

2018/1118

Reg Date 07/01/2019

Chobham

LOCATION: CASTLE GROVE NURSERY, SCOTTS GROVE ROAD,
CHOBHAM, WOKING, GU24 8DY

PROPOSAL: Erection of residential development of 40 dwellings
(including
4 No. one bedroom, 17 No. two bedroom, 7 No. three
bedroom, 12 No. four bedroom units), with parking,
landscaping and access following demolition of the existing
plant nursery. (Amended information rec'd 18/01/2019.)
(Amended plans & additional information rec'd
25/03/2019.) (Additional plan rec'd 18/04/2019.) (Additional
plans recv'd 25/04/2019).

TYPE: Full Planning Application

APPLICANT: Mr J Bailey

OFFICER: Pegasus Group
Duncan Carty

RECOMMENDATION: GRANT subject to conditions and a legal agreement

1.0 SUMMARY

- 1.1 This application relates to the erection of 40 dwellings following the demolition of existing buildings. The site lies to the south west of the settlement of Chobham, within the Green Belt. The site lies on the north side of Scotts Grove Road, on a nursery site.
- 1.2 The proposal does not meet any of the exceptions under paragraph 145 of the NPPF and is therefore inappropriate development in the Green Belt. However, the development causes no other harm to the Green Belt and is acceptable in terms of its impact on local character, residential amenity, highway safety, housing mix and local infrastructure. It is considered that very special circumstances exist to outweigh the identified in principle harm to the Green Belt, given that the proposal would result in a substantive betterment to Green Belt openness by virtue of the significant reduction in the quantum of built form. Subject to the completion of a legal agreement to secure contributions towards SAMM and affordable housing provision, no objections are raised. The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site falls to the south west of the settlement of Chobham, within the Green Belt. The site lies on the north west side of Scotts Grove Road, on a nursery site, with residential properties in Grosvenor Road to the north east flank with Tanglewood to the south west flank and land open to the rear (north west). Residential properties on the south east side of Scotts Grove Road lie within Woking Borough. The existing principal access to the site is from Scotts Grove Road.
- 2.2 The 1.87 hectare site is roughly rectangular in shape and currently contains a series of nursery buildings within the site, which are to be demolished, and hardstanding

areas. These buildings are typically about 5 metres in maximum height, reducing to about 4 metres at the eaves. There are a number of trees and tree groups on, or at the boundaries of, the site, none of which are protected under a Tree Preservation Order. The site frontage includes minor trees and other vegetation.

- 2.3 The site falls a minimum of about 2.1 kilometres from the Thames Basin Heaths Special Protection Area (SPA).

3.0 RELEVANT PLANNING HISTORY

The relevant planning history is listed below.

- 3.1 BGR7659 Erection of a greenhouse. Approved in November 1971.
- 3.2 SU/87/1156 Erection of two glasshouses. Approved in February 1988.
- 3.3 SU/04/1046 Erection of a detached building to be used as an office/staffroom (retrospective). Approved in February 2006.
- 3.4 SU/05/0832 Erection of two replacement glasshouses. Approved in January 2006.
- 3.5 SU/12/0415 Erection of new glasshouse following the demolition of existing glass houses. Approved in November 2012 and implemented.

4.0 THE PROPOSAL

- 4.1 The proposal relates to the erection of 40 dwellings following the demolition of existing buildings. The proposed dwellings would comprise 4 no one bedroom, 17 no two bedroom, 9 no. three bedroom and 10 no. four bedroom units. The application proposal would provide a cul-de-sac layout with the dwellings arranged in a mix of detached, semi-detached and terraced, two storey houses and detached bungalows. A centrally positioned amenity area including a playspace would be provided. The frontage properties (Plots 1-3 and 5) would be detached dwellings, with a mix of detached, semi-detached and terraced properties towards the centre of the site and bungalows located towards the rear of the site (Plots 17-22 inclusive).
- 4.2 The proposed access would be provided from Scotts Grove Road, located towards the south west corner of the site, rather than towards the south east corner as existing, with a short access to the frontage properties, and a curving main access road extending towards the rear of the site, with a right angled turn in the access road and a run towards the north east corner of the site. Parking is either arranged on plot (drive/garages) and in shared parking courts, with some visitor spaces. Overall 111 parking spaces, including garage spaces, are to be provided.
- 4.3 The proposed dwellings would have a traditional design. The main external material would be brick but with feature brick detailing (around the windows and string course), bow and bay windows, open porches, and barn-hipped, gable and hipped roofs. The two storey dwellings would typically have a ridge height ranging between about 8.2 and 9.1 metres, reducing to 5.2 metres at the eaves/valleys.

The bungalows would typically have a ridge height ranging between about 4.8 to 5.3 metres, reducing to 2.5 metres at the eaves.

4.4 This application has been supported by:

- Community Planning and Affordable Housing Statement;
- Green Belt Analysis and Landscape and Visual Impact Statement;
- Design and Access Statement;
- Transport and Travel Plan Statements;
- Tree Report;
- Archaeological and Heritage Assessment;
- Ecological Impact Assessment;
- Land Contamination Desk Top Study;
- Sustainable Drainage Systems Strategy;
- Flood Risk Assessment; and
- Services Appraisal.

The assessment in Paragraph 7.0 below has taken into consideration the content of these reports.

5.0 CONSULTATION RESPONSES

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|-----|-------------------------------------|---|
| 5.1 | County Highway Authority | No objections. |
| 5.2 | Tree Officer | No comments. |
| 5.3 | Senior Environmental Health Officer | No objections. |
| 5.4 | Natural England | No objections. |
| 5.5 | Local Lead Flood Authority | No objections. |
| 5.6 | Scientific Officer | No objections. |
| 5.7 | Surrey Police | No objections and would welcome a Secure by Design application for this proposal. |
| 5.8 | SCC Archaeological Officer | No objections. |
| 5.9 | Surrey Wildlife Trust | No objections. |

- 5.10 Thames Water No objections.
- 5.11 Urban Design Consultant No objections.
- 5.12 Chobham Parish Council Raise an objection in that the development is not sustainable, with a limited nearby bus service, no footways on the highway, local roads are dangerous for cyclists, leading to a reliance on the motor car with local highway issues (with poor junctions, a ford and congestion). The proposal would fail to respect the rural character of the area providing a relatively high density residential properties in the Green Belt (outside settlements), lack of available school places and GP places, and, if granted, regard must be had to the heavy goods vehicle weight limit in Chobham High Street and vehicles should not be allowed to park or wait on the highway during construction.

6.0 REPRESENTATIONS

At the time of preparation of this report, no representations have been received in support and 51 representations, including an objection from the Chobham Society, have been received raising an objection for which the following issues are raised:

6.1 Principle/Green Belt/Character

- Overdevelopment, leading, with other developments, to a creeping urbanisation of the area [*Officer comment: Each application is considered on their own merits. Also, see paragraphs 7.3 and 7.4*]
- Housing not in keeping with existing housing stock [See paragraph 7.4]
- Infringement/loss of the Green Belt [See paragraph 7.3]
- Visual impact on Chobham village [See paragraph 7.4]
- Loss of semi-rural character of the local area [See paragraphs 7.3 and 7.4]
- Out of character with local ribbon development (as defined in Neighbourhood Plan) [*Officer comment: The Chobham Neighbourhood Plan is at an early stage and therefore has no weight. In addition, see paragraph 7.4*]
- In 2016 SLAA, horticultural sites are not previously developed land and as such are unsuitable for development in the Green Belt – should this still apply? [See paragraph 7.3]
- High density of development – the site is too small to sustain 40 dwellings [See paragraph 7.4]

- Justification of redevelopment of other former nursery sites proves the point that by allowing more, this will contravene NPPF and contribute to the continuing linking up of local villages [See paragraph 7.3]
- Misleading landscape character assessment indicating the site is developed/brown field land and the neighbouring property [*Officer comment: The site is previously developed in respect of the amount of buildings/hardstanding on the site. However, in terms of the definition of previously developed land set out in Annex 2 of the NPPF, the site is not defined as previously developed land in this context. In addition, see paragraph 7.3*]
- Arithmetic reduction in volume and a tiny contribution towards housing need does not outweigh substantial harm of inappropriateness of the development in the Green Belt [See paragraph 7.3]
- Poor design which fails to improve the character and quality of the area and does not respect or show sympathy for the local character with generic architecture from the stock book with some plots (39, 40 and 26) without private amenity space [See paragraph 7.4]

6.2 Residential Amenity

- Counter to attempts to tackle air and traffic pollution [See paragraph 7.5]
- Noise, dust, fumes and disturbance [See paragraph 7.5]
- Overlooking [See paragraph 7.5]
- Light pollution [See paragraph 7.5]
- Impact on visual amenities [See paragraph 7.5]

6.3 Highway safety

- Traffic congestion (gridlocking) in local area (e.g. Chobham High Street). High Street is identified as a traffic black spot in draft Local neighbourhood plan for Chobham [See paragraph 7.6]
- Impact on local junctions (e.g. Scotts Grove Road/Guildford Road) which is one of the most dangerous in the area and increased accident risk [See paragraph 7.6]
- Excessive speed of traffic (speed limit need to be dropped?) [*Officer comment: The County Highway Authority has not considered the need to reduce the road speed on local highways as a direct result of this development proposal. In addition, see paragraph 7.6*]
- Recent traffic speeds have dropped due to traffic lights on road [See paragraph 7.6]
- Transport report is inadequate and misleading [See paragraph 7.6]
- There is no public transport available [See paragraph 7.6]

- Absence of play areas for children [See paragraph 7.6]
- Scotts Grove Road is a rat run with the need for traffic calming and police speed monitoring. If minded to approve traffic improvements (e.g. calming measures) are required [*Officer comment: The County Highway Authority has not considered the need to provide traffic calming improvement to local highways as a direct result of this development proposal. In addition, see paragraph 7.6*]
- Impact of construction traffic [*Officer comment: These matters are to be considered by condition through the provision of a method of construction statement. This would not be a reason, in itself, to refuse this application*]
- Insufficient parking leading to overspill onto local roads [See paragraph 7.6]
- Footpaths and roads are not suitable for walking or cycling [See paragraph 7.6]
- Due to traffic sensitivities the density of development should be less not more than surrounding properties [See paragraph 7.6]
- Impact on road surface [*Officer comment: This is not a material planning consideration*]
- Use of crashmap to truly reflect the accident record of local roads is needed [See paragraph 7.6]

6.4 Housing need and infrastructure

- Housing quota already fulfilled [*Officer comment: The Council is not able to demonstrate the provision of a five-year supply of housing within the borough*]
- Lack of take-up of housing on other local development sites
- Impact on infrastructure and services, which are not coping well at this time and the situation would be made worse [See section 7.7]
- Diminishing demand for housing [*Officer comment: There remains a demand for housing*]
- Infrastructure improvements through CIL would be minor or of no real consequence and green Belt reduction do not overcome adverse infrastructure impact [See section 7.7]
- Impact on schools [*Officer comment: See section 7.7*]
- Impact on local GP surgeries and hospitals [*Officer comment: See section 7.7*]
- Impact on services (with low water pressure, low gas pressure and occasional power cuts) [*Officer comment: This is not a material planning consideration*]

- The Council would be keen to add more Council tax payers but not spend the income on the provision of additional services [*Officer comment: See section 7.7*]

6.5 Other matters

- Impact on local community and quality of life [*Officer comment: This would not be a reason to refuse this application*]
- Limited, if any, SANG space left for this development [*Officer comment: There is sufficient SANG capacity to accommodate this proposal*]
- Loss of horticultural use and food supply (particularly with the EEC exit) [*Officer comment: This is not a material planning consideration*]
- There is no land contamination and mitigation procedures [*Officer comment: This is a matter which is to be considered by condition and as such would not be a reason to refuse this application*]
- Land is over saturated and there would be a need to capture and store surface water. Soil is unlikely to easily accommodate soakaway drainage [*See paragraph 7.8*]
- Pre-app consultation only paid lip-service [*Officer comment: This is not a material planning consideration*]
- Pre-app meeting with Parish Councillors was undertaken without notifying local residents [*Officer comment: This is not a material planning consideration*]
- Unfair and inexplicable when building unsympathetic with the surroundings that dwellings cannot be extended by even a square metre [*Officer comment: Each application is considered on its own merits*]
- Refuse the application and prove to residents that the Council is not falling in line to avoid the cost of defending the correct position at appeal [*Officer comment: Each application is considered on its own merits*]
- Slowing down of broadband speeds [*Officer comment: This is not a material planning consideration*]
- Ecological appraisal is wrong – there are significant populations of toads, snakes and slow worms in the area [*See section 7.10*]
- There should be a net gain in biodiversity (under DEFRA policy) [*See section 7.10*]
- Impact on drainage, no improvements to drainage in the local area proposed in the local area with previous flooding events [*See section 7.8*]
- Use of ditch system for drainage flawed due to maintenance responsibility issues [*Officer comment: It is understood that ditch system falls under the jurisdiction of Surrey County Council. In addition, see section 7.8*]

- Drainage outfall would into a very narrow, shallow ditch with very little fall which is rarely clear enough to actually discharge drainage water and is multi-ownership across different properties and has no direct outfall to the River Bourne. Drainage water must be retained on site
- Legal responsibility that no polluted water to enter the ditches or The Bourne [*Officer comment: This would be a matter for the Environment Agency and would not be a reason to refuse this application*]
- Impact on sewage system[See paragraph 7.8]
- Flood Risk Assessment does not adequately address existing surface water flooding or offer measures [See paragraph 7.8]

7.0 PLANNING CONSIDERATIONS

- 7.1 The proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP5, CP6, CP8, CP9, CP11, CP14, DM9, DM10, DM11, DM12, DM16 and DM17 of the adopted Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP). In addition, advice in the Residential Design Guide SPD 2017 (RDG) and The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPD) are also material.
- 7.2 The main issues in the consideration of this application are:
- Impact on the Green Belt;
 - Impact on local character;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on the Thames Basin Heaths Special Protection Area and Infrastructure;
 - Impact on land contamination, flooding and drainage; and
 - Impact on affordable housing provision and housing mix.

Other matters include:

- Impact on ecology;
- Impact on play space provision; and
- Impact on archaeology.

7.3 Impact on the Green Belt

- 7.3.1 Paragraph 145 of the NPPF indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt with a number of exceptions. These include (d) the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces and (g) the complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
- 7.3.2 The proposal relates to the replacement of a building which is not in the same use and does not relate to the redevelopment of previously developed land. The horticultural use of the site is a use which falls within the definition of agriculture set out in Section 331 of the Town and Country Planning Act 1990 (as saved). As such, the proposed development is inappropriate development within the Green Belt.
- 7.3.3 Paragraphs 143 and 144 of the NPPF indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities, should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.3.4 It is therefore necessary to consider whether the development would cause other harm including to the openness of the Green Belt. The proposal would provide a reduction in built form as indicated in the following table:

	Existing	Proposed	Reduction
Footprint	12,860 sq.m.	3.194 sq.m.	75%
Floor Area	12,860 sq.m.	4,498 sq.m.	65%
Developed Area	18,690 sq.m.	10,602 sq.m.	43%
Volume	51,440 cub.m.	18,037 cub.m.	65%
Maximum Height	5 m	9.1 m.	

These represent significant reductions in built form, with a reduction to roughly one third of building size (floor area and volume); three quarters reduction (building footprint); and roughly one half of developed area (building footprint plus hardstanding areas).

- 7.3.5 Case law has established that the concept of openness is open textured and has a spatial and visual aspect. In spatial terms, the proposal would provide a significant reduction in built form (as indicated in the table above), particularly in terms of volume and floorspace, which are key indicators of a reduction in the impact on the openness of the Green Belt.

Whilst the proposal would by its very nature have an urbanising impact and provide a more solid form of development, with a greater maximum height than the existing glasshouses, this would be more than offset by the overall significant decrease in the level of built form which would be a significant benefit to the openness of the Green Belt.

- 7.3.6 In addition, the reduction in the spread of development, resulting from the reduced building footprint and developed area, has an additional benefit. The existing buildings extend across a good proportion of the site and are located close to site boundaries and the proposal would break-up this large building footprint across the site. The proposal introduces spaciousness particularly around the open space and rear gardens, and sets the buildings further in from site boundaries.
- 7.3.7 The applicant has provided a Landscape and Visual Impact Assessment (LVIA) for the proposed development, when compared with the existing development on the site, which provides a fair assessment of the landscape and visual impacts of the proposed development. The perceived impacts of the proposed development are set out as viewed from outside of the site; particularly in terms of its impact on the general landscape character and as viewed from the public domain.
- 7.3.8 The LVIA indicates that the general landscape topography is gently undulating, gently shelving towards the River Bourne to the north of the application site. Development is more concentrated to the west, east and south of the application site by predominantly residential, ribbon development on Scotts Grove Road (particularly to the south frontage in the Woking Borough) and the cul-de-sacs of Grosvenor Road and Scotts Grove Close. Beyond this development, the land is relatively open across the River Bourne towards Lovelands Lane and Pennypot Lane beyond, with some groups of trees; and lines of trees delineating historic field boundaries. The site is also well screened to the north (rear) with the public domain, e.g. roads and footpaths, set some distance from this direction.
- 7.3.9 However, the LVIA identifies that the most significant perceived visual change would be to the front boundary where a proportion of the screening (hedging/small trees) would be removed to provide the new access and whilst some replacement planting would be expected, the proposed dwellings to the site frontage would be more prominent. This increase in prominence would also be due to the increase in height and more solid appearance of these dwellings when compared to the existing glasshouses. However, this impact is reduced by the spacings and gaps between dwellings when compared with the existing greenhouse(s), as can be seen from the street scene drawings, which extend across a significant part of this frontage.
- 7.3.10 It is considered in weighing up the planning balance, the reduction in scale provided by the proposal (and the resulting visual improvements) would result in significant planning benefits. However, to safeguard the visual impact of the development on the Green Belt, it is considered prudent to remove the permitted development rights for future extensions or outbuildings for the proposed dwellings. Subject, therefore, to no other harm identified in this report (paragraphs 7.4 - 7.10 below, respectively) it is considered that very special circumstances exist to outweigh the Green Belt harm.

7.4 Impact on local character and trees

- 7.4.1 Policy DM9 of the CSDMP requires development to respect and enhance the local character paying particular regard to scale, materials, massing, bulk and density. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without compromising local character, the environment or the appearance of the area. Principle 6.6 of the RDG indicates that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Principle 7.8 of the RDG indicates that designers should use architectural detailing to create attractive buildings that positively contribute to the quality and character of an area. Buildings which employ architectural detailing which is unattractive, low quality or which is not legible will be resisted.
- 7.4.2 The proposed development would provide traditionally designed dwellings with feature brick detailing (including around windows and string courses), bow and bay windows, and open porches, provided as a part of their design. The nearby residential properties are either 1930's or post-war with some interest, and it is considered that the proposal would provide a design of development which would complement this local character.
- 7.4.3 The proposed development would provide a cul-de-sac form of development which reflects the nearby/adjoining cul-de-sac developments of Grosvenor Road and Scotts Grove Close. The provision of a "green heart" to the development, including the play space, would improve the visual appearance of the site. The layout and density of the development (at about 21 dwellings per hectare) would be appropriate for its location compared with 10-20 dwellings per hectare in the immediate area.
- 7.4.4 As indicated in Paragraph 7.3.8, much of the application site is well screened and the most significant changes to the appearance of the site would be most noticeable from the south (front) and east (with Grosvenor Road). The proposed layout would provide detached two storey dwellings to this frontage, similar in scale to the residential properties fronting Scotts Grove Road, to either side of Grosvenor Road, to the immediate east. The proposed development, by providing bungalows at the rear, also reduces the scale of development towards the north (rear) boundary of the site and reflecting the bungalows also provided towards the rear portion of Grosvenor Road to the east.
- 7.4.5 Whilst the site, in itself, is large enough to be able to provide its own character (or even provide separate character areas within the site), it should respect the character of nearby development. The dwellings to be located towards middle of the site include semi-detached and short terraces, which are not so reflective of the character of the nearby residential properties. However, the front, rear and west flank elevations and the influence of the open space towards the east flank boundary provide a less denser form of development towards the site edges. Noting the requirements of Principle 6.4 (as indicated in Paragraph 7.4.1 above), this is considered to be an appropriate design solution in these circumstances.

- 7.4.6 It is noted that the garden sizes would be smaller for the proposed development, which is more reflective of modern standards, than the rear gardens of neighbouring properties, and the higher density and tighter form of the development provided in the central part of the site (immediately north and south of the central green space), would not be so noticeable from the public domain outside of the site.
- 7.4.7 Principle 6.7 of the RDG indicates that parking layouts should be high quality and designed to reflect the strong heathland and sylvan identity of the Borough with parking arrangements softened with generous soft landscaping and breaking up of groups of three parking spaces with intervening landscaping. Principle 6.8 of the RDG indicates that on-plot parking should be generally to the side and rear with Principle 6.9 indicating that car parking courts should be designed with active frontages and attractive places with high quality soft and hard landscaping.
- 7.4.8 The proposed parking would be provided either on-plot (drive/garage parking) with some parking courts. The parking courts would be located principally behind the street frontages and would be provided with soft landscaping to break-up these parking areas. These arrangements are considered to be acceptable in design terms.
- 7.4.9 As such, it is considered that the proposed development would be acceptable in character terms complying with Policy DM9 of the CSDMP and the NPPF.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP requires development to pay regard to residential amenity of neighbouring property and uses. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents.
- 7.5.2 The residential properties on the south west side of Grosvenor Road are orientated so that their rear boundaries face the north east flank boundary of the application site. The rear gardens of these residential properties vary in depth between 9.5 metres (Enigma) and 42 metres (Clearwell) but are more typically about 30 metres in depth. Rivendell would have a rear-to-rear relationship with proposed dwellings (Plots 33 and 34) within this development. The rear garden of these houses would have a depth of 13.1 metres, and a separation distance of about 45 metres to the rear wall of this existing dwelling. Enigma would also have, in part, a rear-to-rear relationship with proposed dwelling (Plot 29) with a rear garden of 17.7 metres, and providing a minimum level of separation of 26.9 metres. The side wall of a proposed dwelling (Plot 30) would face the rear boundary of Pilgrim House. The proposed dwelling would be set 24.1 metres from the rear wall of this existing dwelling and about 7.6 metres from the mutual boundary. This proposed dwelling would also have a minimum level of separation of about 39.7 metres from Rexley. All of these relationships are considered to be acceptable, particularly with the heavy screening to be retained at some of these boundaries.
- 7.5.3 Fairview, fronting Castle Grove Road, lies adjacent to the north east flank boundary of the application site. The proposal would site forward of the nearest proposed dwelling (Plot 1) but with a separation such that the side wall of the

proposed dwelling would be positioned 8.8 metres from the flank wall of this dwelling and 5.4 metres from the mutual flank boundary. A number of proposed residential properties (Plots 34-37) also have their rear gardens facing the flank boundary of this property. These rear gardens would have depths of about 13.8 metres. The proposed development would therefore have an acceptable relationship with this property.

- 7.5.4 Tanglewood, also fronting Scotts Grove Road, lies to the south west flank of the application site. This property has a very deep rear garden which has a depth for about three quarters of the length of the application site. The nearest proposed dwelling (Plot 5) to this existing dwelling would be orientated so that the rear wall of the dwelling would have a slight angle towards the rear garden of this property. However, it is noted that the minimum level of separation from the proposed dwelling would be about 27 metres to the flank wall of this dwelling. Due to the site's boundary length with this property, a number of proposed residential properties (Plots 6-16) have their rear gardens facing the flank boundary of this property. These rear gardens would have depths of between about 11.4 and 12.3 metres. The proposed development would therefore have an acceptable relationship with this property.
- 7.5.5 The residential properties on the opposite side of Scotts Grove Road would be provided with a front-to-front separation of between 42 and 47 metres would be acceptable. The proposed development is set sufficient distance from any other nearby or adjoining residential property to have no material effect.
- 7.5.6 Whilst it is noted that any increase in traffic movements arising for the change of use of the land could result in a material increase in noise levels or increases in other pollutions (e.g. air pollution), the Council's Senior Environmental Health Officer has raised no objections to the proposal.
- 7.5.7 As such, an objection is raised on residential amenity grounds, with the development failing to comply, in this respect, with Policy DM9 of CSDMP.

7.6 Impact on highway safety

- 7.6.1 Policy DM11 of the CSDMP indicates 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 and mitigate such impacts to acceptable levels can be implemented. Policy DM11 of the CSDMP requires development to comply with the car parking standards. Paragraph 109 of the NPPF indicates that developments should only be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.6.2 The new access would be provided onto Guildford Road. The proposed access would be provided with an adequate level of visibility. The proposal would add 40 dwellings to the highway network in this area, replacing a commercial (horticultural) use, for which the expected level of traffic movements to be generated by the development proposal can be accommodated on the highway network. The access would be positioned on the front boundary towards the west boundary of the site which would provide an access with improved visibility compared with the existing access (positioned closer to the east boundary).

- 7.6.3 In support of the application a Transport Statement (TA) has been submitted. According to County Highways this TA is more comprehensive than what would be required for a development of this size. The TA indicates that the proposal is expected to provide 37 additional two-way vehicle trips during the morning peak hour and 27 during the evening peak hour. Noting the likely split in vehicle routeing, west and east from the access this is considered to be acceptable. The TA has reviewed the impact of the development on key junctions in the area. This includes Scotts Grove Road/Guildford Road/Castle Grove Road priority junction; Station Road/Castle Grove Road/High Street mini roundabout and the High Street/Vicarage Road mini roundabout. In addition, consideration has been given for the following nearby committed developments i.e. Malthouse Farm, Kings Road and Beldam Bridge Road. The results show that all the above junctions will operate within capacity post development. County therefore concludes that the TA is robust and demonstrates that the proposal would not have a severe residual impact on the highway network in accordance with paragraph 109 of the NPPF (see Annex 1 for a copy of the County Highway Authority comments).
- 7.6.4 The site is located 0.9 kilometres from the centre of Chobham village. There is a bus service between Chobham and Knaphill/Woking with bus stops on Guildford Road. There is a public footpath on Scotts Grove Road, close to the application site, which links to these bus stops. To improve pedestrian access to this bus service, it is proposed to improve the public footpath including the resurfacing of the footpath and cutting back the undergrowth to improve access. In addition, improvements to the bus stops are required including the provision of new bus stop poles and flags/signs with a pedestrian refuge provided on the south east side of Guildford Road to improve its use. These details are proposed to be delivered by condition, which would meet the tests of imposing conditions as set out in Paragraph 55 of the NPPF. This is because although this land is outside of the application site it is within the control of County Highways and so there is sufficient certainty that this can be undertaken.
- 7.6.5 The proposal would provide 111 parking spaces, amounting to about 2.7 spaces per dwelling to serve each dwelling, to exceed County's parking guidelines. The County Highway Authority raises no objections to the proposal. As such, the proposed development is considered to be acceptable on highway safety grounds, complying with Policies CP11 and DM11 of CSDMP, and the NPPF.

7.7 Impact on the Thames Basin Heaths Special Protection Area and Infrastructure

- 7.7.1 The application site partly lies within 1.9 kilometres of the Thames Basin Heaths Special Protection Area (SPA) (Horsell Common). In January 2012, the Council adopted the TBHSPD which identifies Suitable Alternative Natural Green Space (SANGs) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity. Policy CP14 of the CSDMP indicates that "*developments of 10 or more net new dwellings will only be permitted within the identified catchment areas of SANGs.*" The application site lies within the catchment of Chobham SANG where there is capacity available for the proposed development. SANG contributions are secured through the Community Infrastructure Levy (CIL) process.

- 7.7.2 The current proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. This project does not form part of the CIL scheme and a separate contribution is required through an upfront payment or a planning obligation to secure this contribution, which amounts to £25,199, for this development. Subject to the securing of this contribution through a legal agreement, no objections are raised on these grounds.
- 7.7.3 Objectors have raised concerns over the impacts of this development upon existing infrastructure. The Infrastructure Delivery SPD 2014 and the CIL Charging Schedule was adopted by Full Council in July 2014. There are a number of infrastructure projects which would be funded through CIL (The Regulation 123 list). In addition to SANGs this includes, for example, community facilities. These projects are not directly related to the development proposal. CIL is a land charge that is payable at commencement of works. An informative advising of this is to be added. The estimated CIL charge for this development would be approximately £700,000. Beyond the aforementioned highway infrastructure improvements (paragraph 7.6.2 above) justified as directly related to the development there is no scope to request additional contributions from the applicant. Robust evidence is required to seek individual contributions. Such evidence will need to directly relate to the development in order to meet the planning obligation tests as set out in the NPPF. Any further updates on these matters will be provided at the meeting.

7.8 Impact on land contamination, flooding and drainage

- 7.8.1 The proposal has been supported by a land contamination report which concludes that there is no significant contamination on this site. No objections have been raised by the Environmental Health Officer on these grounds. The proposal is therefore considered to be acceptable on these grounds.
- 7.8.2 The proposal would fall within an area of low flood risk (Zone 1 as defined by the Environment Agency). As such, the proposal is considered to be acceptable on flood risk grounds.
- 7.8.3 The LLFA have considered the impact of the proposal on surface water drainage and considered the proposal to be acceptable. No objections are therefore raised to the proposal on surface water grounds.
- 7.8.4 As such, no objections are raised on land contamination, flooding and drainage grounds, with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

7.9 Impact on affordable housing provision and housing mix

- 7.9.1 The proposal would deliver 40 (net) residential dwellings and accordingly, the provision of 16 affordable housing units within the scheme would be required to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012. The provision this level of affordable housing is to be secured through a legal agreement. Subject to this provision no objections are raised on these grounds.

7.9.2 Policy CP5 of the CSDMP requires a range of housing sizes. The current proposal would provide a mix of 4 no one bedroom, 17 no two bedroom, 7 no. three bedroom and 12 no. four bedroom units. Noting the amount of development proposed and its more rural location, it is considered that the mix is acceptable with the proposal complying with Policy CP5 of the CSDMP.

7.10 Other matters

- 7.10.1 Policy CP14 of the CSDMP indicates that development that results in harm to or loss of features of interest for biodiversity will not be permitted. The ecological report provided with this application indicates that the application site has site value for roosting bats, nesting birds, common amphibians, reptiles and badgers. Avoidance/mitigation measures, would be put in place to allow the development to proceed without harm to these species and ecological enhancements provided.
- 7.10.2 The Surrey Wildlife Trust has raised no objections indicating that the avoidance/mitigation measures and proposed ecological enhancements would prevent adverse effect to legally protected species from the proposed development and help to offset any adverse effects to the biodiversity of the site resulting from the development. As such, no objections are raised on the grounds with the proposal complying with Policy CP14 of the CSDMP and the NPPF.
- 7.10.3 Policy DM16 of the CSDMP indicates that development would be expected to provide or contribute towards open space and playspaces. The current proposal would provide a Local Equipped Area of Play (LEAP) and further open space within the development. As such, no objections are raised on these grounds with the proposal complying with Policy DM16 of the CSDMP.
- 7.10.4 Policy DM17 requires that development on sites over 0.4 hectares require an archaeological assessment. An evaluation has been provided and the SCC Archaeological Officer has raised no objections subject to a condition for the implementation of a programme of archaeological work. As such, no objections are raised on these grounds with the proposal complying with Policy DM17 of the CSDMP.

8.0 WORKING IN A POSITIVE MANNER

In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of Paragraphs 38-41 of the NPPF. This included the following:-

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

9.0 CONCLUSION

- 9.1 The proposed development is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. However, the proposal causes no other harm to the Green Belt nor any other harm i.e. is acceptable in relation to its impact on character; residential amenity; housing mix; land contamination, drainage and flood risk, archaeology; ecology and highway safety. Very special circumstances exist to outweigh the identified harm given the identified betterment to Green Belt openness. Subject to conditions and a legal agreement to secure a SAMM payment and affordable housing provision the application is therefore recommended for approval.

10.0 RECOMMENDATION

GRANT, subject to the completion of a Section 106 legal agreement for the provision of a contribution towards the on-site provision of affordable housing and a SAMM contribution by 20 July 2019, or any longer period as agreed with the Executive Head of Regulatory, and the following conditions:-

GRANT subject to the following conditions:-

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

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

2. The proposed development shall be built in accordance with the following approved plans: 18-J2297-02, 18-J2297-03, 18-J2297-04, 18-J2297-05, 18-J2297-06, 18-J2297-07, 18-J2297-08, 18-J2297-09, 18-J2297-10, 18-J2297-11, 18-J2297-12, 18-J2297-13, 18-J2297-14, 18-J2297-15, 18-J2297-21, 18-J2297-22, 18-J2297-23, 18-J2297-24, 18-J2297-25 and 18-J2297-26 received on 24 December 2018 and 18-J2297-01 Rev. A, 18-J2297-16, 18-J2297-17, 18-J2297-18, 18-J2297-19 and 18-J2297-20 received on 25 March 2019, unless the prior written approval has been obtained from the Local Planning Authority.

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

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

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

4. The parking and garage spaces shown on the approved site plan drawing No 18-J2297-01 Rev., A received on 25 March 2019 shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

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

5. No development shall take place until a Method of Construction Statement, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding
 - (f) hours of construction
 - (g) method for keeping the local highway network clean

has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction period.

Reason: The condition above is required in order that the development should not prejudice residential amenities or highway safety nor cause inconvenience to other highway users and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. The development hereby approved shall not be occupied until the proposed vehicular access to Scotts Grove Road has been provided with visibility zones in accordance with the details shown on Darwaing No 17-1008 Rev. C and the visibility zones shall be kept permanently clear of any obstruction over 1.05 metres in height above carriageway level.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. The development hereby approved shall not be occupied until informal crossings with pram crossings and tactile paving on both sides of the new access onto Scotts Grove Road are constructed and provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. The development hereby approved shall not be occupied until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved by the Local Planning Authority and retained thereafter.

Reason: To provide a more sustainable form of development and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice within the Surrey County Council Vehicle and Cycle Parking Guidance January 2018.

9. The development shall not be occupied until a scheme to upgrade the full length of Public Footpath No. 7 and the nearby bus stops on Guildford Road has been submitted to and approved by the Local Planning Authority. The approved details will thereafter be provided prior to first occupation of the approved development.

Reason: To improve the availability of alternative modes of transport to the motor car and to comply with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby approved on site details of refuse and cycle storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

Reason: To ensure visual and residential amenities are not prejudiced and to promote other modes of transport to the motor car and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

11. (i) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in

- (ii) The above scheme shall include :-

(a) a contaminated land desk study and suggested site assessment methodology;

(b) a site investigation report based upon (a);

(c) a remediation action plan based upon (a) and (b);

(d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;

and (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d)

(f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out.

(iii) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of conservation and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. No development shall take place until details of the design of a surface water drainage scheme have been submitted to and approved by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

(a) the results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

(b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development (Pre, Post and during), associated discharge rates and storage volumes shall be provided using a maximum discharge of 3.2 l/s.

(c) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including

details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers, etc.).

(d) details of the existing watercourse network including downstream connectivity, capacity and condition of the watercourses surrounding the site.

(e) A plan showing the exceedance flows (i.e. during rainfall higher than design events or during blockage) and how property on and off site will be protected.

(f) details of the drainage management responsibilities and maintenance regimes for the drainage system.

(g) details of how the drainage system will be protected during construction and how runoff (including any pollutants) for the development site will be managed before the drainage system is operational.

Reason: To ensure that the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off the site and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid references for any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off the site and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

15. Notwithstanding the provisions of Classes A, B and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any Order revoking and re-enacting that Order), no further extensions, garages or other buildings shall be erected without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual and residential amenity and to accord with Policies CP1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

16. 1. No development above slab level shall take place until full details of both

hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied

BS5837:2012 – Trees in Relation to Design, Demolition and Construction Arboricultural Method Statement [AMS].

2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**
3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

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

17. The development hereby approved shall be implemented in accordance with the recommendations set out in the Arboricultural Impact Assessment & Method Statement by ACD Environmental dated 17 December 2018 [Ref: BEW21667] and associated drawings including tree protection plans (Ref No BEW21667-03 Sheet 1 of 2) and the Tree Report (Tree Survey and Constraint Advice) by ACD Environmental dated 9 February 2018 [Ref: BEW21667tr] unless the prior written approval has been obtained from the Local Planning Authority.

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

18. The development hereby approved shall be implemented in accordance with the recommendations set out in the Ecological Impact Assessment & Method Statement by ACD Environmental dated December 2018 [Ref: BEW21667] unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy

CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

19. No development above slab level shall take place until detailed drawings to a scale of 1:5 for elevation treatments for the doors and windows are submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

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

Informative(s)

1. CIL Liable CIL1
2. Party Walls (etc) Act 1996 DE3
3. HI(Inf)13 (Highway) HI13
4. HI(Inf)15 (Highway) HI15
5. The applicant is advised that works under Condition 9 above include improvements to Public Footpath Number 7 and separate permission will be required for these works from the Surrey County Council Countryside Access Team.
6. The applicant is advised that works under Condition 9 above include improvements to bus stop provision on Guildford Road and separate permission will be required for these works from the Surrey County Council Passenger Transport Projects Team.

If the Section 106 legal agreement is not completed, the application is to be REFUSED for the following reasons:

1. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contribution towards Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).
2. The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the on-site delivery of

affordable housing. The proposal therefore does not satisfactorily address the requirements of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.