

LOCATION:	Land To The West Of Church Road, Church Road, West End, Woking, Surrey
PROPOSAL:	Erection of 6 x 1- bedroom affordable Almshouse bungalows and gardens, including a new access from Church Road, parking areas and bin store.
TYPE:	Full Planning Application
APPLICANT:	
OFFICER:	Melissa Turney

This application would normally be determined under the Council's Scheme of Delegation. However, it has been called-in by Cllr Tedder if minded to refuse as the proposal is a rare opportunity for social rented homes.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application seeks planning permission for the erection of 6 Almshouses (i.e. a charitable form of self-sufficient, low cost community affordable housing that is held in trust for local people in housing need) with access from Church Road.
- 1.2 Exception g) of paragraph 149 of the NPPF states that limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) is not inappropriate development in the Green Belt. Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies (CSDMP) permits 100% affordable housing within the Green Belt provided that there is a (i) a proven local need; (ii) the need cannot be met in the settlement area (iii) be for local people in perpetuity and (iv) immediately adjoin an existing settlement and be accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents.
- 1.3 The proposal is presented as a rural exception site, with the proposed Almshouses meeting the definition of affordable housing as outlined in the National Planning Policy Framework. However, the submission has not demonstrated that the need cannot be met within the settlement boundary. The development site immediately adjoins the settlement boundary of West End. County Highways have raised an objection that the proposal would not provide an adequate access and the existing pavement width is not wide enough for mobilities scooters. The proposed development is for Almshouses, for potential elderly residents, including those with mobility impairments. Therefore, due to the access and pavement width the proposal does not provide suitable access to public transport or services and amenities for the daily needs of the future occupiers. Additionally, while the applicant has shown willingness to enter into legal agreement no details have been provided to secure these details or mechanism on how the housing will be provided for local people in perpetuity. The proposal is therefore considered to be inappropriate development in the Green Belt contrary to 149(g) of the NPPF, and Policy DM5 of the CSDMP. Furthermore, due to the scale, volume and design of the proposal, this would be significant and have a spatial presence when currently the site is free from any built form and would be inappropriate development

which is by definition harmful. Therefore the proposal would also cause harm to the openness of the Green Belt.

- 1.4 In addition to the Green Belt harm, the proposal would result in other harm. The proposed development is within 400 metres of the Thames Basin Heath Special Protection Area (TBHSPA) where new residential development is not permitted. As such SANG and SAMM mitigation for any new residential development is not possible. The development would have a likely significant adverse effect upon the integrity of the SPA and is wholly unacceptable in policy terms contrary to Policy CP14B (i) of the CSDMP.
- 1.5 The development would also result in harm to the character of the area, future occupiers, highway safety, impact on trees, protected species and drainage.
- 1.6 There are no very special circumstances to outweigh the totality of the harm. The application is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises 0.41ha and is located outside of the settlement area within the Green Belt. The parcel of land is currently an open field and is located to the west of Church Road and east of Windlesham Road. To the north of the site are a mixture of two storey dwellings which front both the road frontage. To the west is Gordon's School and to the east is West End recreation ground.
- 2.2 The site currently has an existing access from Windlesham Road to the north western corner of the site. The site is predominantly grass land with trees and hedges surrounding the boundaries.

3.0 RELEVANT HISTORY

- 3.1 85/0487 Demolition of Nos. 1 and 2, 5-8 Council Cottages, layout of new service road and erection of 12 one bedroom elderly persons flats and 4 two bedroom houses with associated parking spaces together with provision of shared access to adjacent land at Church Road/Windlesham Road, West End
Approved not implemented.
- 3.2 85/0474 Layout of new service road and erection of 8 1-Bedroom elderly persons flats, 2 1-Bedroom elderly persons bungalow, 8 1-Bedroom flats and 2 2-Bedroom flats with associated garages and parking spaces together with provision of shared access to adjoining land at land adjoining 1-8 Council Cottages, Church Road, West End.

Approved not implemented.
- 3.3 There is no recent history relating to this site. The applications listed above have expired and since these decisions dates there has been significant changes in planning policy including the designation of the SPA, and therefore, they do not form a material planning consideration.

4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of 6 x 1- bedroom affordable Almshouse bungalows and gardens, including a new access from Church Road, parking area and bin store.

- 4.2 The application is submitted on behalf of Chobham Poor Allotment Charity. The Charity is long established and has objectives that include (1) the relief of poverty, age, or sickness amongst the inhabitants of the area and (2) the ability to use property to provide alms houses.” Almshouses are managed by volunteers (Trustees) who are involved in their local almshouses in order to preserve good quality accommodation for people in need in the Parishes of West End or Chobham. The charity has an aspiration to bring forward a proposal for almshouse accommodation on the site to offer accommodation to those most in need which includes “the qualifying criteria for occupancy is that the almshouse can only be occupied by persons who are physically frail; have mobility problems; suffer from paralysis or partial paralysis; or is in need of assistance for independent living”.
- 4.3 The proposed dwellings would be bungalows in a terrace form. The proposed row of dwellings would have a total width of 49.85m. Each dwelling would have a width of 8.25m, a depth of 7.78m, an eaves height of 2.5m and ridge height of 6.7m. The dwellings would have a front porch with a height of 3.91m.
- 4.4 Internally each dwelling would have a bedroom, bathroom, kitchen and living area.
- 4.5 The access road and 9 off street parking spaces are located to the north of the site in front of the dwellings. Each dwelling is provided with private amenity space of 30sqm. To the south of private gardens is an communal garden with an area of 240sqm
- 4.6 In support of the planning application the following documents were submitted: Planning Statement, Ecological Appraisal, Transport Statement and Arboricultural Impact Assessment.

5.0 CONSULTATION RESPONSES

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| 5.1 | Natural England | Objection – The site is located within 400m of the SPA. See Annex A for a copy of this |
| 5.2 | Surrey County Highway Authority | Objection; Land ownership, highway safety concerns - footway improvements required, refuse collection and turning for services and deliveries. See Annex B for a copy of this. |
| 5.3 | Arboricultural Officer | Objection, development is located within the RPA of trees and insufficient information has been submitted . See Annex C for a copy of this. |
| 5.4 | Surrey Wildlife Trust | Objection - Insufficient information including the retention of an existing Tree named T2 within the aboricultural report, which has moderate potential to support roosting bats and there is a lack of information for protection of reptiles. |
| 5.5 | Joint Waste Solutions | No objection to the currently layout but notes Surrey Country Highways Authority objection. |
| 5.6 | Housing Service | No objection to the delivery of Almshouse properties at this location for meeting local housing need for vulnerable individuals in the local community. |
| 5.7 | Drainage Officer | Objection, insufficient information has been provided. Due to the watercourse embankment surrounding the site a drainage strategy for the proposal should be submitted. |

5.8 West End Parish Council

No objection, subject to the following comments:

- Any development should be located sympathetically to minimise the impact on the built form on openness
- Positioning the built form closer to the existing built form
- 9 parking spaces are provided likely to be over provision
- Provision of 6ft timber panels between units would not be the most visually appropriate for the site
- The orientation of the units appears unnatural and should be rotated 180 degrees
- Pedestrian and mobility device access would need to be provided for safety
- Legal agreement should be established to give long term West End residents priority
- It is noted the proximity of the site in relation to the SPA although the site may be able to provide its own SANG contribution if required by efficient built form layout thereby leaving maximum open field availability. *[Officer comment: The site lies within 400 m of the SPA and therefore there is no mitigation or compensatory measures. Please see section 7.4]*
- The restriction of cats on the site is understandable but prohibition of small dogs would be somewhat cruel as pets are critical to some elderly people 's mental health, alleviation of loneliness and company. *[Officer comment: Please see section 7.4]*

5.9 West End Village Society

Noted the site is within the Green Belt. However, supports the principle of the development in so far it brings much needed affordable housing to the village specifically to the more elderly population.

Agree with West End Parish Council in terms of the layout changes.

In conclusion, should the Local Planning Authority be satisfied that there are no alternative sites within the settlement boundary of the village that meets the requirements of the future that will reside at the development, then residents the Village Society would support the principle of the development. Whilst in these circumstances accepting that part of the openness of the Green Belt will be lost, more should be done by the applicant in the layout of the scheme to further reduce this.

6.0 REPRESENTATION

6.1 A total of 7 individual letters were sent to surrounding properties on 3rd November 2022. A site notice was posted on 9th November 2022 and the application was advertised in the local press on 18th November 2022. At the time of preparation of this report 15 letters of representation have been received (1 objection and 14 in support). The letter of objection is summarised below:

- Site located within the Green Belt
- In close proximity to the SPA

- Access from Church Road while not busy saturated with parking
- Special circumstances that other sites are unaffordability should not form part of the assessment. No evidence has been submitted that other sites have been costed
- Green Belt should be protected at all cost

6.2 The letters of support are summarised below:

- Supports low cost community housing for local people
- Located in close proximity to the village amenities
- South facing small gardens
- Solar panels help with electric
- Sufficient parking
- Small collection of houses helps prevent loneliness
- These types are properties are very rare and should be supported
- Perfect for older members of community
- Understand the technical concern that the houses are within 400 metres of the SPA but believe that the impact to local ecology on the common will be negligible. There are two roads between the SPA and the development, and hundreds of houses to the south and west that abut this section of the common.
- Building design is of relatively low visual impact and aesthetically pleasing
- Local traffic would be low due to the non-through road
- The land currently has no purpose
- Low visible impact and asset to the village
- Free up larger houses

6.3 An additional letter was received from The Almshouses Association who provide further support for the application. In summary it is the view of the association that if permitted the additional housing would provide a valuable asset to the borough by providing social housing.

7.0 PLANNING CONSIDERATION

7.1 The application site is located within the Green Belt, as set out in the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). In this case, regard will be had to Policies CP1, CP2, CP3, CP6, CP12, CP14, DM9, DM10, DM11 and DM15 of the CSDMP. In addition, regard will be had to the Residential Design Guide (RDG) Supplementary Planning Document (SPD) 2017 and advice contained in the NPPF.

7.2 The main issues to be considered within this application are:

- Impact upon the Green Belt
- Appropriateness;
- Affordable housing need; and
- Very Special Circumstances
- Impact upon the Thames Basin Heath SPA
- Impact on the character and appearance of the surrounding area
- Residential amenity
- Transport and highways considerations
- Other matters
- Biodiversity;
- Trees;
- Drainage;
- Flood risk; and
- Infrastructure

7.3 Impact upon the Green Belt

Local Community Need

7.3.1 Annex 2 of the NPPF defines affordable housing and this includes affordable housing for rent, subject to conditions. To qualify, rents that must be at least 20% below local market rent. The applicant, Chobham Poor Allotment Charity, is a member of the Almshouses Association providing accommodation at a discount rent below 80% market rent. As such, in the officer's opinion, the submission meets the definition of being affordable housing. However, the acceptability of this affordable housing within the Green Belt is dependent on meeting a local community need. Paragraph 149 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate development in the Green Belt, subject to exceptions including exception (g) that states:

- Limited affordable housing for local community needs under policies set out in development plan (including policies for rural exception sites)

7.3.2 The definition of rural exceptions sites contained in Annex 2: Glossary of the NPPF states:

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

7.3.3 Policy DM5 of the CSDMP states that development consisting of 100% affordable housing within the Green Belt will be permitted where:

- (i) There is a proven local need for affordable housing for people with a local connection to the area; and
- (ii) The need cannot be met within the settlement boundary; and
- (iii) The development will provide affordable housing for local people in perpetuity; and
- (iv) The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents

Each of these will be considered in turn below.

(i) *There is a proven local need for affordable housing for people in the area*

7.3.4 The applicant has provided evidence within the Planning Statement drawing on information from the Council's Local Housing Need Assessment carried out in 2022. The proposal includes six 1 bedrooms units for the elderly. A Local Housing Need Assessment was carried out in 2020, which identified housing need. The Council's Housing Team has raised no objection to the proposal. The Housing Need Assessment also indicated that from 2019 to 2040 the number of people ages 65 or above with mobility issues is due to increase by 90.4%.

7.3.5 The Housing Needs Assessment sets that there is a shortfall in housing with supported for rented properties. The most recent Annual Monitoring Report identified an annual need of 159 affordable housing dwellings. A further review shows that there is no affordable stock

presently available in the Parishes of West End or Chobham. This outlines the need for elderly affordable housing in the area. It is, however, noted that due to the proposal for almshouses the occupiers would not be taken from the Housing Register figures. The Council's Housing Team note this but raised no objection provided the housing meets the need for vulnerable individuals in the local area. It is considered that there is a need for the affordable housing, so complying with criterion (i) of Policy DM5.

(ii) The need cannot be met within the settlement boundary

7.3.6 The applicant has outlined that Policy CP1 notes that the smaller villages of Bisley, West End and Windlesham (including Snows Ride) are inset within the Green Belt (as shown on the Proposals Map). These villages have limited capacity to accommodate development, and this will be achieved primarily through redevelopment of existing sites. In addition, any site within a settlement will inevitably come forward on a policy compliant basis given there would be no need for a development to offer 100% affordable housing. As the applicant is a charity if they were to acquire a site within the settlement boundary they would still provide 100% affordable housing and therefore this is a null argument.

7.3.7 The Planning Statement outlines that the site is already within the charity's ownership. No information has been provided, if the charity acquired the land/ or how long it has been in their ownership for. The Council would have expected a sequential site analysis to have been submitted in terms of other sites which have been considered and why this is the most suitable site. It is noted that the site is owned by the charity and the site is deliverable without the need to supplement the development with market housing. However, this is not sufficient as to why other sites have not been considered. The proposal therefore does not comply with criterion (ii) of Policy DM5.

(iii) The development will provide affordable housing for local people in perpetuity

7.3.8 A Section 106 agreement is the normal way to secure the affordable housing in perpetuity. The applicant has confirmed willingness to enter into such agreement but has provided no detail within the submission. However given the proposal is unacceptable in other respects to the Green Belt, negotiations were not pursued. In the absence of a draft agreement there are many unanswered questions and uncertainty as to whether this criterion would be achievable. Heads of Terms for a legal agreement would need to include, for example: a mechanism to ensure that this proposal could stand the test of time such as step in rights in the event that the charity dissolved; and, clear eligibility criteria such as demonstrating a local connection. On the basis of the submission, the applicant has failed to adequately demonstrate compliance with criterion (iii) of Policy DM5.

(iv) The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents

7.3.9 The application site lies in the Green Belt and the settlement boundary is to the south of the site. West End has been designated as a settlement area under CSDMP. The application site is to the north of the settlement boundary, and adjoins a cluster of residential buildings to the north of the application site. Furthermore, Gordons School is located to the west and the village hall to the east. Within the Planning Statement a 800m isochrone plan has been submitted which is commonly used to demonstrate a 10 minute walking distance. This plan shows that roughly within 10 minute walking distance of the application site is a GP surgery, local food store/pharmacy and primary school and as such could be concluded that the site immediately adjoins the settlement area. Within 400 metres of the site is a bus stop, it is noted that this falls outside of the settlement area. The development site immediately adjoins the settlement boundary. Therefore the proposal would comply with this first part of policy DM5 (iv) the development site immediately adjoins an existing settlement.

- 7.3.10 The future occupiers are likely to be frail or impaired person who may require assistance with mobility through the use of wheelchairs or mobility scooters. Following consultation with County Highways Authority have raised an objection due to the proposal would not provide an adequate access in and out of the site and the existing pavement width on Church Road is not wide enough for mobility scooters. Therefore, due to the access and pavement width the proposal does not provide suitable access to public transport or services and amenities for the daily needs of the future occupiers. On the basis of the submission, the applicant has failed to adequately demonstrate compliance with second criterion (iv) of Policy DM5.
- 7.3.11 Overall, the site is considered to be within a reasonable distance of the settlement area and cycling distance of services and facilities. However, the site would not provide suitable access for mobility users. During the course of the application the applicant has not confirmed willingness to provide the pavement improvements that are required to make the application acceptable in this respect. The proposal therefore does not comply with criterion (iv) of Policy DM5.
- 7.3.12 For the reasons outlined above, the proposal does not comply with criteria (ii), (iii) and (iv) of Policy DM5 and consequently does not comply with 149(f) of the NPPF. As the proposal does not fall into one of the exceptions listed in the paragraph 149 of the NPPF, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

Impact upon openness

- 7.3.13 Case law has established that 'openness' is open-textured, and a number of factors are relevant when it comes to applying this application to the particular facts of a specific case. This includes both spatial and visual impacts. The NPPF states that the essential characteristics of Green Belts are their openness and permanence.
- 7.3.14 Paragraph 137 of the NPPF states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposed dwellings would introduce built form into an area of the Green Belt which is open. The proposal would include a row of dwellings which would provide built form where currently none exists. The introduction of built form in this location would have a significant spatial presence and would result in harm to the openness of the Green Belt and would be contrary to the NPPF.
- 7.3.15 Paragraph 138 of the NPPF states the five purposes of the Green Belt. Two aims of the Green Belt is to assist in safeguarding the countryside from encroachment and to prevent unrestricted sprawl of large built up areas. The settlement area of West End is located to the south of the site and a small cluster of dwellings to the north. The introduction of the built form in this location would spread development closer to the settlement area and merge the built form together where currently there is open space creating a clear separation. The proposal would be clearly contrary to the above two purposes of the Green Belt. The harm identified is not only 'by definition' harmful but a considerable and substantial loss of openness would arise.
- 7.3.16 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. Therefore, and as per paragraph 148, the Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There is also other harm, in addition to the Green Belt harm which is discussed in sections 7.4 – 7.8.

Very Special Circumstances

- 7.3.17 This report identifies the proposed development would cause harm to the Green Belt due to the inappropriateness and loss of openness. The NPPF requires substantial weight to be given to any harm to the Green Belt. The proposed development also lies within 400 metres of the Thames Basin Heaths SPA where new residential development is not permitted and where there is no mitigation. Due to the likely significant effects on the Thames Basin Heaths SPA and the other harm identified to the character of the area, future occupiers, highway safety, impact on trees, protected species and drainage this would also amount to substantial weight. This additional harm is discussed in sections 7.4 - 7.8 of this report.
- 7.3.18 The applicant has not put forward an explicit case for 'very special circumstances' (VSC), contending in the planning statement that the proposal would fall within one of the exceptions outlined in paragraph 149 of the NPPF. Case law has held that all factors which are in favour of a grant of planning permission for inappropriate development in the Green Belt are capable of contributing towards the assessment of very special circumstances. Whether the very special circumstances test is met, on the facts of a particular proposal, is a matter for the decision-maker.
- 7.3.19 Whilst the applicant has not put forward a VSC, section 7 of the Planning Statement sets out the special benefits to the proposal. The applicant considers that there is a pressing need for almshouse type of accommodation in SHBC that would provide both affordable and appropriate housing for the older people. The site is within the ownership of the charity and the development cannot be provided on alternative land. However, the proposal failed to comply with Policy DM5 and the NPPF. It is noted that there is need for housing within the area and this benefit does weigh in favour of the proposal.
- 7.3.20 By providing this alternative accommodation the almshouses would release other residential dwellings onto the wider housing market. The proposal would provide 6 units located within the Green Belt and this benefit is considered to have limited weight.
- 7.3.21 The proposal would provide a package of ecological enhancements. However, the site is located within 400 metres of the SPA and would result in significant harm to a protected area. This therefore carries very limited weight.
- 7.3.22 In conclusion, in the officer's opinion, either alone or in combination, the benefits put forward by the applicant in support of their proposal do not amount to very special circumstances to clearly outweigh the significant harm that would arise.

7.4 Impact upon the Thames Basin Heaths SPA

- 7.4.1 Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Special Protection Area (SPA) and Special Areas of Conservation (SAC) sited within the Borough. Furthermore, it states that no new net residential development will be permitted within 400 metres of the SPA.
- 7.4.2 The proposal results in C3 use (dwellinghouses) for 6 residential units. The units would be located within 400 metres of the SPA boundary exclusion zone, where the Avoidance and Mitigation Strategy and the Delivery Framework indicates that mitigation measures are unlikely to protect the integrity of the SPA. Natural England have been consulted as part of the application given the proximity of the development to the SPA boundary. It is Natural England's view that the planning authority will not be able to ascertain that this proposed development would not adversely affect the integrity of the SPA. Natural England considers that for a residential use within 400 metres of the SPA, to not adversely impact the SPA are limited to nursing homes where residents are not able to recreate on the SPA. In examples where this has been allowed conditions have been applied to restrict the use to C2 nursing care homes only, persons of limited mobility, require full time nursing care and/or those who

require high dependency dementia care. Following the consultation response the applicant submitted further details including outlining the qualifying criteria for occupancy is that the almshouse can only be occupied by persons who are physically frail; have mobility problems; suffer from paralysis or partial paralysis; or is in need of assistance for independent living and suggested conditions to control this. However, the applicant retains that the proposal is not for C2 (nursing home) and is for a C3 (residential) use but with the qualifying criteria outlined above. Natural England reviewed this additional information and remains of the view that there is not enough certainty that the proposed development would not result in adverse effect on the integrity on the Thames Basin Heath Special Protection Area. The site also provides parking for the future residents and while they may have mobility issues this would not restrict occupiers visiting the SPA. Natural England considers if the applicant wishes to make this proposal acceptable, the use of the properties would need to be restricted to a C2 nursing care home. The applicant also provided 2 examples one of these within Surrey Heath where development has been allowed within 400 metres of the SPA. However, both of these examples are for large C2 nursing homes with a restricted use for C2 only and are therefore not considered to be directly comparable.

7.4.3 In conclusion, the application will have significant adverse effects on the integrity of the Thames Basin Heaths SPA. The proposal is therefore not in accordance with Policy NRM6 or Policy CP14A & B CSDMP.

7.5 Impact on the character and appearance of the area

7.5.1 The NPPF at Section 12, under the heading “Achieving well-designed places” sets out the guiding principles for operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design.

7.5.2 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. 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.

7.5.3 The application site is located on a parcel of land located to the north of the settlement area within the Green Belt. This character of the area is semi- rural with large formal and informal open green spaces, leisure and recreational facilities. To the north of the site, there are two small rows of terrace dwellings fronting Church Road and Windlesham Road, respectively to the northeast on the corner of Church Road/Benner Lane there is a further row of terraced dwellings. The dwellings fronting Church Road have views over the recreation ground. It is noted that the school is located to the north east. However, generally there is low density scattered development within the open green spaces. There is a clear divide between the built-up settlement to the south and the more rural character to the north within the Green Belt.

7.5.4 The RDG provides further guidance relating to the design of residential developments. Principle 6.6 sets out that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Proposals with plot layouts that are out of context with the surrounding character will be resisted. The proposed layout of the plots would be orientated east to west (horizontal across the site). However, the established immediate surrounding pattern of development, in particular along Church Road and Windlesham Road and including the existing terraced rows, is for the plots to front the highway with long gardens and occupied by two storey dwellings of a modest size. The proposed horizontal layout across the site would therefore appear out of keeping within this context.

7.5.5 Furthermore, the proposed access road and parking area is located to the north of the site. Little articulation has been taken into account with design and positions of the plots. By way of explanation the applicant considered east to west alignment limited the perception of

visual mass from both Church Road and Windlesham Road whilst giving a direct south facing aspects to the habitable parts of the respective dwellings. This would also allow for maximum solar gain and the inclusion of renewable energy on the roofscapes. While these are benefits to the proposal, it is not essential for this layout to achieve the above. In the officer's opinion this would result, in a layout of development that would be at odds within the surrounding area.

- 7.5.6 Principle 7.4 of the RDG sets out that proposal should reflect the spacing, heights and design of the surrounding area. The gardens are considerably smaller than the surrounding residential gardens fronting Church Road and Windlesham Road. Also the footprint of the dwellings are larger than gardens. While it noted that that part of the site remains free from development, the built form is located centrally within the plot. Within semi-rural location results in the density of development on the site being too high and does not respects the local character of semi- rural setting terms of the scale and density of the site and is considered to be contrary to Policy DM9 (ii) and Principle 7.4 of the RDG.
- 7.5.7 To the east, south and west the site would be enclosed with 1.8m high closed boarded fencing. The site boundary is surrounded by trees, however, there are views in and out of the site. The introduction of the hard boundary treatment would appear at odds located in the middle of the plot and would be visible from east, south and west of the plot. The combination of the layout, plots size and elevational treatment and residential paraphernalia would significantly alter the appearance of the site and contribute to the urbanisation of this existing semi-rural character. As such this design and layout is not appropriate for this context, being more typical of an suburban location.
- 7.5.8 Principle 6.7 sets out that parking layouts should be high quality and designed to ensure developments are not functionally and visually dominated by cars. All parking arrangements should be softened with generous soft landscaping and no design should group more than 3 parking spaces together without intervening landscaping. However, due to the linear layout this results in access road and large area of hardstanding in front of the plots which includes 9 off street parking spaces. There would be excessive hardstanding and parking that would dominate the front part of the site and the proposal would be dominated with parking to the front. There is no intervening landscaping proposed.
- 7.5.9 Taken in isolation, the architectural design of the proposed dwellings reflects traditional almshouses. This results in a proposed row of terraces with steeply pitched roof. While bungalows are not typically characteristic of the area. There are rows of small terraces within the surrounding area. As such, no concerns are raised in this respect. However this does not outweigh the harm identified above. Had the application been considered acceptable in all other respects a condition would have been recommended to secure full details of the materials.
- 7.5.10 Given the above considerations, the layout of the development, plot sizes, parking area does not respect the character of the semi-rural area and does not comply with the design requirements Policy DM9 of the CSDMP, the NPPF, principles, 6.6, 6.7 and 7.4 of the RDG.

7.6 Impact on the residential amenity

- 7.6.1 Policy DM9 of the CSDMP 2012 states that development should respect the amenities of the adjoining properties and uses. Turning to the RDG, Principles 8.1 and 8.3 indicate that new development should not have a significant adverse effect on the privacy or be overbearing to the occupants of nearby dwellings. Principle 8.4 establishes the minimum outdoor amenity space standards for houses, whereas Principle 7.6 states new housing development should comply with the national internal space standards. Principle 8.2 goes on to say that all habitable rooms in new residential development should maintain at least one main window with an adequate outlook to external spaces.

- 7.6.2 The proposed dwellings are sited centrally within the plot and the parking area is adjacent to the common boundary with the neighbours to the north. The proposed parking spaces are located adjacent to the common boundary. The front elevation of the proposed dwellings are located approx. 21m from the common boundary. Due to the distance and single storey nature the proposed dwellings are considered sufficient to not result in unacceptable level of loss of light, overlooking or appear overbearing to the neighbours to the north.
- 7.6.3 In considering the proposed residential amenities of the future occupiers of the new dwellings, the internal floor space would comply with the recommendations contained in the Nationally Described Space Standards. The new dwellings would have a rear garden of approximately 33sqm. The proposed garden spaces would be below the guidelines set out in Principle 8.4 of the RDG which sets out gardens for 1 bedrooms should have an area of 40sqm. To the side boundaries, there would be a fence installed to a height 1.8m however, to the rear adjacent to the communal garden the rear boundary fence would have a height of 0.9m. While the occupiers are likely to be elderly and have mobility impairment, the site should still meet the requirements and provide sufficient private amenity space. Furthermore, given the proximity of the significant trees (particularly for plots 1, 2 and 6), these trees would provide unacceptable overshadowing and dominance to the rear gardens. The short fall in garden spaces and the location of the trees reduces the quality of the private outdoor amenity space. It is noted that the proposal would also provide communal garden space which could compensate for the shortfall, limited information has been provided on the communal garden the applicant has mentioned that it would likely be managed by Chobham Poor Allotment Charity in perpetuity. Due to the low boundary fence to the south of the private amenity spaces, there would be views into the private amenity spaces from the communal garden further reducing the quality of the amenity space. On balance it is considered that the proposal would provide a poor level of amenity space for the future occupiers and would be detrimental to their privacy and amenity area.
- 7.6.4 As such, the proposal would not be considered to adversely impact upon the residential amenities of the neighbouring properties but would be detrimental to the future occupiers of the dwellings and would not be in accordance with Policy DM9 of the CSDMP and the RDG.

7.7 Highway impacts

- 7.7.1 Policy DM11 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.
- 7.7.2 County Highways Authority (CHA) having assessed the application on safety, capacity and policy grounds and have raised a number of concerns with the proposal. The proposal would result in a new access from Church Road. Given the proposed development is for almshouses, it is imperative the needs of the potential elderly residents including those with mobility impairments are addressed. Therefore, the site would require a footway on the side of the proposed new vehicular crossover to enable safe pedestrian access into the site and an informal crossing point across Church Road with tactile paving to improve accessibility. A revised plan was submitted during the course of the application which showed an informal crossing facility to be provided, but without a raised crossing over Church Road. The CHA noted there appears to be a steep drop in levels from the site to the carriageway, from the officers site visits this was confirmed with there being a difference in land levels between the site and the highway. As such, a cross section drawing detailing the levels should be provided and access must be no steeper than 1/40 gradient. The scheme would also need to meet the needs of mobility impaired users including mobility scooters. Furthermore, the existing footway to the south of Church Road is of inadequate width for users of mobility scooters. The widening of the footway is therefore a necessary improvement measure to

ensure that the residents would be able to access facilities by sustainable modes of transport.

- 7.7.3 A refuse collection is located opposite plot 1. The recommended maximum distance set out in the Manual for Streets guidance for carrying of bins from the storage to the collection point is 30 metres. For units 5 and 6 this distance would be between 40-50 metres which is way in excess of this. Joint Waste Solutions has viewed the application and provided comments from the waste collection perspective. The waste collection point is located within 25m of the highway and therefore complies with the maximum pulling distance for waste operators. Joint Waste Solutions noted the concerns of SCC from a residential perspective. They also noted that existing access road is not wide enough for the waste vehicle to enter the site and therefore unable to collect waste from the front of residential properties. Due to proposed occupiers of the dwellings are likely to have limited mobility, the waste collection point is not suitable for this type of the proposal. Further, it is argued that service and delivery vehicles would stop on Church Road in the same manner as neighbouring properties. However, the neighbouring properties are single dwellings. The proposal is for 6 units which is an intensification of the area. SCC considers it essential in this location that a dedicated turning facility is provided within the site. Providing a turning ahead would also address the issue with refuse collection. No further details have been submitted by the applicant.
- 7.7.4 The SCC Vehicular and Cycle Parking Guidance January 2021 recommends that 1 spaces are provided for a 1 bedroom dwelling. The proposal makes this provision and is acceptable. In the event that planning permission were to be granted electric vehicle charging facilities to serve each dwelling could be secured by way of condition.
- 7.7.5 During the course of the application a query over land ownership was raised by SCC. However, the applicant has confirmed that the parcel of land in question is within their ownership and considers that the correct notice has been served on the application form.
- 7.7.6 The proposal would have a material impact on the safety and operation of the adjoining public highway and does not provide safe access for future occupiers. As such the proposal conflicts with the objectives of Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management.

7.8 Other Matters

Impact on trees

- 7.8.1 Policy DM9 of the CSDMP states that development should be designed to protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate. The Council's Arboricultural Officer objects to the proposal and considers that insufficient information has been provided to consider the impact of the development upon trees within and outside the site and that the submission does not conform with the requirements of the BS5837. The proposed layout sits within the root protection area of a number of trees within the site and there are a number of trees that bound the site enclosing the field and adding to the verdant nature of the area. Further details are given in Annex C of this report whereby the Arboricultural Officer recommends amendments to the scheme's layout to overcome these objections. As such the current submission is contrary to Policy DM9.

Biodiversity

- 7.8.2 Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath. Where appropriate, new development will be required to contribute to the protection, management and enhancement of biodiversity.
- 7.8.3 Surrey Wildlife Trust (SWT) advises that further information was required for the presence/absence survey of tree for removal with moderate bat potential, further

assessment for reptiles and grassland habitat. Additional technical note was submitted to address SWT comments. Following this SWT reviewed the additional information submitted. The SWT is of the view that insufficient information has been submitted to include the retention of T2, which has moderate potential to support roosting bats and there is a lack of information for protection of reptiles.

- 7.8.4 In the absence of this information the Planning Authority would be required to refuse the application. It is therefore considered that the proposed development has not provided sufficient information and would be contrary to policy CP14A of the CSDMP.

Drainage and flood risk

- 7.8.5 Policy DM10 of the CSDMP indicates that development at medium or high risk from flood risk from fluvial and other sources of flood risk. Policy CP2 of the CSMP indicates that development should reduce the risk from all types of flooding.
- 7.8.6 The applicant has not provided a drainage strategy for this proposal. The Council's Drainage Engineer has raised an objection that insufficient information has been provided. Due to the watercourse embankment surrounding the site it is considered reasonable that drainage strategy for the proposal should be submitted prior to the determination of the application. It has not been demonstrated that the proposal could proceed without risk of flooding to the application site or elsewhere. At this stage, it is not considered that a condition could be applied to overcome these concerns.
- 7.8.7 The proposed development has not therefore satisfied the requirements of the NPPF or the aims and objectives of Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Impact on infrastructure

- 7.8.8 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development. In the longer term, contributions will be via the Community Infrastructure Levy (CIL) charging schedule, in order to offset the impacts of the development and make it acceptable in planning terms. The Council's Infrastructure Delivery Supplementary Planning Document (2014) sets out the Council's approach to delivering the infrastructure required to support growth.
- 7.8.9 As the proposed development would involve the provision of an additional residential units the development would be CIL liable. However, the applicant is a charity and is therefore CIL exempt. It is therefore considered that the proposal would be in accordance with Policy CP12 of the CSDMP.

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 proposal would amount to inappropriate development in the Green Belt. This harm as well as the harm to the openness carry substantial weight in the planning balance. Furthermore, the proposed development lies within 400 metres of the Thames Basin Heaths SPA where no new residential development is permitted and mitigation for any new residential development is not possible. The proposal would also result in harm to the character of the area, future occupiers, highway safety, impact on trees, protected species and drainage. It is considered that there are no very special circumstances to outweigh the

identified harm. Therefore the proposal would not comply with Section 13 of the NPPF, Policies DM5, DM9, DM9, DM11, CP14 A&B of the CSDMP and the RDG.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The applicant has failed to demonstrate that the need for affordable housing cannot be met within the settlement boundary; that the development would provide affordable housing for local people in perpetuity; and, that the site would be accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents. As such the proposal represents inappropriate development in the Green Belt, that is harmful by definition; and, by reason of its quantum of built form, height, scale and mass, would cause further significant harm to the openness of the Green Belt and conflict with the purposes for including land within it. No very special circumstances exist to outweigh this Green Belt harm and the other harm identified in the reasons below. The proposed development is therefore contrary to Policies CP1 and DM5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
2. In the absence of a legal agreement the Planning Authority cannot conclude that the site would meet the rural exception criteria. The proposed development is therefore contrary to Policies CP1 and DM5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
3. The proposed development is within 400 metres of the Thames Basin Heaths Special Protection Area where new residential development is not permitted. The Planning Authority therefore concludes that the development would likely have significant adverse effects on the integrity of the Thames Basin Heath Special Protection Area. The proposal fails to comply with the Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 of the South East Plan and Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2019).
4. The proposal by reason of its layout including the orientation of the terrace row and the extent of parking area; and the overall footprint, elevational treatment of boundary fences, would result in a pattern of development which would be out of keeping with the existing setting and a quantum of built form that would dominate the plot and appear incongruous. This development would therefore be harmful to the semi-rural character of the area and fail to respect and improve local distinctiveness. This would be contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principles 6.6, 6.7 and 7.4 of the Residential Design Guide Supplementary Planning Document 2012.
5. Insufficient information has been submitted to demonstrate that the proposal would not harm the retained trees or lead to their loss or decline in the long term. These trees provide a significant amenity to the surrounding street scene and any loss or deterioration of these important landscape features would undoubtedly harm the character of the area. The proposal is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and British Standard BS 5837.
6. The size of the proposed garden spaces would fall below the minimum recommended space standards. Furthermore, given the relationship of the adjoining trees particularly for plots 1, 2 and 6 would provide unacceptable overshadowing and dominance to the

rear gardens. As such, the proposal has failed to provide an acceptable level of residential amenities for future occupiers and would therefore be contrary to Principles 8.1 and 8.4 of the Residential Design Guide Supplementary Planning Document 2017, Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

7. The scheme does not meet the needs of mobility impaired users including mobility scooters. The proposal does not provide adequate pedestrian access into the site and existing footway to the south of Church Road is of inadequate width for users of mobility scooters. Further, the proposal does not provide a suitable waste collection point or turning within the site for service and delivery vehicles. The proposal would have a material impact on the safety and operation of the adjoining public highway and does not provide safe access for future occupiers. The proposal would therefore be contrary to Policy DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.
8. In the absence of any information submitted in support of the application, it has not been satisfactorily demonstrated that the proposed development would not have an adverse impact on protected species and/or habitat or result in a material loss in biodiversity value for which no specific mitigation or compensation has been proposed. The proposal has not therefore demonstrated that it would have an acceptable impact on the nature conservation interests of the site nor in relation to promoting biodiversity. The proposal therefore conflicts with the objectives of Policy DM14A of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2021.
9. The proposed development by reason of the insufficient information submitted has not demonstrated that the drainage scheme would be appropriate for the development and site. As such, the proposal is therefore contrary to Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.