

LOCATION:	Orchard Cottage, Shepherds Lane, Windlesham, Surrey, GU20 6HL,
PROPOSAL:	Erection of a two-storey, 66 bedroom care home for older people with associated parking and landscaping.
TYPE:	Full Planning Application
APPLICANT:	LNT Care Developments Ltd
OFFICER:	Emma Pearman

This application is being reported to the Planning Applications Committee because it is a major development, i.e. the floor area exceeds 1000m².

RECOMMENDATION: GRANT, subject to conditions

1.0 SUMMARY

- 1.1 The application site is located on the southern side of Chertsey Road and to the west of Shepherds Lane in Windlesham. It is approximately 2.2ha in size and is within the Green Belt, outside the settlement area of Windlesham. It currently comprises a residential dwelling Orchard Cottage and Highams Builders Yard, and a large area of open land to the west of Orchard Cottage. The site benefits from an extant outline planning permission 15/0272 and reserved matters permission 17/0647 for the erection of a care home, doctors' surgery and residential dwelling on the site. A separate application for a larger care home at the site was refused in 2016.
- 1.2 The current permission on the site has been implemented by way of drainage pipes being installed, as determined by a previous application for a Lawful Development Certificate (see para 3.4 below) and this is a material consideration in determining this application. The size of this proposal is smaller in footprint, volume and height than the implemented permission and this is considered to be a very special circumstance that outweighs the identified harm to the Green Belt. The proposal is therefore considered acceptable in principle. The development is also considered acceptable in terms of residential amenity, highways, ecology and flooding. The original proposal was considered unacceptable in terms of its design, however the applicant has worked with Officers throughout the course of the application to revise the design and it is now considered to be acceptable. The proposal is therefore recommended for permission, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of the B386 Chertsey Road, about 0.75km outside the settlement boundary of Windlesham, as identified on the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012. The site lies within the Green Belt and within 100m of the Thames Basin Heaths Special Protection Area (SPA), Chobham Common SSSI and the Thursley, Ash, Pirbright and Chobham Special Area of Conservation. The application site is 2.2 ha in size and currently comprises the residential dwelling Orchard Cottage which is accessed from Shepherds Lane, Highams Builders yard, and a stretch of open, undeveloped land to the west of Orchard Cottage, which has a main access gate from the B386 Chertsey Road.

- 2.2 The area around the site is semi-rural in nature, with limited development along the Chertsey Road, which includes the Brickmakers Arms Public House opposite the site, and the former British Oxygen Corporation (BOC) headquarters adjacent to the east, with a high brick wall along the boundary between these sites. This site is currently being redeveloped by Gordon Murray Design and is now known as Highams Park. The northern boundary of the site adjoins the B386 Chertsey Road, and along this boundary is a red brick wall and mature trees which screen the site from the road. The nearest residential properties are Sundial in Shepherds Lane to the north-east, and Lynbrook Cottage on Chertsey Road to the north-west, and the rear gardens of two other properties also share a boundary with the site to the north-west. Along the western boundary there are mature trees which prevent views into the site. The site adjoins open land to its southern boundary, with some trees and hedges along this boundary.
- 2.3 The site lies within Flood Zone 1 which has the lowest probability of flooding. There are no archaeological or historical designations within the site, though there are some Locally Listed buildings nearby including the Brickmakers Arms, approximately 25m to the north, a building within the BOC site approx. 90m from the access road, and residential properties Gunners and Gunners Meadow, approximately 120m to the south-west. There is also a pipeline running north-south through the western half of the site.

3.0 RELEVANT HISTORY

- 3.1 15/0272 Outline application for the erection of a 65-bedroom care home, a doctors' surgery and a detached bungalow with landscaping and access following demolition of existing buildings (access to be considered)
- This application was reported to Committee on 17/09/2015 with an officer recommendation for refusal on Green Belt grounds and impact on local character and lack of a sustainable location. However, Members resolved to grant permission due to very special circumstances and so the case was referred to the Secretary of State (SoS) as a departure from the development plan. The SoS did not call it in, so it was approved on 14/12/2015.*
- As confirmed by the meeting's minutes, the very special circumstances which carried weight in favour of the proposal were: a) A pressing need for specialist residential accommodation in SHBC for older persons; b) No alternative non-Green Belt sites are available or suitable in Windlesham or Chobham parishes so if a scheme is to come forward it would have to be in a Green Belt location; c) The scheme would provide approximately 70 full time equivalent employment opportunities in a variety of low skilled and high skilled professions; d) local demand for a doctor's surgery.*
- 3.2 16/0947 Erection of an 88-bedroom care home with associated landscaping and planting, following demolition of existing dwelling and builders yard. Access from Chertsey Road.
- Refused 13/02/2017 for the following reason:*
- The proposal represents inappropriate development in the Green Belt which is, by definition, harmful; and, by reason of its size, scale and the spread of development would cause significant harm to the openness of the Green Belt and conflict with its purposes. By association, the quantum of built form and utilitarian design of the buildings would fail to respect and enhance the open and rural character of the area. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that very special circumstances exist sufficient to outweigh the identified harm. The proposal is therefore contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.*

- 3.3 17/0647 Approval of the Reserved Matters (appearance, landscaping, layout, scale) pursuant to condition 1 of planning permission 15/0272 for the erection of a 65 bed care home, doctors surgery and detached bungalow following demolition of existing buildings.
Approved, 23/10/2017. This application was reported to Committee on 19/10/2017.
- 3.4 21/0208/CEU Certificate of Lawful Development to confirm the commencement of the construction of the development, under outline planning permission SU/15/0272 (Outline application for the erection of a 65 bedroom care home, a doctors surgery and a detached bungalow with landscaping and access following demolition of existing buildings (access to be considered) and Reserved Matters Application SU/17/0647 (Approval of the Reserved Matters (appearance, landscaping, layout, scale) pursuant to condition 1 of planning permission SU/15/0272 for the erection of a 65 bed care home, doctors surgery and detached bungalow following demolition of existing buildings).
Agreed, 14/05/2021. This Certificate confirms that planning permissions 15/0272 and 17/0647 have been lawfully implemented.

4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of a two-storey, 66-bedroom care home for older people with associated parking and landscaping.
- 4.2 The 66-bedroom care home would be set back from the site's front boundary by approximately 37m and the building would have an H shape. The maximum dimensions of the building would be approximately 55m in width and 42m in depth. It would have a maximum height of approximately 9.8m with the eaves at 5.3m. The roof would be hipped with gabled and half hipped projections to the front and rear, and would contain solar panels. The area of the ground and first floors would be around 1685m² each. The proposed materials would be hung tiles, red brick, white render with timber elements and dark red concrete plain tiles to the roof. The windows and doors would be in dark grey aluminium/UPVC frames.
- 4.3 There would be 33 parking spaces provided to the front and eastern side of the building, which include two disabled bays and some electric charging points. Bicycle parking and a drop off/turning space would also be provided. There would be gates to the front of the car park, set back approximately 19m from the road, and a new access would be created to Orchard Cottage from within the car park.
- 4.4 The principal amenity space for residents would be the enclosed garden areas within the southern and western portions of the site, and there would be two courtyard gardens to the east and west of the building, enclosed by the building on three sides. Soft landscaping would comprise trees, shrubs, flowerbeds and lawn and hard landscaping and include surfaced pathways immediately around the building for residents' use. These spaces would have direct access from the main lounges and almost all ground floor bedrooms. The rear of the site would comprise an ecological enhancement area with less formal landscaping and paths, available for residents to walk in.
- 4.5 The applicant advises that some 50-60 jobs would be created working to a rotational shift pattern of employment. The majority of the jobs created at the care home would also be expected to be filled by suitable candidates from the local area.
- 4.6 In comparison to the extant planning permissions, the proposed care home has been reduced in height, floor space, footprint and volume. The extant permission comprised a doctor's surgery to replace the existing Orchard Cottage and a dwelling which was proposed

to be erected in place of the existing builders' yard. These have been deleted from the current submission and the bungalow and builders' yard would remain as existing, other than the new access to Orchard Cottage and landscaping on the edge of the cottage's curtilage.

- 4.7 The care home itself has been reduced in size, as the approved building measures 55m in width, 50m in depth, 11.9m in maximum height with the eaves height around 5-6m. This building also had roof accommodation (mechanical plant) and the area of the ground and first floors was around 1738m² each, with the basement car parking area 734m² approx. The basement car park has been deleted from this proposal. The size differences are set out below for comparison:

	Extant permission (care home element only)	Current proposal	Difference
Footprint	1738m ²	1685m ²	3% reduction
Floorspace	3476m ² (above ground) 4210m ² (including basement)	3370m ²	3% reduction or 20% reduction if basement included
Volume	16,000m ³ approximately	13,000m ³	19% reduction
Width	55m	55m	0m
Height	11.9m	9.8m	2.1m reduction
Depth	50m	42m	8m reduction

- 4.8 Where applicable, reference will be made to the following documents submitted in support of the proposed development:

- Archaeological Assessment;
- Arboricultural Report;
- Geoenvironmental Report;
- Air Quality Assessment Technical Note;
- Ecology Report (and further information following Surrey Wildlife Trust's comments);
- Design And Access Statement;
- Planning Statement (and further information following Natural England's comments);
- Sustainability Statement;
- Transport Statement And Travel Plan (and further information following County Highways' comments);
- Drainage Report.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objections, subject to planning conditions for visibility splays, space laid out for parking and turning, a Construction Transport Management Plan, cycle parking, a Travel Plan and fast charge sockets for electric vehicle charging. *[See Annex A for a copy of the consultation response].*
- 5.2 Windlesham Parish Council Objects to the proposal as follows:
- The proposal would not comprise the doctor's surgery, sustainable travel plan and a building of high quality architectural design, and would therefore not meet the VSC which allowed the previous application;
 - Local travel and public transport provision is not adequate enough to support this development;

- Inadequate parking facilities for the site.

[Officer comment: These issues are discussed below in sections 7.4 and 7.7]

5.3 Chobham Parish Council

No objection, subject to a set of conditions being applied commensurate with the previously approved scheme (15/0272 and 17/0647) and the very special circumstances nature upon which planning permission for a care home was granted. The Parish Council recommends that the following is taken into account:

- Increased parking provision, given the unsustainable location of the site
- Suggest a condition limiting floor area *[Officer comment: The condition requiring the development to be in accordance with the plans is considered sufficient. A condition limiting floor area was proposed last time at outline stage for the purposes only of guiding the plans at reserved matters stage, however this is a full application with detailed plans.]*
- The scheme should not have a greater impact on the Green Belt compared to the unimplemented scheme *[Officer comment: This has been implemented, see Section 2 above and section 7.4 below for a comparison]*
- Permitted development rights and change of use rights should be removed *[Officer comment: A condition preventing a change of use is proposed. There are no permitted development rights which would allow extensions to care homes without planning permission.]*
- Provided the very special circumstances remain pertinent and another company could take over the site if the applicant were to vacate *[Officer comment: The permission would run with the land so there is no reason an alternative company could not run the care home]*
- Regard should be given to the HGV weight limit in Chobham High Street and routes put in place for construction *[Officer comment: Routes for construction vehicles are included in the Construction Transport Management Plan condition].*
- HGVs and other vehicles servicing the site should not be allowed to park or wait on the public highway *[Officer comment: The Local Planning Authority cannot prevent this however the Construction Management Plan will include details of parking during construction]*
- Surrounding highways should be kept clear and safe during construction works and safety surrounding Valley End School given consideration in the Construction Management Plan *[Officer comment: Noted, this can be considered in the Construction Management Plan]*
- An appropriate limit set on staffing levels *[Officer comment: It is not for the Local Planning Authority to determine/restrict staffing levels for the care home as this would not be a reasonable request. If this comment is related to parking then Members should be satisfied parking is sufficient prior to any grant of permission.]*
- Should not increase flooding, and no importing of soil or raising ground levels *[Officer comment: These are covered by the proposed conditions. Raising ground levels would require permission in any case.]*
- No residential use other than care home residents, no pets and plans should accord with Policies CP14A and B

- 5 year or greater maintenance condition should be included for landscaping scheme, trees and hedging should be retained
- Separate application for advertisement consent should be submitted for any proposed advertisements, hoarding should reflect the character of the area *[Officer comment: Noted, this would require a separate application in any case so it is not necessary to include a condition]*
- Limits should be set regarding visitor times *[Officer comment: No limits are proposed to be set by condition, as this could result in a large number of visitors arriving at the same time and result in parking issues.]*
- Noise assessment should be submitted prior to occupation
- Lighting levels and spill should be kept to a minimum
- Construction working hours should be limited *[Officer comment: Covered by the Construction Transport Management Plan condition]*
- Hours of operation for the site should be limited *[Officer comment: The care home would be the home of the residents and as such restricting access at any time by staff, residents or other essential workers would not be feasible. If it is restriction of visitor hours that is meant, please see comment above. If a restriction during construction is meant, this is covered by the Construction Transport Management Plan condition.]*
- Should be no adverse impact on the public house and restaurant opposite *[Officer comment: It is not considered that there would be any adverse impact – a Construction Transport Management Plan is proposed which would detail parking during construction]*
- Extant applications should be treated as cancelled/superseded *[Officer comment: It is not considered that the previous applications could be built in conjunction with this one and an informative is proposed in this regard]*

[Officer comment: These issues above are discussed in the remainder of the report other than where comments are provided above]

5.4	Natural England	No objection, subject to appropriate mitigation being secured by condition or planning obligation, as follows: no harm to the SPA during construction, no pets other than assisted living dogs at the site, no self-contained staff/resident accommodation, the use is limited to C2 care home, and the home shall not be occupied other than by persons of limited mobility, and car parking will be restricted to staff and visitors only.
5.5	Tree Officer	No objection, subject to conditions for an updated Tree Protection Plan and Method Statement, details of hard surfacing within root protection areas, details of site storage during construction and a Landscaping Scheme.
5.6	Surrey Wildlife Trust	No objection, subject to conditions for a further badger survey prior to commencement of development, a reptile mitigation strategy, no net increase in external artificial lighting and for the applicant to demonstrate that a 10% increase in biodiversity has been achieved and how this will be secured for 30 years.

5.7	Environmental Health	No objection
5.8	Local Lead Flood Authority	No objection, subject to conditions for the approval of a surface water drainage scheme and verification report
5.9	Surrey County Council Archaeology	No objection – the site has previously been subject to archaeological investigation in relation to planning application 15/0272 and nothing of significance was found.
5.10	Thames Water	No objection with regard to foul water sewerage network infrastructure capacity. Advises that the surface water will not be discharged into the public network and therefore raises no objection, however advises that approval should be sought from the LLFA.
5.11	Windlesham Society	Objects to the application <i>[original design not revised]</i> as follows: <ul style="list-style-type: none"> • The proposal would represent a material change to the approved 2015 application and the VSC would no longer apply; • The current proposal is absent of priority rights to the care home accommodation for Windlesham and Chobham residents, doctor's surgery and sustainable Travel Plan which includes a minibus; • The proposal would have a contemporary design with an urban appearance at odds with this rural Green Belt; • Volume of traffic, road safety issues, inadequate public transport provision, inadequate parking provision; • This proposal did not attract such a strong support from the community as the previous scheme; • The application has failed to confirm whether the existing local GP services in Chobham and Lightwater could accommodate an additional 66 older patients; • The current applicant does not appear to have local links and have not made any attempt to consult with local residents, societies or organisations <p><i>[Officer note: Please see VSCs, character and highways sections below for discussion of the above planning considerations. The applicant's local links are not a material planning consideration. Whereas it is encouraged that developers engage with communities, there is no mandatory requirement to do so].</i></p>
5.12	Urban Design Consultant	No objection, following revisions to the scheme during the course of the application
5.13	NHS Frimley CCG	No response received
5.14	Exolum Pipelines	No objection, subject to a condition for a strategy to be agreed with Exolum Pipelines to protect the pipeline and ensure access can be retained.

6.0 REPRESENTATION

6.1 Notification letters were sent to eleven neighbouring properties on 26 August 2021. The application was advertised in the press on 8 September 2021 and 10 September 2021. A site notice was displayed on 22nd March 2022. At the time of preparation of this report five representations have been received, four of which object to the development and one is in

support. The support letter does not raise any issues.

The objection letters raise the following issues:

Principle of development / VSC [Officer comment: see section 7.3 and section 7.4]

- The principle of development cannot be justified in the Green Belt without the doctor's surgery;
- The proposal is a commercial enterprise;
- There is no demand for the proposed care home;
- There is no evidence of people being recruited to work for the care home;
- This new application appears to be for an unrestricted C2 residential use;
- There is no evidence to suggest that the Windlesham and Chobham residents would be given priority rights to occupy the care home;

Impact on the character of the area [Officer comment: see section 7.5]

- The design is out of keeping with the surrounding, mainly Victorian/Edwardian buildings, and semi-rural location.

Highways [Officer comment: see section 7.7)

- The application site is not sited in a sustainable location;
- Inadequate parking provision

7.0 PLANNING CONSIDERATION

7.1 The proposal is considered against the National Planning Policy Framework (NPPF), the National Design Guide, relevant policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) including Policies CP1, CP2, CP11, CP14A, CP14B, DM7, DM9, DM10 and DM11, saved policy NRM6 of the South East Plan 2009, the Thames Basin Heaths SPA Avoidance Strategy SPD 2009 and the Surrey Heath Residential Design Guide 2017 (RDG). It is noted that the site lies outside the Windlesham Neighbourhood Plan (WNP) boundary and as such policies within the WNP cannot be applied here. The Department of Health "Care Homes for Older People" (2003) also offers relevant advice in terms of the design of care homes. The extant permission is also a material planning consideration.

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

- Principle of the development in the Green Belt;
- Consideration of very special circumstances
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Highways, parking and access;
- Flooding and drainage;
- Ecology
- Impact on Thames Basin Heaths Special Protection Area.
- Other matters – CIL, energy efficiency

7.3 Principle of the development in the Green Belt

7.3.1 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts, and that their fundamental purpose is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt being their openness and their permanence. Paragraph 138 states that the Green Belt serves five purposes, which are to check the unrestricted sprawl of built up areas, to prevent neighbouring towns

merging, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns, and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Policy CP1 of the CSDMP directs development to the western side of the borough, within the urban area.

- 7.3.2 Paragraph 147 of the NPPF states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.3.3 Paragraph 149 states that the construction of new buildings is inappropriate development within the Green Belt, save for the exceptions listed under that paragraph. None of these exceptions would apply here, considering that the proposal is for a new building to be used as a care home, on a greenfield site. The proposal is therefore inappropriate development in the Green Belt. It also does not accord with Policy CP1 in terms of where new development in the borough should be directed.
- 7.3.4 The proposal would also cause harm to openness in both spatial and visual terms, considering that a large building would be constructed on an area where there is currently no development. The hardstanding to form the car park and associated development would also contribute to the harm to openness. As such, very special circumstances would be required to justify a grant of permission, that clearly outweigh the harm by reason of inappropriateness and harm to openness, as well as any other harm. Whether there is any other harm arising will be considered in the remainder of this report. Very special circumstances are discussed in section 7.11 below.

7.4 Consideration of very special circumstances

- 7.4.1 The proposal comprises inappropriate development in the Green Belt, causing harm by reason of inappropriateness, and harm to openness. Very special circumstances are therefore required to clearly outweigh this harm, and any other harm identified. Whether there is any other harm will be considered in the conclusion below.
- 7.4.2 In terms of very special circumstances, the extant permission is a material consideration, as this permission has been lawfully implemented and as such could be fully built at any time. The table below compares the size of the extant permission and current proposal in Green Belt terms.

	Extant permission (care home element only)	Current proposal	Difference
Footprint	1738m ²	1685m ²	3% reduction
Floorspace	3476m ² (above ground) 4210m ² (including basement)	3370m ²	3% reduction or 20% reduction if basement included
Volume	16,000m ³ approximately	13,000m ³	19% reduction

- 7.4.3 It should also be noted that the current permission does not include the doctor's surgery instead of Orchard Cottage, and a bungalow instead of the builders' yard, both of which also resulted in a small uplift in floor area compared to the original. There is therefore a slight benefit in reduction in footprint and floorspace here too, in the region of 24m², comparing the extant permission to the current scheme. It is not considered that the doctor's surgery and bungalow elements of the scheme could lawfully be implemented if permission is granted and implemented for this application, as the development would not be fully in accordance with the approved plans.

- 7.4.4 In visual terms, the height of the care home has also been reduced from 11.9m as approved to 9.8m, and the maximum depth reduced to 42m from 50m, with the width remaining the same. This reduction of approximately 2.1m in ridge height, together with the reduction in depth of 8m and overall smaller footprint, would reduce the quantum of built form on site. Visually, the scale and size of the building would appear lesser than the extant scheme and this in turn would reduce the proposal's visual impact on the openness of the Green Belt. As such, in spatial terms, it is considered that the current proposal would have less impact on the openness of the Green Belt than the extant scheme, and this carries significant weight in favour of the proposal.
- 7.4.5 Planning permission 15/0272 was allowed under very special circumstances, and Members granted approval against the Officer's recommendation for refusal and a County Highway Authority objection. As explained in full at paragraph 3.1 of this report this application was presented before planning committee on 15 September 2015 and the minutes of this meeting show that the relevant VSC put forward by Members were a) a pressing need for a care home for the community, b) no alternative site, c) provision of employment and d) need for a doctor's surgery.
- 7.4.6 In regards to items b) and c) it is not considered that the current proposal would materially change these arguments and therefore these would continue to carry weight in favour of the proposal. Turning to item a) the applicant has advised that the need for a new purpose built care facility for older people from the local area is considered to be more acute now than it was 4-6 years ago. Furthermore, the applicant advises that the proposal would be likely to be occupied by older people in need of care currently residing within the local community or with connections of a secondary nature, for example persons that are relatives of a person currently resident within the local community. However, there was no specific requirement on the extant permission for any local people to be given priority, and as such it is not considered reasonable to impose such a condition on this permission either and it is not considered that such a condition would be reasonably enforceable by the Local Planning Authority.
- 7.4.7 In regards to item d), it is noted that this scheme would no longer comprise a doctor's surgery, which would reduce the weight given to the VSC which allowed the previous development. However, there was no obligation on the applicant when the previous permission was granted to deliver the doctor's surgery and as such, the care home could be built in any case without a doctor's surgery. It is not considered reasonable therefore to refuse the application due to the lack of a surgery, when the care home could still be completed without this element in any case. The local Clinical Commissioning Group has been consulted for comment on the need for a surgery, however no response has been received at the time of writing. The removal of the doctor's surgery from the proposal will result in considerably fewer vehicle movements to and from the site and a reduction in hardstanding proposed for car parking, and as such does have beneficial impacts in this regard.
- 7.4.8 Overall therefore, the current proposal would result in less built form on site, which would be less harmful to the openness and visual amenity of the Green Belt than the extant scheme.
- 7.4.9 It is therefore considered that very special circumstances exist in this case, that clearly outweigh the harm by reason of inappropriateness, and harm to openness of the Green Belt. Whether there is any other harm is discussed further in the conclusion.

7.5 Impact on character and trees

- 7.5.1 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning decisions should ensure that developments add to the overall quality of the area

and are visually attractive as a result of good architecture, layout and appropriate landscaping. They must also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that new developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, while being sympathetic to local character and history, including the surrounding built environment and landscape setting. Principle 12 of the National Design Guide aims to achieve well-designed, high quality and attractive places and buildings.

- 7.5.2 Policy DM9 of the CSDMP promotes high quality design. It states that development should respect and enhance the character of the local environment and be appropriate in scale, materials, massing, bulk and density. Policy DM9 further states that development should be designed to protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate. Policy CP2 states that new development should use the land efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments. The RDG provides further guidance regarding residential developments. In particular, Principle 7.8 supports the use of architectural detailing to create attractive buildings.
- 7.5.3 This site is best described as a semi-rural area being located outside of the settlement of Windlesham, with the immediate vicinity of Chertsey Road having a limited amount of development on either side of the road. Surrounding development mostly comprises large, detached dwellings on large plots, which are located sporadically along the road, and some terraced cottages. There is no prevailing architectural style and dwellings are set back from the road by varying degrees. The application site is also located next to the former BOC site which is a large office complex and across the road from the Brickmakers' Public House, and further along there is Coworth-Flexlands School, so there are a mix of uses in the immediate vicinity of the site. The streetscene is dominated by significant mature vegetation all along the road, including that along the front boundary of the application site.
- 7.5.4 While surrounding development in Chertsey Road is very varied, most buildings are older and contain traditional elements such as hipped roofs with gabled elements. The home would be sited some 36m back from the front of the site with vegetation retained to the front and it is noted that views from public views would be limited, albeit the proposal would be seen through the access to some degree.
- 7.5.5 The proposed care home would have a smaller footprint, less floorspace and volume, and be lower in height than the previously approved scheme. It would be located on approximately the same part of the site, with the same width frontage and lesser depth. Whilst the proposed building may be smaller in scale and size than the extant scheme, the spatial qualities, how the space works, and how the new building is perceived in the landscape are important aspects to consider. The Urban Design Consultant has been consulted on the proposal and originally raised an objection, however the applicant has made amendments to the design of the scheme and the Urban Design Consultant is now satisfied that the design of the building is acceptable.
- 7.5.6 The Consultant states that the proposed scheme has undergone a series of revisions to address previous concerns with regard to building character, elevational design, massing, roofscape, detailing, building materials, detailed layout and lack of landscaping. The elevational design has been revised and now demonstrates a balanced composition with classical fenestration, traditional gable features, a strong main entrance element and considerably more variation with the help of traditional materials, including two types of brickwork with rich details such as banding and soldier course in combination with tile hanging and render. The massing has been reduced with the help of new gables and some half-hipped roof elements. Classic elements such as traditional porches and roof canopies with wooden columns add depth and interest to the elevation, helps to reduce the scale and also provide useful sheltered sitting areas in close proximity to the main entrance. In

summary the proposed building design responds well to the local distinctiveness, is considered well balanced and contributes to a strong sense of place as the recently submitted 3D illustrations demonstrate. A condition for submission of materials prior to construction is proposed.

- 7.5.7 The layout has also been revised and now includes more generous landscaping which frames the development, especially in the eastern side of the development in relation to the car parking, which is important to retain a verdant character in this green belt location. The layout has also been revised to provide a clear separation between courtyard amenity areas and the adjacent car park/access road, to the benefit of both safety and character. No objections from a character point of view are raised to the proposed solar panels on the side and rear roof slopes.
- 7.5.8 The application proposes removing one tree and four hedgerows to facilitate the development, with some further trees removed due to their condition. The Tree Officer has been consulted on the proposal and raises no objection to the proposal, subject to a number of planning conditions including a comprehensive landscaping scheme and protection of retained trees during construction. Further detail of excavations close to trees is also required, however the Tree Officer is satisfied that a revised Arboricultural Method Statement can be approved by condition. The landscaping scheme condition requires that plants that die or are removed within 5 years of planting are replaced as soon as possible.
- 7.5.9 It is therefore considered that the proposal is acceptable in terms of its impact on character and trees, and in line with the relevant policies, subject to the proposed conditions.

7.6 Impact on residential amenity

- 7.6.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 of the CSDMP states that development should respect the amenities of the adjoining properties and uses. Principle 8.7 of the RDG states that usable, high quality private outdoor amenity space will be required for all new Residential Care Home developments. Principles 8.1 and 8.3 state, respectively, that developments should not result in the occupants of neighbouring dwellings suffering from overlooking or from a material loss of daylight and sun access.
- 7.6.2 At its closest point, the proposal would be sited at approximately 13m from the retained dwelling at Orchard Cottage. There would be one upper floor window facing the garden of Orchard Cottage which serves the end of a corridor. Given the close proximity of this window to this residential dwelling, it is considered that it needs to be obscure glazed and non-opening below 1.7m to prevent overlooking of this dwelling. The other windows on the eastern side elevation are far enough away so as not to cause any overlooking issues. The proximity of the building (approximately 8m from the garden boundary) may cause some loss of light and overshadowing to the garden and part of the rear elevation of Orchard Cottage in the afternoon/evenings. However given the limited height of the proposal and the separation distance, it is not considered that the loss of light would be significant.
- 7.6.3 The proposal would be sited at approximately 20m away from the common boundary with Sundial to the north, a similar distance as the extant building. It would be approximately 37m from the building itself. At this distance, it is considered that the built form of the proposed care home would be respectful of the residential amenities currently enjoyed these neighbours and the windows facing the garden would not cause any significant overlooking given the separation distance. Both Sundial and Orchard Cottage are likely to experience increased noise and disturbance from the care home, however it is not

considered that this increase would be significantly detrimental to amenity, and no objection has been received from the Environmental Health Officer. The impact on Sundial is likely to be reduced compared to the extant permission which included the doctor's surgery.

- 7.6.4 Lynbrook Cottage and Lynbrook are located to the west of the development, with the western side elevation of the proposed building being sited at a minimum distance of approximately 27m at its nearest point from the boundary with Lynbrook Cottage and Lynbrook. There are a number of large, mature trees along the western boundary of the site which would also help to screen the building from these houses. Similar to the conclusions of the extant permission, it is considered that due to the two-storey height of the building, the separation distance and the boundary screening, there would not be any significant adverse impacts upon the occupiers of these dwellings.
- 7.6.5 In terms of noise, the proposed development would generate additional noise over and above the existing levels, mostly in terms of traffic generation and use of the car park. The assessment undertaken on the extant permission concluded that the additional noise would be mainly for the doctor's surgery and this has now been removed from the proposal. Although the current care home would have one additional bedroom when compared to the extant scheme, overall the proposal would be considered an improvement when compared with the extant scheme in noise terms. The Council's Environmental Health Officer has been consulted and raises no objection.
- 7.6.6 In terms of the living conditions for the future occupiers of the care home, the Department of Health "Care Homes for Older People" (2003) sets out the minimum bedroom size and recreational (living/dining rooms, etc.) area space for all care homes. Each bedroom should provide at least 12m² of usable space (not including en-suite accommodation), in accordance with standard 23 of the "Care Homes for Older People". The floor plans show that, as a minimum, each bedroom would provide 14.4 m² of floor space excluding en-suite and therefore the proposal would comply with this. Rooms for sharing should provide a minimum of 16 m² of usable space (excluding the en-suite) and the proposal would also comply with this. In addition, there should be no less than 4.1m² of recreational space per resident, in accordance with standard 20 of the "Care Homes for Older People". The current proposal would provide 9.3m² per resident (as detailed in the Design and Access Statement), therefore meeting this minimum standard.
- 7.6.7 The proposal would also deliver outdoor amenity space in a garden area that would wrap around the building's southern, western and northern elevations. In addition, there would be two distinct courtyard gardens, which would contain sheltered space. Given the response of the Environmental Health Officer, it is not considered that the M3 to the south of the site would cause an unacceptable level of noise or pollution for future residents.
- 7.6.8 The Environmental Health Officer has also been consulted on the proposal in regards to contaminated land and lighting assessments and raises no objections. The noise from the motorway and from the proposed test track activities adjacent upon the proposed care home have also been taken into account and are considered acceptable.
- 7.6.9 As such, the proposal is not considered harmful to the amenities of the neighbouring properties and is considered acceptable in terms of the provision of accommodation for future residents. The proposal is therefore considered to be in line with the relevant policies in this regard.

7.7 Parking and access

- 7.7.1 Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.

- 7.7.2 The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds raises no objections to the proposal and recommends that a number of planning conditions are attached to any granted consent. The conditions proposed are for visibility splays, space laid out for parking and turning, a Construction Transport Management Plan, cycle parking, a Travel Plan and fast charge sockets for electric vehicle charging. It is noted that County Highways objected to the previous outline application due to its unsustainable location, however this time the doctor's surgery has been removed from the proposal and as such less traffic will be generated, and there is already an extant permission on the site.
- 7.7.3 In terms of access, the County Highway Authority is satisfied that suitable and safe access would be provided for vehicles and pedestrians, and the access is proposed in the same location as the extant permission. Chertsey Road is a semi-rural, tree-lined single carriageway road. Although the access is located where the national speed limit of 60mph applies, it is approximately 15m from the start of the 40mph limit approaching Windlesham. Vehicle speeds would be expected therefore to be predominantly significantly less than 60mph. A visibility splay of 2.4 x 137m is available in the westerly direction, which is considered suitable for an 85th percentile speed of 48mph. This accords with speed survey data for Chertsey Road. The access will allow for simultaneous entry and exit of vehicles from the site, ensuring that vehicles would not need to wait to enter from Chertsey Road. A gate is proposed, given the requirement by Natural England to not allow the public into the site for parking, which will be located approximately 19m into the site, further back from the road than the previous gate was proposed. Details of the gate can be secured by condition. The plans also provide for a dedicated footway into the site.
- 7.7.4 In terms of parking and traffic generation, the applicant states that no more than 24 staff would be on site at any one time, and due to staggered shift times for staff, entry and exit times would vary throughout the day. The proposed traffic generation by visitors is also considered by the applicant to be limited, although no specific numbers have been provided, and visiting times would be unrestricted to avoid a large number of visitors at one time. The proposed development would provide 33 parking spaces for a 66-bed facility, including two disabled spaces, as well as a drop off and turning area. This accords with Surrey County Council's adopted parking guidelines of one space per two residents, and the applicant states that it also accords with parking levels at other care homes run by the applicants of a similar size and in similar locations.
- 7.7.5 The extant scheme included a total of 52 spaces including a basement parking area for 20 spaces, which has been removed from this scheme, however more traffic was proposed to be generated by the previous scheme, due to the inclusion of the doctor's surgery. The Transport Assessment from the extant scheme estimated that the care home would generate around 170 vehicle movements (85 trips) per day, and the doctor's surgery around 334 movements (167 trips) per day. Whilst the trip generation is based on estimated figures, it appears from this data that the current scheme would provide more parking in relation to the trips generated than the extant scheme.
- 7.7.6 The CHA further recommends that a Travel Plan is implemented in order to promote and facilitate trips to the site by means other than single occupancy vehicles. This can be secured by planning condition, although a version has been supplied with the application which includes measures such as presenting visitors with a travel pack including information on alternative measures of transport to the site, and a travel planning session for staff as part of their induction. A Travel Plan Co-ordinator will also be appointed. It is noted that a previous Travel Plan was approved by condition, and this proposed similar measures such as encouraging walking and cycling to the site, raising awareness of public transport options, promoting car sharing and sustainable private vehicles (such as electric/hybrid). It did not include provision of a minibus.

7.7.6 The proposal also includes 20% of available spaces to be provided with electric vehicle fast charge sockets in accordance with the standards and ten cycle parking spaces. A new access is also proposed to Orchard Cottage from the car park of the care home, however this is not considered to cause any highways issues. It is therefore considered that the proposal is in line with Policies CP11 and DM11 of the CSDMP, subject to the proposed conditions.

7.8 Impact on flooding

7.8.1 Policy DM10 states that development proposals should at least be risk neutral. Flood resilient and resistant design, as well as appropriate mitigation and adaptation can be implemented where appropriate, so that the level of flood risk is reduced to acceptable levels.

7.8.2 The application site lies within Flood Zone 1, which is an area with the lowest probability of flooding. The LLFA has been consulted on the Drainage Strategy submitted in support of this application and is satisfied with the proposed drainage scheme. Should planning permission be granted for the proposal, the LLFA recommends that planning conditions are attached to any granted consent to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

7.8.3 In light of the above, it is considered that the proposed development is acceptable in terms of its impact on flooding and drainage, and in line with Policy DM10 of the CSDMP.

7.9 Ecology

7.9.1 Paragraph 180 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath, and that where appropriate, new development will be required to contribute to the protection, management and enhancement of biodiversity.

7.9.2 The Surrey Wildlife Trust has been consulted on the proposal and advises that the Ecological Reports submitted in support of this application confirm that the grassland is not lowland grassland, therefore is not a habitat of principal importance. One tree is assessed as being of low bat roosting suitability, therefore will require removal under supervision using soft-felling techniques. The site supports common invertebrate populations, and badgers are considered likely to be absent. As such, the Trust raises no objection to the proposal, subject to a number of planning conditions including a further badger survey prior to commencement, and if badgers are identified then mitigation measures must be secured. SWT also require a Reptile Mitigation Strategy, and no additional external lighting, however it is not considered that this is a reasonable request for health and safety reasons during winter months and it is noted that the previous application included a condition for external lighting to be approved prior to installation, taking into account the impact on wildlife. As such a similar condition is proposed this time.

7.9.3 The Trust further advises that the application should demonstrate 10% biodiversity net gain at the site secured for 30 years, however the biodiversity net gain provisions of the Environment Act 2021 have not yet come into force, as secondary legislation has not yet been made. Given therefore that the 10% is not yet planning policy, it is not considered reasonable to enforce this nor the 30-year management requirement. Policy CP14A requires enhancement of biodiversity however, and the applicant has stated that they will be enhancing biodiversity overall. As such it is considered that the landscaping scheme submitted should demonstrate a measured enhancement, which will be required by

condition. It is noted also that on the extant scheme, a Landscape and Ecology Management Plan was required which set out details of management of the gardens area and proposed ecological objectives, and as such a similar condition can be re-imposed.

- 7.9.4 As such, it is considered that the proposal complies with Policy CP14A of the CSDMP, subject to the recommended conditions.

7.10 Impact on Thames Basin Heaths SPA

- 7.10.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Saved Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Special Protection Area (SPA) and Special Areas of Conservation (SAC) sited within the Borough. Furthermore, it states that no new net residential development will be permitted within 400m of the SPA, however care homes can be acceptable within the 400m buffer, subject to some conditions.
- 7.10.2 The Thames Basin Heaths Avoidance Strategy SPD states that developments within Use Class C2 can be considered to give rise to likely significant effect on the SPA, and will be considered on a case by case basis. It states that the likely activity levels of the residents will be taken into account in assessing whether the development is likely to give rise to a significant effect.
- 7.10.3 Natural England has been consulted on the proposal and originally objected, requesting further information in order to determine the significance of the proposal's impacts on the SPA and the scope for mitigation. The applicant provided additional information addressing Natural England's comments and Natural England have removed their objection, subject to measures being secured to prevent harm to the SPA during construction and that the home allows no pets other than assisted living dogs at the site, no self-contained staff/resident accommodation, that the use is limited to C2 care home, the home shall not be occupied other than by persons of limited mobility, and car parking will be restricted to staff and visitors only.
- 7.10.4 With regard to parking, during the construction period the site would be gated with access controlled by site management, and during the operational phase, a gate will also be used to control access to the site, to prevent anyone other than staff or visitors using the car park. The previous application required a Parking Management Plan to be submitted to set out how the car park will work in terms of preventing unauthorised use, and it is considered that a similar condition can be applied again. The above measures regarding construction and noise can be secured via a condition for a Construction Environmental Management Plan.
- 7.10.5 The applicant states that the residents of the proposed facility will be formally assessed as being in need of personal care on a 24 hour/7 days a week basis, and they will not under any circumstances be permitted to formally recreate independently on the SPA. The applicant has therefore raised concern with the requirement suggested by Natural England for a GP to refer each resident to the home and their condition be assessed that way, as they have stated that residents do not always come via GP referral. It is noted that the condition on the extant permission does not require such a referral and it is considered that the existing condition sufficiently limits the type of residents that can live at the home so as not to add pressure on the recreational use of the SPA. As such it is not considered necessary to include the GP referral requirement of Natural England's suggested conditions, however the existing restriction can be re-applied again. Conditions will also be imposed regarding pets and staff accommodation on site.

- 7.10.6 Given the above restrictions, as well as the provision of the proposed open space on the site, it is not considered therefore that the proposal would give rise to any significant effect on the SPA. Therefore, it is not considered that any contribution towards SANG or SAMM would be required, in line with the conclusions of the extant scheme and taking into account that Natural England have not requested a contribution.
- 7.10.7 The proposal is therefore considered acceptable in terms of its impact on the Thames Basin Heaths SPA, subject to the proposed conditions.

7.11 Other matters

- 7.11.1 The proposed development would provide C2 accommodation and, as such, it would not be CIL liable.
- 7.11.2 Policy DM7 encourages low carbon development. The Energy Statement, submitted in support of this application, advises that the proposal has been designed in such a way to ensure that the development would be energy efficient and maximising the use of sun and shade, to offset the demand for heating and cooling. This would include low energy luminaires and occupancy sensors to be used throughout within the communal areas, corridors, bathrooms, toilets and ensembles to control and minimise the energy used; high levels of insulation in the walls, roofs, floors, doors and windows and the installation of heat recovery systems within the roof space of the proposed home. The proposal would benefit from Ground Source Heat Pumps and Solar Photovoltaic panels, which would contribute to the overall energy requirements of the care home. A variety of measures are proposed in relation to water conservation and water efficiency. The applicant states that overall, the scheme is designed to be as close to carbon neutral as possible. These energy efficient measures would be an improvement from the previous scheme.

8.0 POSITIVE/PROACTIVE WORKING

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included 1 or more of the following:-
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
 - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
 - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
 - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
- 8.2 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this Duty.

9.0 CONCLUSION

- 9.1 The application is considered to be acceptable in terms of its impact on character, residential amenity, trees, highways and parking, ecology, impact on the Thames Basin Heaths SPA and flooding. Whilst it is inappropriate development in the Green Belt, the proposal would be smaller in size than the extant permissions 15/0272 and reserved matters 17/0647, which are a material consideration in determining this application. The

proposal would therefore result in less harm to the openness of the Green Belt than the extant proposal. The proposal also has economic and social benefits, similar to the extant scheme, and it is not considered that any other harm arises from the proposal or that the extant scheme is better than the current proposal in any other regards. The energy efficiency benefits, whilst difficult to quantify, are also likely to be an improvement on the extant scheme due to the provision of solar panels particularly on the current scheme. Whilst the doctor's surgery is not proposed by the current scheme, there was no obligation on the applicant to build this element of the scheme in any case. It is therefore considered that very special circumstances exist that clearly outweigh the harm to the Green Belt, and no other harm has been identified. The application is therefore recommended for approval, subject to conditions.

10.0 RECOMMENDATION

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 plans and documents:

- Proposed Elevations Drawing no GU20 6HL-A-05C received 25.3.22
- Proposed Site Layout Plan Drawing no GU20 6HL-A-03B received 24.3.22
- Proposed Floorplans Drawing no GU20 6HL-A-04 received 18.8.21

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 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. Materials to be agreed will include the proposed brick, tile, guttering and fenestration and render. Once approved, the development shall be carried out using only the approved materials.

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

4. Access to the care home shall be directly from Chertsey Road only using the access as shown on the Proposed Full Site Layout Plan Drawing no GU20 6HL-A-03B received 24.3.22.

Reason: To ensure the permission is implemented in accordance with the terms of the application and so that it does not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

5. No part of the development shall be first occupied unless and until the modified vehicular and pedestrian access onto Chertsey Road has been constructed and provided with visibility splays of 2.4 x 200m in an easterly direction and 2.4 x 137m in a westerly direction in accordance with the approved plans (Drawing no GU20 6HL-A-09) and thereafter the visibility splays shall be kept permanently clear of any obstruction above 1.05m high.

Reason: In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users, in accordance with Policies CP11 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 first occupied unless and until space has been laid out within the site in accordance with the approved plans (GU20 6HL-A-03B) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
Reason: In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
7. No development shall commence until a Construction Transport Management Plan, to include details of:
- a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) HGV deliveries and construction hours of operation
 - g) vehicle routing (taking into account nearby schools)
 - h) measures to prevent the deposit of materials on the highway
 - i) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented in full during the construction of the development. The proposed storage, parking areas and any temporary buildings during the construction period shall be located outside the canopy of any retained tree on site.

Reason: In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

8. The development hereby approved shall not be occupied unless and until facilities have been provided within the site for the secure parking of 10 bicycles in a secure, covered facility, in the location as shown on Proposed Full Site Layout Plan Drawing no GU20 6HL-A-03B received 24.3.22
Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users and to encourage the use of sustainable transport modes, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.
9. Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's 'Travel Plans Good Practice Guide', and in general accordance with the 'Heads of Travel Plan' document. The approved Travel Plan shall be implemented on first occupation and for each and every subsequent occupation of the development, and the Travel Plan shall thereafter be maintained and developed to the satisfaction of the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, and to encourage the use of sustainable transport modes, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

10. The development hereby approved shall not be occupied unless and until 20% of the proposed parking spaces (6 no. spaces) are provided with a fast charge socket (current minimum requirements – 7kw Mode 3 with Type 2 connector – 230v AC 32 Amp single phase dedicated supply) and a further 20% of available spaces are provided with the power supply to provide additional fast charge sockets, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The above spaces shall be thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users and to encourage the use of sustainable transport modes, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

11. The proposed gates at the access from Chertsey Road shall only open inwards towards the site.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

12. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the approved AMS.

The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
- c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), no services shall be dug or laid into the ground other than in accordance with the approved details.
- f) Details of any proposed changes in ground levels across the site from the baseline (shown on drawing nos GU20 6HL-A-02.1 and GU20 6HL-A-02.2) prior to commencement of development, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

Reason: To ensure the continued health of the trees in the interests of amenity and the environmental quality and character of the locality, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

13. No operations shall commence on site in connection with the development hereby approved (including demolition works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the detailed design and construction method statement of vehicular drives, parking areas and other hard surfacing within the root protection areas (as defined by BS5837:2012) of any trees has been submitted in writing and approved by the Local Planning Authority. The design and construction must:
- a) Be in accordance with the recommendations of BS5837:2012.
 - b) Include details of existing ground levels, proposed levels and depth of excavation.
 - c) Include details of the arrangements for the implementation, supervision and monitoring of works

Reason: To ensure the continued health of the trees in the interests of amenity and the environmental quality and character of the locality, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

14. No development 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. These works shall be carried out as approved in full following the completion of the development and retained thereafter in accordance with the approved details.

A) Hard landscaping – These details shall include:

a detailed hard landscape specification and supporting plan(s) to a recognised scale illustrating the proposed positions, dimensions, materials and finished levels of: means of enclosures (embankments, fences, walls and gate piers, etc.); vehicular and pedestrian access, driveways, car parking and footpaths layouts; areas of hard standing; minor structures (sheds, refuse and storage areas etc.); existing and proposed overhead and underground utility services including associated structures (manhole covers, meters, access points, vertical supports etc); ditches, drains and other earthworks (land profiling, excavations/soil mounding etc).

Where proposed hard surfaces/structures/ground levels etc. are to be altered within or introduced into the root protection areas of retained on/off site trees, technical profile drawings will be required to support the hard landscape plan/specifications. Where close-boarded fencing is proposed, holes should be included in the base of 20cm x 20cm to allow badgers to freely move through the site.

B) Soft landscaping – These details shall include:

- a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all plants, shrubs, trees to be planted and areas of turf to be laid.

- a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or program of planting of all trees, shrubs, plants, hedges and grasses etc.

- demonstration that the proposed landscaping results in an increase to biodiversity over and above the pre-development baseline of the site.

This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off site trees, and other operations associated with plant, tree, shrub, hedge and grass establishment.

If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that

originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation

Reason: To ensure a form of development that maintains and contributes positively to the character and appearance of the area, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

15. Parking within the care home car park shall be restricted exclusively to staff and visitors only, and shall not be able to be accessed by members of the public. Prior to commencement of development, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details and elevations of the proposed access gates, intercom or other restrictive entry system, how the car park will be safeguarded during construction of the development, and how the public shall be prevented from using the car park other than in connection with the care home or Orchard Cottage. The use of the car park shall be operated in accordance with the approved Parking Management Plan at all times.

Reason: To ensure the integrity of the SPA is not harmed by the proposal and to ensure the development does not prejudice highway safety nor cause a nuisance to highway users, in accordance with Policies CP11, DM11 and CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 and the National Planning Policy Framework.

16. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted that includes:

- Measures of dust suppression during construction in accordance with best practice
- A comprehensive noise assessment which demonstrates that there will be no impact of construction works on the nearby SPA/SSSI during the breeding season (March – August inclusive) period and setting out any required noise mitigation
- Details of how those involved with the construction will be informed of the status and legal obligations attached to the SPA/SSSI designations and where the boundary of the protected areas are
- Details of how construction activities on site will have regard to the potential presence of terrestrial mammals to ensure that these species do not become trapped in trenches, culverts or pipes.
- Details of timings of vegetation and site clearance so as to avoid the bird nesting season of early March to August inclusive, or if not possible details of inspection by an ecologist within 24 hours of any clearance works. If any nests are found they will need to be left undisturbed with a buffer zone around them until an ecologist confirms they are no longer in use.

Reason: To ensure no harm to protected species as a result of the development, in accordance with Policies CP14A and CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

17. The development hereby approved shall only be used as a Class C2 care home and be occupied solely by persons who are mentally and/or physically frail; have mobility problems; suffer from paralysis or partial paralysis; or are in need of assistance with the normal activities of life. The building shall not be used for any other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other statutory instrument and notwithstanding any provisions either in force or enacted at a later date there shall be no permitted change of use. In addition there shall be no self-contained or staff accommodation within the approved development and there shall be keeping of dogs or cats at the premises at any time (other than assisted living dogs).

Reason: To ensure the integrity of the SPA is not harmed by the proposal in accordance with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 and the National Planning Policy Framework.

18. A survey of the site, and a 30m buffer around the outside of the site, for signs of badgers and badger setts shall be undertaken as close as possible to the start of the development works. If any badger activity is detected, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby approved.
Reason: To ensure no harm to protected species, in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies and the National Planning Policy Framework.
19. No construction works shall commence within 50 metres of the underground pipelines on the site (as shown in their approximate position by Proposed Site Layout Plan Drawing no GU20 6HL-A-03B received 24.3.22) , until an agreed strategy with Exolum Pipeline Systems has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the measures to be undertaken to protect and enable future access to the pipeline within the site, which will be in the form of a construction and operation plan (COMP) together with an agreement for works (known as a Works Consent Agreement). The development shall only proceed in full accordance with these approved details.
Reason: In order that the pipeline is not adversely affected by the proposed development and access can be retained for pipeline maintenance in the interests of health and safety, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
20. No external lighting shall be erected on the site until details of all external lighting proposed are submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification and shall take into account recommendations set out in the Bat Conservation Trust and Institute of Lighting Professionals (2018) Guidance Note 8/18 Bats and Artificial Lighting in the UK. No external lighting shall be erected on the site other than in full accordance with the approved details.
Reason: In the interests of residential and visual amenities, and so as not to cause harm to local wildlife, in accordance with Policies DM9, CP14A and CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
21. Prior to the commencement of the soft landscaping works on the site, a Landscape and Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:
a) Details of the broad habitat types to be retained/created (including species) and how the site will be managed with a view to increasing biodiversity;
b) Details of the locations of ecological enhancement measures including hibernacula, log piles, bird boxes and bat roosting opportunities;
c) Long term landscape and ecological objectives;
d) Details of the ongoing management and maintenance of the gardens and including management responsibilities and timescales, and maintenance schedules.
Reason: In the interests of visual amenity and preserving and enhancing biodiversity in accordance with Policies DM9 and CP14A of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

22. Prior to the commencement of any vegetation clearance works on the site, a Reptile Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Following approval of the strategy, the vegetation clearance and construction of the development shall be undertaken fully in accordance with the approved strategy.

Reason: To ensure no harm to existing wildlife in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

23. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, the National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2.4 l/s.

b) 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.). Confirmation is required of a 1m Network Asset Management Highways Laboratory and Information Centre Merrow Lane Guildford Surrey GU4 7BQ 2 unsaturated zone from the base of any proposed infiltration device to the seasonal high groundwater level and confirmation of half-drain times.

c) Confirmation that the downstream receiving watercourse is in a suitable condition to receive flows from the site.

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

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

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

24. Prior to the first occupation of the development, 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 surface water 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 reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

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

25. The upper floor window on northern end of the eastern side elevation hereby approved, overlooking the garden to Orchard Cottage, shall be constructed in obscure glazing with any opening being no less than 1.7m from the internal finished floor level.

Reason: To prevent overlooking of the garden of Orchard Cottage, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principle 8.1 of the Surrey Heath Residential Design Guide 2017, and the National Planning Policy Framework.

Informative(s)

1. This decision notice is a legal document and therefore should be kept in a safe place as it may be required at a later date. A replacement copy can be obtained however there is a charge for this service.
2. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
5. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
6. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.

7. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
8. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrast-structure.html> for guidance and further information on charging modes and connector types.
9. Installation must be carried out in accordance with the IET Code of Practice for Electric Vehicle Charging Equipment:
<https://www.theiet.org/resources/standards/cop-electric.cfm>
10. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see
<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>
11. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see
www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice
12. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council.
13. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
14. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. please see
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs

15. For the avoidance of doubt, the applicant is advised that it would not be possible to implement the remaining parts of permission 15/0272 and 17/0647 (i.e. the bungalow and doctor's surgery proposed under those permissions) as well as this permission, as the development implemented would not then be fully in accordance with the approved plans.
16. The developer is advised that a standard fee may be charged for input to, and future monitoring of, any Travel Plan.