

2018/1089

Reg Date 21/01/2019

Chobham

LOCATION: LAND WEST OF 35, MINCING LANE, CHOBHAM, WOKING, GU24 8RS

PROPOSAL: Erection of 30 dwelling houses at former nursery to comprise 22 affordable homes and 8 open market homes with associated gardens, landscaping, woodland, parking and access

TYPE: Full Planning Application

APPLICANT: Ronan Leyden
Sustaining Chobham (Community Land Trust)

OFFICER: Mr N Praine

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application seeks planning permission for the erection of 22 affordable dwellings and 8 open market dwellings with one way access into the site off Mincing Lane and out of the site through Medhurst Close.
- 1.2 As detailed in this report, it has not been demonstrated that the proposal meets the identified local need for affordable housing within the Parish of Chobham. Therefore, the proposal cannot be considered to constitute a Green Belt Rural Exception Site. Additionally it is considered that the applicant has not demonstrated any need for the open market dwellings. The proposal is therefore inappropriate and harmful development in the Green Belt. Furthermore, the height and scale of the three storey dwellings are not considered to respond or integrate within the rural character of the area. The proximity of the proposal to existing dwellings will also cause unacceptable overlooking of 15 Medhurst Close.
- 1.3 The applicant has also failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures.
- 1.4 There are no very special circumstances to outweigh the harm identified and the application is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site, a former tree nursery of approximately 1.6 hectares, lies to the west of number 35 Mincing Lane and is designated as falling completely in the Green Belt. To the south of the application site lies the settlement boundary and the residential properties of Medhurst Close, to the west the Chobham Pet Cemetery and to the north low density residential development and open countryside can be found. To the east residential properties face onto Mincing Lane.

- 2.2 The existing site is mostly undeveloped, however a mobile telecoms mast can be found to the north west of the site and 3 derelict small scale single storey buildings near the main entrance (Access to the site is currently achieved just south of 35 Mincing Lane from the west side of Mincing Lane). While some limited unauthorised storage of cars and repairs to cars occurred during the 1980s this has long since ceased. The site is also broadly level with existing landscaping most densely confined to the boundaries of the application site, however, there are a number of shrubs and undergrowth of varying health and quality across the site.
- 2.3 The wider area is characterised by primarily residential buildings lining Mincing Lane, the Avenue and the residential area of Medhurst Close. Along Mincing Lane and The Avenue buildings are typically detached and mixed in terms of height (single storey or two storey) and are also mixed in terms of materials and architectural design, with render, brick and tile featuring along these street scenes. Mincing Lane also has a low density character with landscaping often featuring along front boundaries facing onto the Lane.
- 2.4 The streetscape of Meadhurst Close features a more urban feel with primarily terrace dwellings of 2 storey height of red brick and tile construction. Some dwellings do also incorporate render sections however the predominant material is red brick.

3.0 RELEVANT PLANNING HISTORY

- 3.1 None

4.0 THE PROPOSAL

- 4.1 Permission is sought for the erection of 30 dwelling houses at the former nursery to comprise 22 affordable custom build homes and 8 custom build market homes with associated gardens, landscaping, woodland, parking and access.
- 4.2 The proposed buildings would be contemporary in design with materials to include timber cladding and clay tile hanging and timber shingle / slate roofs. Of the proposed market housing 7 would be three bed dwellings and the remaining 1 would be a two bed dwelling. All 22 affordable homes would be discounted market sales housing (DMS) of which 9 of these would be three bed dwellings, 7 would be two bed dwellings and 6 would be one bed dwellings.
- 4.3 The dwellings would comprise a mix of 2 and 3 storey buildings. The two storey buildings would reach an approximate maximum height of 8m and the three storey approximately 10.5m. The building forms are clustered into groups of 3-5 homes with the three apartment sections rising to 3 storeys (each containing 3 apartments) and the remaining 21 houses reaching 2 storey in height. The homes all have pitched roofs.
- 4.4 The Design and Access Statement (DAS) explains that the dwellings are proposed to be clustered around communal 'public realm' spaces which include:
- a home-zone, a pedestrian and cycle priority street space, with a shared surface to reduce vehicle speed and dominance;
 - A courtyard, the focal point for community activity within the site, the courtyard is surrounded on 3-sides by homes; and

- Communal gardens / woodland to the rear of the dwellings, to provide a less formal, less visible area than the courtyard providing a flexible space for all residents to use.
- 4.5 One way entrance (vehicular) access (and two way pedestrian) is proposed from the west side of Mincing Lane into the site. This one way primary access through the site would travel centrally through the 'Home Zone' heading south before the 'Courtyard' to exit at Medhurst Close. Other secondary shared routes are designed primarily to allow vehicular and pedestrian access to parking areas adjacent to homes. Further pedestrian only routes allow access around the site. Car parking for 52 vehicles is proposed across the site with one space reserved for a car club communal car. The parking spaces will be located to the side and rear of homes either as car ports or surface parking. Each dwelling will also receive 2 secure cycle parking spaces.
- 4.6 The dwellings are presented as custom build insofar as the exterior would be ready constructed but the internal layout would be configurable to meet residents' needs, in essence location of living rooms and bedrooms and internal dividing walls (all to be reconfigurable as occupants needs change).
- 4.7 The Planning Statement (PS) states that the 22 affordable homes will be allocated on local need and income assessments, i.e. made available to local people priced out of the market. The applicant has assessed local income trends and undertaken a housing needs survey for the parish of Chobham to understand the financial situation and accommodation need of local people who expressed an interest in living in the homes. The content of which is considered in more detail below at paragraph 7.2.
- 4.8 The PS explains that the development will be managed by a Community Land Trust (CLT) which has been formed and is named 'Sustaining Chobham'. The CLT's aim is for local representatives to sit as directors and take an active role in key decision making such as eligibility criteria, community rules, management / maintenance of the shared facilities and to act as legacy owner and custodian of the freehold of the land, managing the on-going maintenance of common infrastructure and protecting the housing discounts in-perpetuity.
- 4.9 The PS states that this development is targeted at those struggling with local market prices who often don't qualify for social housing. The affordable homes will be for Discount Market Sale (DMS) minimum 20% discount. All homes across the site are therefore for full (leasehold) ownership with the CLT retaining the freehold.
- 4.10 The following documents have been submitted in support of the application of which relevant extracts will be referred to in section 7 of this report:
- Ecological Appraisal and Bat Assessments;
 - Arboricultural Assessments;
 - Planning Statement;
 - Design and Access Statement;
 - Flood Risk Assessment;
 - Statement of Community Involvement;
 - Chobham Housing Needs Survey;

- Site Investigation / Land Contamination Assessment;
- Archaeological Assessment;
- Transport Statement;
- Utilities Statement;
- Viability Report
- One Planet Action Plan;
- Energy Strategy and
- Sunlight and Daylight Summary.

5.0 CONSULTATION RESPONSES

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| 5.1 | Council Environmental Health Officer (EHO) | No objections |
| 5.2 | County Highway Authority (CHA) | No objection subject to conditions and informatives
<i>[See Annex A of this report]</i> |
| 5.3 | Chobham Parish Council | <p>Objection for the following reasons:</p> <ul style="list-style-type: none"> • No proven need for discounted market housing for local people or open market housing <i>[Officer comment see paragraphs 7.2 below]</i> • Unsustainable location, insufficient parking and negative impact on highway network <i>[Officer comment see paragraph 7.6 below]</i> • Out of keeping with the character of the local area including trees <i>[Officer comment see paragraph 7.4 below]</i> • Concern about the impact upon ecology <i>[Officer comment see paragraphs 7.8 and 7.9 below]</i> |
| 5.4 | Arboricultural Officer | No objection, subject to condition to agree tree protection, replacement tree planning and a Woodland Management Plan |
| 5.5 | Surrey Wildlife Trust (SWT) | No objection subject to works being carried out in accordance with submitted surveys, the submission of a Landscape and Ecological Management Plan / Woodland Management Plan, a Construction and Environmental Management Plan and agreement of any external lighting. <i>[Officer comment if minded to approve a condition would be imposed to agree all of these above details]</i> |

5.6	Housing Services Manager	Disappointed that the scheme has come forward to meet local need, yet provides nothing for those excluded from even affordable homeownership, whose options are even more limited in the villages <i>[Officer comment see paragraph 7.2 below]</i>
		The Housing Services Manager also states, if the application is approved the final eligibility criteria should be agreed with the LPA. <i>[Officer comment if minded to approve a condition would be imposed to agree these details]</i>
5.7	Archaeology Officer	No objection subject to condition to secure a Written Scheme of Investigation (WSI)
5.8	Council Scientific Officer:	No objection subject to condition
5.9	Council's Conservation Officer	No objections subject to conditions to agree details for the protection of the adjoining listed buildings from disturbance, vibration and damage during the construction phase
5.10	Lead Local Flood Authority	No objections subject to conditions and informative
5.11	Thames Water	No objection subject to informatives

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, 49 representations of objection, 12 letters of support and 1 comment has been received. The letters of objection raise the following concerns:
- Negative impact upon the safe flow of traffic *[Officer comment: see paragraph 7.6 below]*
 - There is no local need which cannot already be met by the existing market there are many houses available for sale within Chobham *[Officer comment: see paragraph 7.2 below]*
 - Negative impact upon local infrastructure *[Officer comment: see paragraph 7.7 below]*
 - Under provision of parking *[Officer comment: see paragraph 7.6 below]*
 - Loss of trees and woodland - *[Officer comment: see paragraph 7.4 below]*
 - Out of keeping with the established character of the area *[Officer comment: see paragraph 7.4 below]*
 - More landscaping required *[Officer comment: a condition agreeing landscaping is proposed and the applicant has agreed to additional planting]*
 - Loss of Privacy *[Officer comment: see paragraph 7.5 below]*
 - Overbearing to neighbours *[Officer comment: see paragraph 7.5 below]*

- Disturbance and inconvenience during construction phase [*Officer comment: If minded to approve it would be appropriate to include agreement of a Construction Management Plan through a condition*]
- Increased noise and light pollution [*Officer comment: see paragraph 7.5 below*]
- Negative impact on wildlife and ecology [*Officer comment: see paragraph 7.9 below*]
- Eligibility criteria does not meet rural exception site policy [*Officer comment: see paragraph 7.2 below*]

6.2 The letters of support / comments state the following:

- The proposal will provide much needed accommodation for local people who wish to stay in Chobham
- The site is sustainable and within walking distance (approx 1km from the Chobham centre)

7.0 PLANNING CONSIDERATIONS

7.1.1 The application site sits within the Green Belt, immediately to the north of the washed over settlement area of Chobham. As such the application is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) and in this case the relevant policies are CP1, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM5, DM9, DM10, DM11 and DM17. It will also be considered against the Residential Design Guide Supplementary Planning Document (RDG) SPD 2017 and the National Planning Policy Framework (NPPF) with the associated Planning Practice Guidance (PPG). The Thames Basin Heaths SPA Avoidance Strategy (2019) and saved Policy NRM6 of the South East Plan are also material considerations with this application.

7.1.2 The main planning issues, therefore, in the determination of this application are:

- The principle and need for the development;
- Impact of the development upon the openness of the Green Belt;
- Impact on the appearance and character of the area;
- The impact on amenities of neighbouring properties;
- The impact on highway safety and parking;
- Impact on local infrastructure;
- Impact on Thames Basin Heaths SPA;
- Other matters

7.2 The principle and need for the development;

7.2.1 Paragraph 133 of the National Planning Policy Framework (NPPF), states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

7.2.2 Paragraphs 143 and 144 of the NPPF further state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

- 7.2.3 Policy CP1 (Spatial Strategy) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) states that new development will largely come forward through redevelopment of previously developed land in the west of the borough. The site is neither in the west of the borough or considered to be previously developed land. Additionally paragraph 73 of the NPPF requires plan-making authorities to identify a five year supply of deliverable housing sites. The Council can currently demonstrate a 5.52 year housing land supply.
- 7.2.4 All these factors weigh against delivering development within this Green Belt location. However, paragraph 145 of the NPPF states that while the construction of new buildings are inappropriate in the Green Belt, certain exceptions exist. This includes exception (f) for limited affordable housing for local community needs under policies set out in the development plan (such as rural exception sites).
- 7.2.5 This is reinforced by paragraph 77 of the NPPF which explains that within rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 7.2.6 It is also noted within the Council's Strategic Land Availability Assessment (SLAA) 2019 that the site could potentially be suitable for development under Rural Exception criteria, where it can be demonstrated to meet the affordability needs of the local area and where residents' local connections to Chobham could be demonstrated. The SLAA recognises the specific type and range of affordable units proposed will also be a factor in the acceptability of the site.
- 7.2.7 That said, paragraphs 1.6 and 1.7 of the SLAA state that although the SLAA is an important source of evidence to inform plan making, it does not make decisions about the future of sites. The SLAA provides background evidence on the potential availability of land for development. It is the development plan which will determine which of those sites in the SLAA are the most suitable to meet the borough's future needs. Accordingly, the inclusion of a site in it does not mean that it will necessarily gain planning permission.
- 7.2.8 This proposal is presented as a rural exception site and paragraph 5.11 of the CSDMP states that 'Rural Exception Sites' are defined as small sites specifically for 100% affordable housing provided in perpetuity on land adjoining rural settlements upon which housing development would not normally be permitted (such as Green Belt sites). These sites seek to address the needs of the rural community to ensure that they continue to develop as sustainable mixed and inclusive communities by providing accommodation for households who are either current residents or have an existing family or employment connection.
- 7.2.9 Policy DM5 (Rural Exception Sites) of the CSDMP sets out the criteria for affordable housing as follows:

Development consisting of 100% affordable housing within the countryside or Green Belt will be permitted where:

(i) There is a proven local need for affordable housing for people with a local connection to the area; and

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

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

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

- 7.2.10 Annex 2 of the NPPF defines affordable housing as: *'housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).'* Of the four types of affordable housing defined in the NPPF, discounted market sales housing is identified as one affordable housing product. The NPPF defines this type of affordable housing as: *'Housing sold at a discount of at least 20% below local market value, with eligibility determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.'*
- 7.2.11 The proposal offers discounted market sales housing (DMS). The applicant has confirmed that the affordable dwellings are offered at a minimum discount of 20%, therefore at face value complying with the NPPF definition. The applicant also states that discounts and eligibility is determined by the Community Land Trust (CLT) with regard to local incomes and local house prices with provisions in place to ensure housing remains at a discount to ensure affordability for future eligible households.
- 7.2.12 Policy DM5 of the CSDMP states that housing must be 100% affordable within rural exception sites. The proposal does not meet this test as 8 dwellings or 26% of the housing is for open market sale. However, since the adoption of the CSDMP, paragraph 77 of the NPPF encourages consideration as to whether market housing on a site can help facilitate the delivery of rural exception site. Annex 2 of the NPPF's definition of rural exception sites explains that: *'a proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.'*
- 7.2.13 The applicant has submitted a financial appraisal setting out why, in their opinion, 8 open market homes are required to deliver the cross subsidy to make the development viable. The applicant's financial appraisal has been subject to independent review. This review concluded that the DMS housing does not require open market housing in order to be viably brought forward. Additionally as part of its sensitivity testing, the independent review considered an even split between social rented and intermediate properties (shared ownership), with no discount market housing, and also found this to be viable. Consequently, there is no reason why the applicant could not deliver 100% affordable housing and in this regard full regard has been had to paragraph 77 of the NPPF.
- 7.2.14 On this basis, the proposal is contrary to policy DM5 and no further assessment is required. Even in the event that the proposal constituted 100% affordable housing (or indeed market housing was needed to make the scheme viable), criteria (i) – (iv) of DM5 must still be satisfied. For completeness, therefore, this criteria is considered in turn below:
- (i) Is there a proven local need for affordable housing for people with a local connection to the area?
- 7.2.15 To satisfy this criterion it is considered that the affordable housing should be for people who already live in Chobham or have a family or employment connection to Chobham. The applicant has submitted an independent local needs survey which was carried out by the Surrey Community Housing Partnership during June 2018. This survey identifies a local need in the parish of Chobham for households whose financial situation means that they are unable to purchase in the open market but who do not qualify for social rent

housing. This conclusion is partly reinforced by the Council's 2016 Strategic Housing Market Assessment (SHMA). This SHMA identifies a greater range of needs including households that are unable to afford to rent as well as households that are able to afford market rents but are unable to access home ownership.

- 7.2.16 The Council's SHMA and Housing Services Manager confirm there is range of affordable needs in Chobham. As a result the Council should seek a range of affordable products as part of any development site. The applicant has conducted no research / analysis into the parish need for social or affordable rents and does not offer any social or affordable rents as part of the housing mix. This weighs substantially against the proposal.
- 7.2.17 Furthermore, and whilst there may be some households in the gap between renting and buying and DMS should be sought (as a percentage toward the solution to meet this need) of the affordable routes into home ownership housing types, it is likely that shared ownership is the most appropriate option (due to the lower deposit requirements and lower overall costs, given that the rent would also be subsidised). The proposal does not offer shared ownership housing as part of the mix to meet this need and this also weighs against the proposal.
- 7.2.18 The application proposes the provision of twenty-two units that would be DMS, as part of the thirty unit scheme (74% of the total number of units are offered as DMS). This represents only one type of affordable housing need and given the range of needs identified above, the proposal is not considered to be representative of the full range of needs contained in the NPPF definition, Policy CP5 of the CSDMP or identified in the SHMA.
- 7.2.19 Additionally, the proposed Allocation Hierarchy for the DMS extends outwards from Chobham (as shown in Appendix 2 of the PS submitted with the application). Such a hierarchy should not be in place if the scheme is in compliance with criterion i) of DM5 as it would need to meet an identifiable need within the area which is Chobham Parish. On this basis, the proposal is not in compliance with policy. This weighs substantially against the proposal.

(ii) Can the need be met within the settlement boundary?

- 7.2.20 As stated in Policy CP1 (Spatial Strategy) of the CSDMP, there is limited capacity in the settlement of Chobham to accommodate any new development. The CSDMP does not include any housing sites that are allocated within the Chobham Settlement area. However, the SLAA demonstrates there is one site (site ID 447) that could come forward in the developable period, within the settlement boundary of Chobham which was assessed to have a capacity of ninety units. Planning policy would require 40% affordable housing provision with a mix of social rents and shared ownership. The proposal does not take this into account or explain why this development would not meet the existing need within the parish of Chobham. This also weighs against the proposal.

(iii) Will the development provide affordable housing for local people in perpetuity?

- 7.2.21 As set out above, the proposed Allocation Hierarchy for the DMS extends outwards from Chobham (as shown in Appendix 2 of the PS submitted with the application). This should not be in place if the scheme is in compliance with the local needs of Chobham. This also weighs against this scheme. Additionally, there is concern about how the discounts and eligibility will be applied in perpetuity. For example, affordability of the dwellings to local people are likely to be priced out of the market in this area which comprises significantly higher than average house prices.

Moreover, there is concern as to what procedures are in place in the event no one or very limited individuals wish to sit as directors of the CLT or the CLT is not quorum. The lack of certainty as to how the CLT will operate as a mechanism to deliver affordable housing in perpetuity also substantially weighs against the proposal. As such, in the officer's opinion this proposal fails criterion (iii).

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

7.2.22 The site sits immediately to the north of the existing village boundary and as such is considered to adjoin an existing settlement area. There are bus stops on Delta Road, the High Street, Windsor Road all within reasonable walking distance. There is a pedestrian pavement south of Mincing Lane to Chertsey Road via the east access as well as a pavement through Medhurst Close to Chertsey Road and again south to Chertsey Road and west to Windsor Road. The local High Street and shops are approximately a 15 minute walk (0.7 miles) from the accesses and this distance is considered acceptable for both cycling as well as walking. As such the proposal complies with criterion (iv).

Summary

7.2.23 The proposal is considered contrary to Policies CP1 and DM5 of the CSDMP as the development does not deliver 100% affordable housing and the applicant has failed to demonstrate a proven local need. The applicant has also failed to prove that open market housing is required as part of this proposal. Additionally, the proposal does not meet the exception set out at paragraph 145 (f) of the NPPF and therefore represents inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Before considering whether there are any very special circumstances to outweigh this harm it is necessary to consider whether any other harm exists, as outlined in paragraphs 7.3 - 7.9 below. Very special circumstances are considered at paragraph 7.10.

7.3 Impact of the development upon the openness of the Green Belt

7.3.1 By virtue of the overall quantum of built form on open and undeveloped land, the development would also, in the officer's opinion, be harmful to Green Belt openness. Openness is open textured and includes both spatial and visual impacts. Currently the site is characterised by an absence of built form and so the proposed quantum of built form would spatially irreversibly damage the openness of the site. In particular, there are concerns about the proposed height of three storey buildings within the development as well as the density and spread of development.

7.3.2 The development with its associated height and development presence would also have a visual impact upon openness. Visually the proposal would spread development north outside of the settlement of Chobham. From a distance the site currently gives the impression of woodland, along the southern boundary and the southwest corner there are some large, mature trees, which strongly contribute to the rural character of the area and define the boundary towards Medhurst Close. To the north of the site are open fields.

7.3.3 By association, this harm to openness, would also conflict with the following purposes of the Green Belt as outlined in para 134 of the NPPF:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another; and
- to assist in safeguarding the countryside from encroachment.

Specifically, the proposal would lead to urban sprawl as it spreads northwards, leading to a gradual erosion of openness as it encroaches further into the countryside. The proposal would also contribute to the continued loss of countryside which over time would lead to towns merging into one another. Development here would therefore affect the integrity of the Green Belt and this weighs substantially against the proposal.

7.4 Impact on the appearance and character of the area;

- 7.4.1 Good design is set out in the National Design Guide (NDG) as development which has context which enhances its surroundings, has an identity which is attractive and distinctive, its built form should be coherent, functional, healthy, sustainable and accessible while efficient and resilient for the long term. The NDG also supports high quality landscaping with safe, social and inclusive public / communal areas.
- 7.4.2 Paragraph 122 of the NPPF identifies the importance of securing well-designed, attractive and healthy places. Paragraph 124 recognises good design is a key aspect of sustainable development, creates better places in which to live, work and helps make development acceptable to communities.
- 7.4.3 Paragraph 127 of NPPF seeks to ensure that developments function well, are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, create attractive, welcoming and distinctive places and places that are safe, inclusive and accessible and which promote health and well-being.
- 7.4.4 Policy CP2 (iv) of the CSDMP is reflective of the NPPF and states that development should ensure that all land is used efficiently in the context of its surroundings. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.5 Principles 6.6 and 6.7 of the Residential Design Guide Supplementary Planning Document (RDG) SPD 2017 states that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts with appropriate boundary treatments while ensuring parking layouts are high quality and well landscaped.

Layout and circulation

- 7.4.6 The existing site has a central clearing, in which the new development is proposed in a staggered cluster, forming a loose circle, around a central village green. The design concept is to create an efficient layout in the centre around a shared communal space. In addition there is a home zone at the primary point of entry, off Mincing Lane, with a pedestrian and cyclist priority. The scheme also creates new publically available pedestrian links through the site, based on pedestrian desire lines.
- 7.4.7 The courtyard, in the western part of the area, forms another focal point for social events, play and communal use. The courtyard enjoys natural surveillance and pedestrian access to dwellings.
- 7.4.8 This layout is appropriate as it enhances the layout circulation of the proposed development for both vehicles, cyclists and pedestrians. The layout provides inclusive public areas which provide informal chances for social interaction this will ensure the layout is distinctive, coherent and functional. The pedestrian and cycle links to the wider area provide opportunities for healthy and sustainable activities. The layout and circulation is therefore considered to be well-designed and attractive.

Design, appearance and scale

- 7.4.9 Principles 7.3 and 7.4 of the RDG expects building heights to help enclose the street without overwhelming it. Principle 7.3 states that, in suburban and rural areas building heights will generally be expected to be lower with occasional taller buildings acting as visual focal points. Higher buildings will be more acceptable in tight urban locations such as local and town centre environments. Building heights will also be expected to enable buildings to integrate well into their surrounding contexts. However, as indicated above the 3 storey height of some properties is of concern and objections are raised in paragraph 7.3 above in this respect. The height of these buildings is not reflective of the two storey and single storey character of existing dwellings in the local area and given the Green Belt rural feel of the area 3 storey buildings are considered contrary to the character of the area and an objection is raised on these grounds. While Principle 7.3 acknowledges that occasional taller buildings may be acceptable as visual focal points, the officer considers that this would usually apply to landmark / prominent locations rather than within the centre of a woodland Green Belt development. Additionally 3, three storey buildings is also considered to exceed the definition of occasional within the quantum of this development.
- 7.4.10 The 3 storey height of plots 8, 22 and 25 is out of character with the development as proposed and the wider character of the area as low scale dwellings within a rural area and an objection is raised on these grounds.

Trees and Landscaping

- 7.4.11 The application is accompanied by a Stage 1 and 2 Arboricultural Assessment Report (AAR). The development will result in the removal of 4 trees and 8 groups of trees mostly located within the internal section of the site. All high category trees around the boundary of the site are to be retained.
- 7.4.12 Given the size of the site and landscape cover, both existing and proposed, the submitted AAR also acknowledges that a Woodland Management Plan (WMP) to increase natural biodiversity and enhance key benefit features of the woodland over the longer term. The Arboricultural Officer considers it appropriate to impose a condition to agree details of the WMP prior to occupation.
- 7.4.13 Principle 9.3 of the RDG advises that new hardstanding areas will be expected to be constructed in porous materials and cover only the minimum space necessary. On this basis, if minded to approve, it is considered appropriate to apply both a soft and hard landscaping condition to agree these landscaping details. No objections are therefore raised in respect of any adverse impacts upon trees and landscaping.

Heritage

- 7.4.14 There are no listed buildings on the site. There are two listed buildings (No.32 and No.35 Mincing Lane) near the entrance to the site. The Heritage and Conservation Officer, in her consultation response, considers the development will not affect the setting of the listed buildings given the separation of the proposals (approximately 25m at the closest points with intervening tree cover). The Heritage and Conservation Officer is, however, concerned that the access to the site, which will increase traffic flow and the construction traffic can potentially damage listed buildings (through vibrations). However, it is accepted that mitigation and protection measures can be controlled by details to be agreed via conditions and on this basis no objections are raised in respect to any adverse impact upon heritage assets.

Summary

7.4.15 As indicated above, the development broadly complies with planning policy in respect to layout, circulation and heritage. However, the height and scale of the three storey apartments (plots 8, 22 and 25) are not considered to respond to or integrate into the lower rural scale of the site or the wider character of the surrounding properties which are all either two storey or single storey buildings. The three storey buildings would appear as prominent, overwhelming and strident features, highly conspicuous in the context as described above, and notwithstanding the Green Belt openness harm identified in section 7.3 above, would also read as jarring and urbanising in this low scale rural area. The proposed development is therefore in conflict with the design requirements of the NPPF, Policies CP2 and DM9 of the CSDMP and Principles 7.3 and 7.4 of the RDG.

7.5 Impact on amenities of neighbouring properties

7.5.1 Paragraph 127(f) 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. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses.

7.5.2 Principles 8.1 and 8.3 of the RDG state that, developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted and developments should also not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access. Proposals should also not result in neighbouring dwellings suffering from any adverse overbearing impacts.

7.5.3 The closest neighbours, numbers 15 & 16 Medhurst Close, are sited approximately 15.3m away from the proposed dwellings (plot 19) at its closest points. All other neighbours are sited in excess of 20m away with mature trees to be retained on the site boundaries. Given these separation distances the proposal is not considered to be overbearing to or cause overshadowing effects to any neighbouring dwellings. Turning to any loss of privacy, the separation of approximately 15.3m is noted and facing first floor facing windows are proposed at plot 19. Given the limited separation distance and the shallow facing garden and facing habitable windows at number 15 Medhurst Close; the approximate distance of 15.3 metres separation is not considered to be sufficient to ensure the privacy enjoyed at number 15 Medhurst Close is not adversely eroded both to the garden area and the facing windows of number 15 Medhurst Close. While mature trees / vegetation exists on the shared boundary, there is no long term mechanism to ensure these trees will not die, be immune from extensive pruning or become diseased over time. On this basis an objection is raised in respect of adverse overlooking from the proposed Plot 19 to the occupiers of number 15 Medhurst Close. The proposal would conflict with Principle 8.1 of the RDG, Policy DM9 of the CSDMP and the NPPF, an objection is therefore raised on these grounds.

7.5.4 No. 16 Medhurst Close does not have any facing habitable windows and the garden is sited to the side away from the closest elements of the proposal. As indicated above the remaining neighbouring buildings in Medhurst Close and Mincing Lane are well separated (in excess of 20m) and no objections are raised in respect to any adverse loss of privacy, overbearing impacts or loss of light to these properties.

- 7.5.5 External lighting can cause pollution and nuisance to surrounding residential properties and as such it is considered reasonable to agree details of the external lighting to include numbers, specification and any light spill. This can also be controlled by way of planning condition, if minded to approve.
- 7.5.6 Principle 7.6 of the RDG advises that as a minimum, the Council will expect new housing development to comply with the national internal space standards. The overall floor space provision for each of the proposed flats would meet these minimum space standards. Principle 8.2 of the RDG advises that all habitable rooms in new residential development should maintain at least one main window with an adequate outlook to external spaces. It is considered that sufficient outlook would be provided for future occupiers of all the proposed units.
- 7.5.7 A Sunlight and Daylight Report has also been submitted with the application and the report concludes that the daylight and sunlight analysis conducted for the proposed development indicates an acceptable level of amenity for future residents and visitors.
- 7.5.8 Principle 8.4 of the RDG gives minimum outdoor amenity space standards. This policy also states that private outdoor garden spaces should be provided. The proposal proposes private garden areas which do fall short of this criteria, however, these private spaces are complimented by generous communal woodland and clearings across the site which are available for all residents. The applicant proposes to use these clearings as flexible communal garden spaces. These will be predominantly grass with landscaping which could accommodate growing plants, vegetables, play and social areas. They will be characterised by the woodland edges which are also accessible to residents. A communal shed / tool library is also included as part of this proposal and the communal areas are protected / managed by the freeholder (the CLT). Given the extensive amenity space available to residents as well as more private external amenity areas associated with the dwellings, the proposal is considered to acceptable in respect to external amenity space for future residents.

Summary

- 7.5.9 In conclusion, the proposal, by reason of its limited separation from number 15 Medhurst Close, will result in unacceptable overlooking of this property's garden / external amenity areas and facing habitable rooms, to the detriment of the amenities the occupiers of this dwelling would reasonably expect to enjoy. The proposal is therefore considered to be in conflict with Principle 8.1 of the RDG, Policy DM9 of the CSDMP and the NPPF an objection is therefore raised on these grounds

7.6 Impact on highway safety and parking

Access, movements and layout

- 7.6.1 The site is proposed to be served by a one-way access/egress arrangement between Mincing Lane and Medhurst Close. The access to the site is proposed to be taken from Mincing Lane to the west side of the site. One way circulation would result in the egress from the site onto Medhurst Close, adjacent to number 4 Medhurst Close. The Transport Statement (TS) explains that the route would be provided with sufficient signage to prevent vehicles from travelling in the opposite direction of the one-way traffic.
- 7.6.2 Principle 6.3 of the RDG states that for shared spaces motorists should be treated as 'guests', who will be expecting to find other people walking, playing and cycling in the street space; and, with materials and form designed to encourage safe play and social interaction between residents.

The internal road network has been designed as a shared space to prioritise pedestrian movements and reduce traffic speed, minimising the amount of traditional carriageway that is provided for conventional vehicle movements. The road network has also been designed to accommodate larger refuge and delivery vehicles as well as emergency vehicles.

- 7.6.3 The County Highway Authority (See Annex A) state that, the proposed one-way route through the site would exit onto Medhurst Close and sufficient signage would be provided to prevent vehicles from travelling in the wrong direction. The County Highways Authority also note a trip generation assessment has been undertaken which includes an assessment of the likely additional traffic generation of the development using the TRICS database (Trip Rate Information Computer System, a recognised and well established database of trip rates for developments used for transport planning purposes, specifically to quantify the trip generation of new developments). This shows that the development would result in 13 two-way traffic movements in the am peak hour and 16 two-way movements in the pm peak hour, with the arriving and departing vehicular trips will be split between the access from Mincing Lane and the egress to Medhurst Close, meaning that the net changes on each road will be minimised. The County Highway Authority conclude that this would therefore not result in an adverse material impact on the Local Highway Network.

Car and Cycle Parking

- 7.6.4 Surrey County Council Vehicular and Cycle Parking Guidance seeks 1 car space per one and two bed units and 2 spaces per three bed unit, (total for this site therefore, 46 spaces). The proposal offers 52 parking spaces which meets parking guidance and includes additional visitor parking. The overall provision will also include one space dedicated for car club use. This is envisaged to be operated by a company, which specialises in the provision of car club services. Typically this would be a pay-as-you-go car hire scheme accessed through an online booking system or over the phone. Members each have a smartcard to access vehicles (no need for keys). At the end of your booking the car is returned back into its designated bay. Insurance is included, and members can book a car for a minimum of 30 mins upwards, only paying for the hire time. It is envisaged that the car club would be available to new and existing residents in the area. Of the total parking provided on the site, 19 spaces will have active electric charging points. The remainder of the spaces will also have passive charging provision ready for future use, subject to the demand and the advances in electric charging technology.
- 7.6.5 The development proposal also provides cycle parking provision of two spaces per unit also in accordance with county parking guidance. The County Highway Authority raise no objections on parking grounds and they comment that the additional parking will reduce the risk of overspill car parking. The County Highway Officers also note there are a number of bus stops in the vicinity of the site which service the 39A, 73, 87 and 417 routes
- 7.6.6 The National Planning Policy Framework (NPPF) identifies that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe*” (Paragraph 109). The County Highway Authority’s (CHA) raise no objection to the proposal, subject to the imposition of conditions and on this basis, the officer is satisfied that the proposal would not conflict with the safe operation of the highway network.

7.7 Impact on Infrastructure

- 7.7.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule.
- 7.7.2 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more.
- 7.7.3 The applicant considers the proposal to be CIL exempt on two grounds, self-build exemption and social housing relief. In the officer's opinion the proposal does not constitute an exemption but this will be further considered outside the application process.

7.8 Impact on the Thames Basin Heaths SPA

- 7.8.1 Policy NRM6 of the South East Plan (Thames Basin Heaths Special Protection Area) seeks to protect the ecological integrity of the TBH SPA, Policy CP14B of the Core Strategy builds on this as does adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2019). This SPD 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 financial contribution towards SANGS.
- 7.8.2 The application site is located within 5km from the Thames Basin Heaths Special Protection Area (SPA). Natural England are currently advising that new residential development within 5km of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase in occupancy and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site. From 01 December 2014, a financial contribution towards the provision of SANG is included within the CIL payment.
- 7.8.3 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SANG (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SANG is required. In this instance a payment of £17,978 is needed. At the time of writing this report no SANG payment or legal agreement has been completed and as such the proposal would be in conflict 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). An objection is raised on these grounds.
- 7.8.4 Additionally, the applicant has suggested using an existing bespoke SANG at Little Heath Nursery, however, the LPA has received no written case demonstrating that the SANG has capacity to take the proposal or details about the overall capacity of the SANG. No evidence of any agreement with Natural England has been submitted and there has been no SANG Management Plan submitted which clearly outlines the practical habitat management and explains how the requirements of the SANG Guidelines will be met by including demonstration that the SNCI (Site of Nature Conservation Importance) is not adversely affected and offers biodiversity gains for the SANG. Furthermore no information about details of the land owner, managing body, funding of costs for the in perpetuity management of the SANG or any case setting out how the SANG will deliver effective

avoidance with the increase in capacity both at the outset and in perpetuity while continuing to meet all SANG criteria has been submitted. Due to a lack of information it cannot be concluded that the proposal can effectively contribute toward a bespoke SANG.

- 7.8.5 That said, the applicant as part of their planning statement has shown a willingness to contribute toward Strategic SANG and sufficient SANG is available and can be allocated to the development and so a financial contribution towards the Strategic SANG can therefore be accepted. This is collected through CIL contributions.

7.9 Other matters

- 7.9.1 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. Serviced plots are typically plots that are ready to build on, i.e. already has the utility connections – water, gas, electricity and mains sewage, broadband and telephone – as well as access from the highway. So all the infrastructure to start building a home is already in place. There are no serviced plots as part of this application. Additionally the dwellings will be substantially constructed with final occupiers (who have not been identified by the applicant) only having limited choices over the position of internal walls. In the officer's opinion this is not the intention of the self-build legislation or the NPPF definition. On this basis limited weight can be given to any self-build or custom-build benefits this proposal may bring.

- 7.9.2 The submitted energy strategy focuses on a maximum CO2 reduction by using a highly efficient building envelope on each dwelling with high efficiency mechanical and electrical services, along with air source heat pumps (ASHP) and a substantial photovoltaic (PV) solar panel installation as part of the proposed renewable technologies. This combination of efficient fabric and the PV system is anticipated to deliver the highest energy rating (EPC A) for all dwellings on site, meaning homes are maximising CO2 savings and monetary savings for their residents. The proposed development predicts CO2 emissions reductions of 71% over a Building Regulations 2013 compliant baseline scheme. This is equal to a total annual carbon emission saving of 49.4 tonnes over an equivalent baseline scheme. This commitment to sustainability carries some weight.

- 7.9.3 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development may result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

- 7.9.4 Biodiversity surveys, have been submitted as part of this application. The survey concludes that general wildlife including statutorily protected and notable species would not be adversely affected. In addition, Surrey Wildlife Trust raises no objection subject to securing the enhancements listed in the ecological plan. The proposal would therefore deliver a biodiversity net gain over the existing situation, which could be achieved through the imposition of conditions.

7.10 Very Special Circumstances

- 7.10.1 Given the substantial harm to the Green Belt identified at paragraphs 7.2 and 7.3 above; harm to the character of the area identified at paragraph 7.4 above; harm to residential amenity set out at paragraph 7.5; and harm in respect to the Thames Basin Heaths Special Protection Area as outlined in paragraph 7.8 above, it is therefore necessary to

consider whether alone or in combination, there are any Very Special Circumstances (VSC) to outweigh this combined harm.

- 7.10.2 It is noted that the applicants argue in the Planning Statement (PS) that the proposal is not inappropriate development as it qualifies as a rural exception site. However, for the reasons given at paragraph 7.2 above the site is not considered to be a rural exception site. No weight can be afforded to this argument.
- 7.10.3 Section 7 of the PS specifically outlines the Council's lack of a five year housing supply. However, since the submission of the current planning application the Council can now demonstrate a 5.52 year housing land supply and therefore no weight can be afforded to this argument.
- 7.10.4 The applicant suggests that delivering custom build houses carries some weight, however, for the reasons set out at paragraph 7.9.1 above, it is not considered that these dwellings meet the definition of self-build / custom build. Even if they did, this would not outweigh the substantial harm to the Green Belt which has been set out above.
- 7.10.5 On this basis the applicant has not advanced any case or benefits to outweigh the substantial and demonstrable harm arising from the proposal. Very Special Circumstances, in this case, have not been proven.

8.0 WORKING IN A POSITIVE/PROACTIVE MANNER

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

- 9.1 As detailed in this report, the proposal does not deliver 100% affordable housing and there is no reason why market housing is required. In any event, it has not been demonstrated that the proposal meets the identified local need for affordable housing within the Parish of Chobham. Therefore, the proposal cannot be considered to constitute a Rural Exception Site. The proposal is therefore inappropriate and harmful development in the Green Belt. Furthermore the scale of the three storey dwellings are not considered to respond or integrate within the existing rural character of the area. The proximity of the proposal to existing dwellings will also cause unacceptable overlooking of 15 Medhurst Close.
- 9.2 The applicant has also failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures.

9.3 There are no very special circumstances that arise to outweigh the harm identified and the application is therefore recommended for refusal.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal does not constitute 100% affordable housing and the applicant has failed to demonstrate the need for market housing on the site to facilitate this as a rural exception site. In any event, the applicant has failed to demonstrate that the development would meet a proven local need for affordable housing within the Parish of Chobham for local people with a local connection to the area; that the need cannot be met within the settlement boundary; and, that the development would provide affordable housing for local people in perpetuity. As such the proposal represents inappropriate development in the Green Belt, which is harmful by definition; and, by reason of its quantum of built form, height, scale and mass, would cause further significant harm to the openness of the Green Belt and conflict with the purposes for including land within it. No very special circumstances exist to outweigh this Green Belt harm and the other harm identified in reasons 2 - 4 below. The proposed development is therefore contrary to Policies CP1 and DM5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
2. The height and scale of the three storey apartments (plots 8, 22 and 25) are not considered to respond to or integrate into the lower rural scale of the application site or the wider character of the surrounding properties. The three storey buildings would appear as prominent, overwhelming and strident features, highly conspicuous in their context reading as and jarring and urbanising in this low scale rural area. The proposed development is therefore in conflict with the design requirements of Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, Principles 7.3 and 7.4 of the Residential Design Guide SPD 2017 and the National Planning Policy Framework.
3. The proposal by reason of its limited separation from number 15 Medhurst Close, would result in unacceptable overlooking of this property's garden / external amenity areas and facing habitable rooms to the detriment of the amenities the occupiers of this dwelling would reasonably expect to enjoy. The proposal is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, Principle 8.1 of the Residential Design Guide SPD 2017 and the National Planning Policy Framework.
4. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted 2019).

Informative(s)

1. Advise CIL Liable on Appeal CIL3