research and development, light industry appropriate to a residential area.
B2. General Industrial	Use for the carrying on of an industrial process other than one falling within class B1 above.
B8. Storage or Distribution	Use for the storage or as a distribution centre including open air storage.
C1. Hotels	Hotels, board and guest houses where, in each case no significant element of care is provided.
C2. Residential Institutions	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
C2A. Secure Residential Institutions	Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
C3. Dwelling houses	Family houses or houses occupied by up to six residents living together as a single household, including a household where care is provided for residents.
C4. Houses in Multiple Occupation	Small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
D1. Non-residential Institutions	Clinics, health centres, crèches, day nurseries, day centres, school, art galleries, museums, libraries, halls, places of worship, church halls, law courts. Non-residential education and training areas.
D2. Assembly & Leisure	Cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports, or where firearms are used).
Sui Generis	Theatres, houses in multiple paying occupation, hostels providing no significant element of care, scrap yards, garden centres, petrol filling stations and shops selling and/or displaying motor vehicles, retail warehouse clubs, nightclubs, laundrettes, dry cleaners, taxi businesses, amusement centres and casinos.