

**LOCATION:** ORCHARD COTTAGE, SHEPHERDS LANE,  
WINDLESHAM, GU20 6HL

**PROPOSAL:** Erection of an 88 bedroom care home with associated landscaping and planning, following demolition of existing dwelling and builders yard. Access from Chertsey Road. (Additional information recv'd 1/11/16). (Additional information rec'd 09/12/2016). (Additional Information - Rec'd 10/01/2017). (Amended Plan - Rec'd 16/01/2017).

**TYPE:** Full Planning Application

**APPLICANT:** Mr Peter Dines

**OFFICER:** Emma Pearman

**RECOMMENDATION: REFUSE**

**1.0 SUMMARY**

- 1.1 The application site is located on the southern side of Chertsey Road and to the east of Shepherds Lane in Windlesham. It is approximately 2.2ha in size and is within the Green Belt, outside the settlement area of Windlesham. It currently comprises a residential dwelling Orchard Cottage and Highams Builders Yard, and a large area of open land to the west of Orchard Cottage. The site benefits from an extant outline planning permission SU15/0272 for the erection of a care home, doctors' surgery and residential dwelling on the site.
- 1.2 This proposal seeks full planning permission for a care home use, split into four detached buildings, to be built on the open part of the site, with the dwelling and builders yard to be removed. This proposal does not include a doctors' surgery nor a replacement dwelling like the previous proposal. The proposal is inappropriate development in the Green Belt causing harm to the openness of the Green Belt. While the previous grant of permission is a material consideration, this proposal is significantly larger than the extant permission (approx 45% increase in footprint and 82% increase in floorspace) and as such would be more harmful to the openness of the Green Belt. It is also considered that the increased spread of development and the design of the buildings causes harm to the character of the area.
- 1.3 The applicant has put forward a number of factors that they consider amount to very special circumstances that justify the grant of permission, including that the care home would provide a new and exemplary model of dementia care, and would provide a number of jobs. It would also contribute to Surrey Heath's housing supply. However, in the officer's opinion, these do not amount to very special circumstances to outweigh the significant harm and as such the application should be refused.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of the B386 Chertsey Road, about 0.75km outside the settlement boundary of Windlesham, as identified on the Surrey Heath Core Strategy and Development Management Policies 2012. The site lies within the Green Belt and within 100m of the Thames Basin Heaths Special Protection Area (SPA), Chobham Common SSSI and the Thursley, Ash, Pirbright and Chobham Special Conservation Area. The application site is 2.19 ha in size and currently comprises the residential dwelling Orchard Cottage (0.18ha approx. including garden) accessed from Shepherds Lane, Highams Builders yard and access track (0.23ha approx.) also accessed via Shepherds Lane, and a stretch of open, undeveloped land to the west of Orchard Cottage and the builders yard (1.78ha approx.), which has a small access gate from the B386 Chertsey Road.
- 2.2 The area around the site is semi-rural in nature, with limited development along the Chertsey Road, which includes the Brickmakers Arms Public House opposite the site, and the former British Oxygen Corporation (BOC) headquarters adjacent to the east, with a high brick wall along the boundary between these sites. The northern boundary of the site adjoins the B386 Chertsey Road, and along this boundary is a red brick wall and mature trees which screen the site from the road. The nearest residential properties are Scarlett Hollies in Shepherds Lane to the north-east, and Lynbrook Cottage on Chertsey Road to the north-west, and the rear gardens of two other properties also share a boundary with the site to the north-west. Along the western boundary there are mature trees which prevent views into the site. The site adjoins open land to its southern boundary, with some trees and hedges along this boundary.
- 2.3 The site lies within Flood Zone 1 which has the lowest probability of flooding. There are no archaeological or historical designations within the site, though there are some Locally Listed buildings nearby including the Brickmakers Arms, approximately 25m to the north, a building within the BOC site approx. 90m from the access road, and residential properties Gunners and Gunners Meadow, approximately 120m to the south-west. There is also a pipeline running north-south through the western half of the site.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/15/0272 Outline application for the erection of a 65 bedroom care home, a doctors surgery and a detached bungalow with landscaping and access following demolition of existing buildings (access to be considered).

*This application was reported to Committee on 17/09/2015 with an officer recommendation for refusal on Green Belt grounds and impact on local character and lack of a sustainable location. However, Members resolved to grant permission due to very special circumstances and so the case was referred to the Secretary of State (SoS) as a departure from the development plan. The SoS did not call it in so it was approved on 14/12/2015.*

## 4.0 THE PROPOSAL

- 4.1 The application seeks permission for the erection of an 88 bedroom care home with associated landscaping and planting, following demolition of existing dwelling and builders' yard. Access to the care home would be from Chertsey Road. The care home would be arranged so that there were four separate buildings around a courtyard with parking to the front close to Chertsey Road. The applicant states that the home would provide for dementia care, and be a new type of 'household model' where eight people live together in a 'household' with the staff, and space for partners to stay overnight. This proposal would provide eleven 'households' each with 8 en-suite bedrooms, shared dining and a kitchen, and those within the household would be matched according to their needs.
- 4.2 Building A would include a café, refuse, kitchen, WC, heating and plant room. It would be 10.8m in width, 28.4m in length, with a pitched roof with gabled ends and chimneys. It would have an eaves height of 6.4m and total height of 10m (11.5m including chimneys). There would be a small substation building of 5.5m in height next to Building A. There would also be a roof attached to the side of the building providing covered, open sided bike storage and a plant area only on the second floor. The café would be used by residents, staff and visitors only.
- 4.3 Each 'household' would consist of eight en-suite bedrooms, snug, kitchen/dining room, lounge, escape staircase, utility room, and communal WC. Shared facilities on each floor of buildings B, C and D include stair/lift lobby, entrance porch, assisted bathroom, hoist store, sluice, dirty linen room and plantroom. Building B would accommodate one household with additional support rooms on the ground floor and Buildings C and D would accommodate two households with one set of shared facilities on the ground floors. Buildings B, C and D would accommodate two households with one set of shared facilities on the first floors. All three buildings would be an L shape with the total length 52.8m, total depth 34.6m, with a pitched roof with gabled ends and chimneys, although the ground floor of Building B would be split into two. They would have an eaves height of 7.2m and total height of 10.6m (12m including chimneys) and a plant area on the second floor. There would be some balconies accessed from the lounges, snugs and bedrooms on the first floor.
- 4.3 The total external footprint of the buildings would altogether be in the region of 3,654 m<sup>2</sup>, with the total external floorspace approximately 7,597 m<sup>2</sup>. The existing development has a footprint of 517m<sup>2</sup> approximately and floorspace of approximately 674m<sup>2</sup>. (The previous care home, doctors' surgery and bungalow granted permission under SU15/0272 was an outline application only, however, the indicative footprint was 2,520m<sup>2</sup> and floorspace 4,185m<sup>2</sup>).
- 4.4 Fifty parking spaces (four spaces designated as car-share) and a bus space would be provided to the front of the care home with access as existing from Chertsey Road and a gate set back 20m approx. from the highway. According to the applicant's submission there would be in the region of 182 two-way vehicle trips per day. A minibus is also proposed for use by staff and residents for trips, and another designated on-site vehicle would be used to provide pick-ups and drop-offs for team members who are using nearby rail or bus services. The nearest railway station is Sunningdale approx. 2.7 miles away by road. The nearest bus stop is

approximately 1.5km away with the buses serving Sunningdale and Camberley stations.

4.5 The applicant advises that up to 98 jobs would be created once the care home is in operation and approximately 96 direct and 67 indirect construction jobs over a period of 18 months during the construction phase. The Planning Statement suggests that local people would have priority for places in the home which they suggest would be tied into a legal agreement. Further reference will be made to the applicant's arguments in favour of the proposal in section 7 of this report. Where applicable, reference will be made to the following documents submitted in support:

- Acoustics Report
- Air Quality Assessment
- Archaeological Assessment
- Design and Access Statement
- Ecology Report and Method Statement
- Flood Risk Assessment and Drainage Strategy
- Lighting Strategy
- Landscape Masterplan
- Need Report
- Site Conditions and Contamination Assessment
- Planning Statement
- Statement of Community Engagement
- Transport Statement and Travel Plan
- Tree Survey and Arboricultural Report.

## **5.0 CONSULTATION RESPONSES**

5.1	Surrey County Highway Authority	No objection, subject to conditions and S106 agreement.
5.2	Natural England	No objection, subject to conditions including a Construction Environmental Management Plan, a covenant preventing the keeping of pets, and a restriction of parking by condition to staff and visitors only.
5.3	Surrey Wildlife Trust	No objection, subject to conditions.
5.4	Council's Arboricultural Officer	No objection, subject to conditions.

5.5	Surrey County Council - Local Lead Flood Authority	No objection, subject to conditions.
5.6	Environmental Health Officer	No objection, subject to conditions.
5.7	CLH Pipelines/Fisher German	No objection, subject to conditions.
5.8	Council's Economic Development Officer	No objection, states that this is a significant shift in dementia care and first of its type in Surrey, and that the number of jobs created would be 20 more than the previous scheme.
5.9	Surrey County Council Archaeology	No objection, subject to condition.
5.10	Thames Water	No objection, subject to informative.
5.11	Windlesham Parish Council	Objection – Overdevelopment of the site, not in keeping with the street scene or character of the village, serious concerns about the adequacy of parking onsite and the increase in traffic that the development would bring to an already busy stretch of road.
5.12	Chobham Parish Council	Objection – Inappropriate development in the Green Belt, and no very special circumstances that outweigh the harm, would be better suited to brownfield land, has a high percentage of buildings and hardstanding, rural character would be adversely affected by utilitarian style buildings, residential and domestic character seems to be at odds with the 400m buffer zone, would adversely affect the SPA, larger than previous proposal, does not include doctors surgery, little benefit to Windlesham local residents, no demand, insufficient landscaping, car sharing schemes and cycling not viable or realistic, likely to have an adverse impact on the setting and parking for pub opposite.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 18 letters of objection and 6 letters in support of the application have been received. The issues raised by the objection letters are summarised below:

### Green Belt/need for the development [See section 7.2]

- While agree in principle for the need in Windlesham this should not be on a site that compromises the Green Belt

- Should not use 15/0272 as a precedent as the very special circumstances (doctors surgery, charity connection) no longer apply and is of a scale and nature which does not bear any relationship to the Community Care Home project as claimed by the previous application; this is purely a commercial development; previous conditions on 15/0272 cannot be complied with
- Another nearby application was rejected on Green Belt grounds and would be a lack of consistency to approve this one
- BOC site is an exception as it is an extension of established development in the Green Belt
- No very special circumstances (VSCs) that outweigh the harm to the Green Belt and officers should recommend refusal again as with 15/0272; not previously developed land so is inappropriate as a starting point
- Would set a precedent for building on other Green Belt around Windlesham
- No need for an 88 bed care home in Windlesham
- Already many care homes in the area
- It is considerably larger than care home granted under application 15/0272
- Applicant makes no attempt to justify development in terms of paragraph 89 and the VSC are not within the accepted terms of VSCs [*Officer comment: a large part of the planning statement is devoted to the VSCs as required by paragraph 89 and there are no rules about what can or cannot be considered to be VSCs*].

Character [*See section 7.3*]

- The buildings would be incompatible with the residential buildings in the area
- Is more sprawling, cramped and suburban without the open space to each side as with the previous application
- Has had little regard to the surrounding development and looks like a suburban housing development
- Very little in the form of gaps and spaces to relieve the building mass
- Will have a much greater visual impact than the original proposal
- This is overdevelopment of the site
- Would be an adverse effect on the rural character of the street scene.

Residential Amenity [*See section 7.5*]

- Would cause fumes from car pollution; amount of pollution underestimated by the applicant.

#### Highways, Parking and Access [See section 7.4]

- Would exacerbate the already dangerous road opposite the Brickmakers Arms
- Remote location will add to village traffic
- Visitors and residents would be heavily reliant on transport
- Increase in traffic has been underestimated by the applicant
- Road system is totally inadequate
- Vehicles during construction will add to the problems here
- Accidents mentioned do not take into account minor mishaps and near misses
- Parking along this stretch at weekends and summer evenings is very dangerous and pavement frequently blocked
- No bus or train service to support it
- Not enough parking proposed; does not appear to meet the parking standards
- May lead to overspill of parking into Brickmakers Arms car park or along Chertsey Road
- Traffic situation has changed since granting of 15/0272, yellow lines have been painted on the northern boundary of the road with cars now parked on the southern side close to where the entrance would be
- Recently a weight limit placed on a railway bridge in Sunningdale so now all the large vehicles will go down Chertsey Road
- Construction Environmental Management Plan states construction traffic will go west (through Windlesham) but map shows it going east.

#### Ecology [See section 7.8]

- Would impact on nature conservation; flora and fauna should be protected and should not replace nature with buildings
- Protected species were identified
- Close to an SSSI so inappropriate location
- Would interfere with wildlife habitats
- Would not preserve or enhance biodiversity.

Infrastructure *[Officer comment: Constructions towards infrastructure are required through CIL, however, care homes are not CIL liable]*

- Would have an impact on infrastructure; village does not have the facilities or infrastructure to absorb further expansion.
- Surrey Heath Partnership Action Plan 2016-18 states “ensure infrastructure is built and services are available (e.g. school places and GPs) before new homes are built.

Other

- Much of the support for the previous application was because of the potential links to a local charity and provision of a doctors surgery – now there are no links to the charity shown and health providers have shown no interest *[Officer comment: Noted, however this application must be considered on its own merits]*.
- Inadequate drainage and sewage facilities and would increase risk of flooding *[Officer comment: See paragraph 7.9.2]*.
- Land would be better used by BOC *[Officer comment: Each application must be considered on its own merits and that is not the proposal that is before the Council]*.
- Planning permission systematically refused for 6 additional parking spaces at the Brickmakers Arms on Green Belt grounds, this would be measured against same policies *[Officer comment: Each application must be considered on its own merits and in this case there is an extant permission]*.
- Strategic housing location is a matter for the emerging development plan and should not be pre-judged by this application *[Officer comment: Each application must be considered on its own merits and there is no reason to delay the decision of this application]*.

6.2 The issues raised by the letters of support are summarised below:

Green Belt/need for the development

- Will provide a much needed facility with a long term benefit to the residents of Windlesham
- Positive addition to the village and use of the grounds
- Shortage of care home facilities in the area and site seems suitable.

Highways, parking and access

- Should be a speed limit imposed however from the east of the site approached over a blind hill and further parking restrictions on the approaches to the site.

## **7.0 PLANNING CONSIDERATION**

7.1 The proposal is considered against the National Planning Policy Framework (NPPF); policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) including Policies CP2, CP6, CP8, CP11, CP14A, CP14B, DM9, DM10 and DM11. As this is an outline application for access only this is the main issue to consider, however, regard must also be had to the principles and impacts of the development and so this report will consider the following issues:

- Impact on the Green Belt
- Impact on the character of the area;
- Highways, parking and access;
- Impact on residential amenity;
- Impact on Thames Basin Heaths Special Protection Area;
- Trees and landscaping;
- Ecology;
- Other matters including flooding, archaeology, pipeline and lighting; and
- Consideration of very special circumstances.

### **7.2 Impact on the Green Belt**

7.2.1 Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts, and that their fundamental purpose is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt being their openness and their permanence. Paragraph 80 states that the Green Belt serves five purposes, the third of which is to assist in safeguarding the countryside from encroachment. Paragraph 87 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2.2 Paragraph 89 states that the construction of new buildings is inappropriate within the Green Belt with some exceptions, one of which is the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.2.3 At this site, a small part of it can be considered to be previously developed, this is the former Builders Yard. The previous extant planning permission SU15/0272 granted for this site is also a material planning consideration, and it would be reasonable to consider how the current proposal compares, in terms of its footprint and volume with that permission.

The table below provides this information (figures approximate and provided by the applicant) with the existing figures including the existing dwelling Orchard Cottage:

	Existing development	Extant permission 15/0272	Current proposal
Footprint	517m2	2520m2 (increase of 387% over existing)	3654m2 (increase of 607% over existing and 45% over extant permission)
Floorspace	674m2	4185m2 (increase of 521% over existing)	7597m2 (increase of 1027% over existing and 82% over extant permission)

7.2.4 In comparing this proposal to the extant permission, it should also be noted that this proposal has a significantly greater spread of development across the site than the previous proposal. The extant permission included the doctors' surgery, parking, care home and landscaping to a depth of 87m from Chertsey Road, and beyond this area the open land and woodland was to remain, with a new dwelling built on the site of the builders' yard. The built form of the care home had a width of approx. 52m with landscaped gardens and parking to each side. While this development does not include the doctors' surgery or new dwelling, the buildings themselves extend to a depth of 121m from the road, and the width of the built form is 93m approx., with buildings and parking on the site of what would have been the doctors' surgery. Where the woodland/open land was proposed to the rear, it appears that this would now be landscaped to some degree with a path shown on the proposed layout. As such the layout and spread of development would be significantly greater than the extant permission, causing additional harm to the openness of the Green Belt.

7.2.5 It is clear therefore that the proposed development would not fall under any exception under paragraph 89 of the NPPF and would be inappropriate development in the Green Belt. It would result in a significant increase in the quantum of built form compared with the existing development and therefore be harmful to openness. As such the applicant must demonstrate that there are very special circumstances that would outweigh the harm to the Green Belt, and any other harm, to justify a grant of permission. Consideration of very special circumstances are set out at the end of the report in section 7.10, in order to first establish whether there is any other harm to overcome in addition to the harm by reason of inappropriateness and harm to the openness of the Green Belt.

### 7.3 Impact on the character of the area

7.3.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment, paragraph 61 requires new development to integrate into its context and paragraph 64 requires design to improve the character and quality of the area.

Paragraph 17 states that the intrinsic character and beauty of the countryside should be recognised. Policy CP2 and DM9 of the CSDMP reiterates this by requiring development to respect and enhance the quality of the environment.

- 7.3.2 This site is best described as a semi-rural area being located outside of the settlement of Windlesham with the immediate vicinity of Chertsey Road having a limited amount of development on either side of the road. This mostly comprises large, detached dwellings on large plots, which are located sporadically along the road, and some terraced cottages. There is no prevailing architectural style and dwellings are set back from the road by varying degrees. The application site is also located next to the former BOC site which is a large office complex and across the road from the Brickmakers Public House, and further along there is Coworth Flexlands School, so there are a mix of uses in the immediate vicinity of the site. The streetscene is dominated by significant mature vegetation all along the road, including that existing along the front boundary of the application site.
- 7.3.3 Development along this road is in small groups or lone dwellings, interspersed with areas of open land. The proposed care home would be clearly visible at the entrance to the site and to some degree from the approach to the east. This proposal would fill in a gap between Lynbrook Cottage and Sundial, resulting in a band of continuous development for 0.6km, which is not repeated anywhere else along the road and results in a more urbanised character to this part of the road. While the extant permission which would also have the effect of filling a gap here, the street scene elevations submitted as part of this application show that most of the buildings would be visible behind mature vegetation and given that the spread of built form across the width of the site is significantly greater than the extant permission, this would add to the urbanising impact and continuous development effect on this part of the road, over and above that of the extant permission.
- 7.3.4 The previous permission was an outline permission and as such the design of the building was a reserved matter, but the indicative layout showed one building in an H shape which was two storey. This proposal would also comprise two storey buildings arranged around a courtyard patio garden, and similar to the previous proposal the parking would be at the front. The applicant states this is comparable to a farmyard ensemble. The buildings would be slightly nearer to the road than the previous proposal (25m rather than 29m), however the existing band of mature trees to the front would remain. Objections have been raised in respect of the design, and while it appears that the design of the buildings is strongly linked to the type of care that would be offered, it is considered that their design in hard looking blocks is unattractive, there would be a considerable amount of plain brick facing the road at the entrance, and as such this is not in keeping with the rural and open character and would not constitute an attractive addition to the street scene. This is shown in the applicant's photomontages, even despite the set-back from the road and vegetation to the front, as they would still be clearly seen from the road.
- 7.3.5 It was considered that the previous application, by reason of the quantum of built form, would conflict with the open rurality of the area and fail to integrate into its established context, and the amount of noise and traffic generation would be at odds with the character of the area. The previous application, however, considered this against the position of the limited existing development. This application would not generate as much traffic as the previous proposal as the

doctors' surgery is no longer part of the proposal and should be considered also in the context also of the extant permission rather than just the existing development. However, the quantum of built form and spread of the development would be significantly greater than the extant permission, in addition to the unattractive design of the buildings, and as such the development cannot be said to respect and enhance the existing rural and open character of the area and is contrary to the NPPF and policies CP2 and DM9.

#### **7.4 Highways, Parking and Access**

- 7.4.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy CP11 states that new development that will generate a high number of trips will be directed towards previously developed land in sustainable locations or will be required to demonstrate that it can be made sustainable to reduce the need to travel or promote travel by sustainable modes of transport. All development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.4.2 The proposed development is 0.75m outside the settlement boundary of Windlesham, 1.5km from the nearest bus stop and 2.7 miles from Sunningdale. Fifty parking spaces (four spaces designated as car-share) and a bus space would be provided to the front of the care home with access as existing from Chertsey Road and a gate set back 20m approx. from the highway. According to the applicant's submission there would be in the region of 182 two-way vehicle trips per day. A minibus is also proposed for use by staff and residents for trips, and another designated on-site vehicle would be used to provide pick-ups and drop-offs for team members who are using nearby rail or bus services. The applicant has put together a Travel Plan which is in draft format at this stage.
- 7.4.3 The County Highway Authority objected to the previous application, stating that the location was unsustainable given the likely number of trips generated (504 trips per day approx.), however the number of trips as part of this proposal is significantly less given that the doctors surgery is no longer part of the proposal. The County Highway Authority has not objected, subject to conditions which include crossing points on Chertsey Road by the access, a Construction Transport Management Plan and a full Travel Plan. They have also requested a fee upon commencement for auditing the Travel Plan which could be secured through a legal agreement.
- 7.4.4 It is therefore considered that the development is acceptable in terms of highways, parking and access, subject to the above conditions, and as such is in line with Policies CM11, DP11 and the NPPF.

#### **7.5 Impact on residential amenity**

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and

future occupants of land and buildings. Paragraph 123 states that planning decision should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.

- 7.5.2 The nearest property to the proposal is Sundial on Shepherds Lane. The care home would be 22m at its nearest point from Sundial and 17m from the boundary. Given this distance and the proposed height of the building it is not considered that there would be any overbearing or overshadowing effects. There would be a number of windows and balconies on the northern side elevation of Building C which is closest to Sundial, which would face their garden from the side. However given the separation distance it is considered that this would not have a significant adverse impact on the privacy of the occupiers of this dwelling. Additionally it is shown that a wall would be retained along this boundary and additional screening could be secured by condition.
- 7.5.3 Lynbrook Cottage and Lynbrook are located to the west of the development, with the western side elevation of Building B being nearest to the boundary at 17m away. There are some first floor windows on western side of Building B, however given the separation distance, and the fact that it would not be adjacent to the most used garden areas of these dwellings, it is not considered that there would be any significant loss of privacy, nor any overbearing or overshadowing effects. Building A would be 19m from the boundary with Lynwood Cottage and closer to the dwelling itself, however this is proposed to be single storey and as such no overbearing, overshadowing or overlooking impacts are envisaged. A mature tree screen would be retained along the western boundary of Lynbrook Cottage, Lynbrook and Appletree Cottage which adjoin the application site.
- 7.5.4 In terms of noise, the proposed development would generate additional noise over and above the existing levels, mostly in terms of traffic generation and use of the car park for surrounding neighbours. It is noted that the Environmental Health Officer however has not objected to the application and nor did he object to the previous application which would have generated significantly more traffic. It is therefore considered that although the proposal would increase noise levels, these are not likely to cause significant adverse effects on immediate neighbours.
- 7.5.5 In terms of air quality, an Air Quality Assessment has been submitted which has been reviewed by the Environmental Health Officer, who has stated that it demonstrates that the air quality in the area is currently good and that the proposed development would not have a significant effect on air quality during the construction or operational phases of the development, including impact from the additional traffic. As such no further conditions are recommended in respect of air quality.
- 7.5.6 No other significant adverse impacts on amenity are anticipated. As such, it is considered that the proposal is in accordance with Policy DM9 and the NPPF in this regard.

## **7.6 Impact on Thames Basin Heaths Special Protection Area (SPA)**

- 7.6.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS 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 Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.6.2 The site lies approximately 60m from the Thames Basin Heaths SPA. The Thames Basin Heaths SPA Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA, however care homes can be acceptable subject to some conditions. Natural England has been consulted and has not objected, subject to conditions requiring the parking to be limited to staff and visitors only, the type of residents adhered to so that they are not able enough to use the SPA for recreation purposes, a Construction Environmental Management Plan to be submitted, and a covenant preventing the keeping of pets. It is considered that these issues could be conditions or subject to a legal agreement.
- 7.6.3 The development would not be CIL liable given that it is a care home, and not liable to SAMM, given the profile of the residents. The proposal is therefore acceptable in terms of its impact on the SPA and in line with Policies NRM6 and CP14B and the NPPF.

## **7.7 Trees and Landscaping**

- 7.7.1 Paragraph 109 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy DM9 states that development will be acceptable where it protects trees and other vegetation worthy of retention.
- 7.7.2 The applicant's submitted Arboricultural Report states that there are 171 significant individual trees on and adjoining the application site, and 26 of these would be removed (18 to facilitate the development and 8 for management purposes). The Council's Arboricultural Officer has been consulted and considers that this is not excessive and can be mitigated by a comprehensive landscaping plan, which could be secured by condition, and has requested a further condition to secure the tree and ground protection measures proposed during construction of the development. The submitted Landscape Masterplan indicates that there would be a kitchen courtyard garden between Buildings A and B, and another courtyard in the middle of Buildings B, C and D. There would be ornamental planting close to the outside of the buildings with a quiet garden and orchard to the east. The remainder of the site would be laid to lawn with circular paths and an area of swale

and reeds.

- 7.7.3 While further detail of the planting and species could be secured by condition, there is concern about the spread of development which has resulted in a smaller area of land being untouched when compared to the previous scheme, which has a further impact on the openness of the Green Belt, as discussed in paragraph 7.2.4 above. Given the spread of development and number of bedrooms it is not likely that a smaller area of landscaping could be accommodated sufficiently as was previously proposed. However aside from this concern, the development is considered to be acceptable in terms of its impact on trees and in line with Policy DM9 in this regard. A comprehensive landscaping and management plan could be secured by condition.

## **7.8 Ecology**

- 7.8.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy CP14A states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted.
- 7.8.2 The ecology survey submitted states that four common species of reptile were found at the time of the previous survey in 2013 and it is considered that a similar population is still present on the site. The applicant has provided a Method Statement and an Ecological Mitigation Plan which shows hibernacula (log piles) for reptiles, an area with wildflower mix and managed sensitively for reptiles and reduction of tree canopy to allow long grassland to flourish. Bird and bat boxes could also be installed and native planting to encourage wildlife. Surrey Wildlife Trust has been consulted and has not objected, as long as the development is carried out in accordance with the Method Statement and mitigation and enhancement measures proposed. It is considered that management of this could be included within the landscaping scheme and management plan. It is therefore considered that the development is acceptable in terms of its impact on ecology, subject to conditions.

## **7.9 Other matters**

- 7.9.1 The application site is located within Flood Zone 1, however, it is over 1 ha in size and as such a Flood Risk Assessment and Drainage Strategy has been submitted. The Local Lead Flood Authority has been consulted and has not objected, subject to conditions. Thames Water have not objected.
- 7.9.2 The application site is over 0.4ha in size and therefore the requirement for an archaeological desk-top survey was triggered and an Archaeological Assessment has been submitted. The County Archaeology Advisor has been consulted and has not objected, subject to a condition requiring a programme of archaeological work to be secured prior to commencement of development.
- 7.9.3 There is a pipeline which runs across the north-west corner of the site. As with the previous application, the pipeline owners have been consulted and have not

objected, but have advised that works consent may be required prior to any development being undertaken. As such the applicant would have to contact the pipeline owners prior to any development being carried out and an informative could be added in this respect.

- 7.9.4 A ground investigation report has been submitted with the application however there was a part of the site where Orchard Cottage itself lies, which could not be investigated. As such the Environmental Health Officer has recommended a condition for the stripped foundations to be inspected and results submitted to the Local Planning Authority for approval. The EHO has also asked for conditions in respect of asbestos management and ground gas levels.
- 7.9.5 A lighting strategy has been submitted which indicates that there would be column lighting in the car park, low level bollards/wall lights along the paths/garden areas and tree feature lighting close to the buildings. No further details of lighting have been submitted, and it is considered that it would be necessary to impose a condition requiring a detailed lighting scheme with lux levels, to ensure that there would be no adverse impact on residents or ecology.

## **7.10 Consideration of very special circumstances (VSCs)**

- 7.10.1 Paragraph 88 of the NPPF states that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and 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. It was established in Section 7.2 above that the proposal represents inappropriate development in the Green Belt, and as such causes harm by reason of inappropriateness and harm to openness. Section 7.3 also established that there is additional harm by reason of the design of the buildings and the spread of development also causes harm to the rural and open character of the area.
- 7.10.2 The extant permission is a factor to consider in terms of whether very special circumstances exist, however, this proposal would be significantly larger than that granted under 15/0272, (and the floorspace for this development was restricted to a maximum of 4185m<sup>2</sup> by condition) and as such this alone would not justify a grant of permission and only limited weight can be attached to this factor. The applicant has put forward the following additional factors (along with the implications of the existing development) for consideration as very special circumstances as part of this application:

- The need for the proposal which cannot be met elsewhere;
- Consideration against Green Belt functions;
- Degree of impact on the openness of the Green Belt;
- Removal of lawful but intrusive development on the site;
- Quality of care proposed;
- Quality of building design;

- Sustainability of the proposed location;
- Release of existing homes into the general housing market as a result of residents moving into the home;
- Provision of local employment opportunities; and,
- Priority beds for local people.

7.10.3 Surrey Heath currently cannot meet its five year housing land supply and C2 care homes go some way to contribute to these figures. The applicant's need report submitted with the proposal suggests that Surrey Heath is short of around 135 bed spaces in care homes with that amount set to rise by 200 beds by 2022. However, the report goes on to say that there are four schemes with planning approval which, if built, would provide 278 beds. Two of these schemes, with a total 156 beds are currently under construction. The remainder of the report states that much provision is clustered around Camberley, that there are negative consequences of failing to make adequate provision and strain on other resources such as the NHS, and that there might be suppressed need and accommodation that is not fit for purpose. As such while the development would boost Surrey Heath's housing numbers, it does not appear that C2 care homes are a type of accommodation that is particularly in short supply and as such it is considered that limited weight should be given to this factor.

7.10.4 The applicant states that there would be no greater impact on the functions of the Green Belt arising from the proposed development above the existing extant permission and reference is also made to the BOC permission at the adjoining site. They also analyse the impact on openness of the Green Belt, however this analysis focuses on the visual impact only rather than the impact of the additional built form on openness. The table in paragraph 7.2.3 above clearly demonstrates the additional harm to openness of the Green Belt over and above the existing built form and the extant permission. The extant permission at the adjoining site is not a relevant consideration as the proposals are very different in nature and each application is determined on its own merits.

7.10.5 The applicant also references the removal of the builders' yard as a factor towards VSCs and that the quality of the new buildings would be exceptional. The removal of the builders' yard is taken into account in overall floorspace terms and it is not considered that its removal would have any additional benefits. Although unsightly it is not visible from public viewpoints. The design of the new buildings however is not considered to be exceptional. The fact that a proposal may improve the visual amenities of the area does not outweigh the harm to openness as all proposals should improve the character of the area, in line with the NPPF and adopted policy. Similarly, high quality architectural design ought to be a pre-requisite with any proposal.

7.10.6 The applicant also puts forward the quality of care as a factor towards VSCs. The fact that the development would provide a high quality of care that is unique is not disputed. However, the applicant states also that there is no need to assess alternative sites given the extant permission and as such it is not clear whether

there are alternative brownfield sites available that could accommodate such a model of care, nor whether this model could be accommodated on a smaller area without an increase in floorspace above the extant permission. It would be expected of course that all new care homes should provide a very high standard of care. As such the uniqueness of the proposal should be given limited weight in the assessment of the VSCs.

- 7.10.7 The applicant also puts forward the sustainable location as a factor to be considered as part of the VSCs argument. It is noted that the County Highways Authority objected to the previous application because of its unsustainable location. While this application no longer proposes the doctors surgery, and the applicant has put forward a number of schemes to make the proposal more sustainable in transport terms, it is still in a rural Green Belt location, outside of any settlement area, and as such it is not considered that it is in a particularly sustainable location such that this factor could be given significant weight in the VSCs argument.
- 7.10.8 The applicant also puts forward the argument that existing homes would be released onto the open market, a factor which has been recognised in planning appeal decisions. It should be noted, however, that these homes may not necessarily be in Surrey Heath and may not be released each time a bed space is occupied. As such this benefit cannot be quantified as it is not possible to know how many homes, or when or where they would be released so only limited weight should be given to this factor. The applicant also puts forward the argument that jobs would be created as part of the development (20 more than the extant permission) with 98 FTE jobs once it is operational and 96 direct and 67 indirect construction jobs over a period of 18 months. The creation of jobs is supported by paragraph 28 of the NPPF which states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The provision of jobs is supported by the Council's Economic Development Officer and Policy CP8 which seeks to make provision for up to 7500 new jobs in the period up to 2027 and as such, in the officer's opinion, some weight should be given to this factor.
- 7.10.9 The applicant also states that there would be priority beds for local people, which they suggest could be secured through an S106 legal agreement. The agreement in draft form currently states that the places at the care home would be advertised locally for two months prior to advertising to the wider public, that residents of Windlesham and Chobham would be given priority when places arise (subject to assessment of suitability) and that local employment opportunities would be advertised locally. Given the fact that there is not a pressing need for local places, limited weight should be given to this factor.
- 7.10.10 It is therefore considered that while some of the factors put forward by the applicant do weigh in favour of the proposal, it is not considered that the factors put forward can be considered either alone or in combination to be very special circumstances that clearly outweigh the significant harm to the Green Belt and character arising from this proposal.

## **7.11 CONCLUSION**

7.11.1 It is considered that the development would be inappropriate development in the Green Belt, causing harm by reason of inappropriateness and significant harm to openness. Further harm has been identified in respect of harm to character given the design of the buildings and the spread of the built form which would not respect and enhance the open and rural character of the area. While there would be some benefits from the proposal, it is not considered that the factors put forward by the applicant amount to very special circumstances to outweigh the harm, even taking into account the extant permission. Indeed the extant permission was considered on its own merits. Moreover, the quantum of development permitted by that scheme should not be used to now justify a further significant incremental uplift in built form, as proposed by this submission, so resulting in even greater harm. Rather, in the officer's opinion, a line must be drawn and an enough and no more stance adopted. For the reasoning outlined in this report the application is therefore recommended for refusal.

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

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

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

## **9.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal represents inappropriate development in the Green Belt which is, by definition, harmful; and, by reason of its size, scale and the spread of development would cause significant harm to the openness of the Green Belt and conflict with its purposes. By association, the quantum of built form

and utilitarian design of the buildings would fail to respect and enhance the open and rural character of the area. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that very special circumstances exist sufficient to outweigh the identified harm. The proposal is therefore contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.