

17th JANUARY 2023 PLANNING COMMITTEE

6A PLAN/2022/0419

WARD: Knaphill

LOCATION: The Meadows, Bagshot Road, Woking, Surrey, GU21 2RP

PROPOSAL: Erection of a three to four storey building comprising 34x extra care apartments (Use Class C2) with ancillary and communal facilities and provision of landscaping, bin and cycle storage, parking, highway works, access and associated works following demolition of existing buildings

APPLICANT: Churchgate Woking Ltd

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Planning Committee by Councillor Whitehand.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the erection of a building of three to four storeys comprising 34x one and two bedroom 'Extra Care' apartments (Use Class C2). The development includes communal facilities, private and shared external amenity areas and landscaping. The development would provide a total of 25x off-street parking spaces along with cycle, scooter storage and bin storage. The proposal also includes highway works in the form of a modified vehicular access and provision of a traffic island on Bagshot Road. There is an existing two storey building with accommodation in the roof space on the proposal site which is a vacant 24x room care home (C2 Use); this would be demolished as part of the proposed development. A previous proposal for an 'Extra Care' development comprising 54x one and two bedroom extra care apartments (Use Class C2) in a building of up to five storeys has previously been refused by the LPA (PLAN/2020/0492; see Planning History).

	Existing	Previously Refused Application (PLAN/2020/0492)	Proposed
No. of Units	24x (rooms)	54x units	34x units
Density (site area 0.48ha)	50dph	112.5dph	70.8dph
Total Parking Spaces:	15x	27x	25x
Of which are accessible Parking Spaces:	3x	None	4x

PLANNING STATUS

- Green Belt
- Flood Zones 2 and 3 (part of site)
- Surface Water Flood Risk (part of site)
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The proposal site is characterised by a large detached purpose-built 24x bed Care Home dating from the 1990s. The Care Home is understood to have closed in 2013 and has been vacant since; parts of the building have become derelict and parts have been damaged by fire. The building is two storeys with accommodation in the roof space facilitated by dormer windows. The building is brick-built in a simple, traditional style. The remainder of the site is characterised by overgrown scrub and grassland with mature trees predominately at the site boundaries. The site is served by a vehicular access onto Bagshot Road which borders the site to the east and there is a car parking area to the front of the building. There is a change in levels from east to west on the proposal site with the rear of the site being approximately 3.3m lower than that of the front of the site.

The proposal site is in designated Green Belt and is bordered to the south and west by open grassland. To the north of the site is The Nags Head Public House. Further to the north are two storey detached dwellings which form part of the Urban Area.

RELEVANT PLANNING HISTORY

- PLAN/2020/0492 - Erection of a building of up to five storeys comprising 54x one and two bedroom extra care apartments (Use Class C2) with ancillary and communal facilities and provision of landscaping, bin and cycle storage, parking, highway works, access and associated works following demolition of existing buildings – REFUSED 08.04.2021 for the following reasons:

- 01. The proposed development would be significantly greater in size, footprint, height, bulk and massing than the existing development on the proposal site. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would have a significantly harmful impact on the openness of the Green Belt. No Very Special Circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt reason of the proposal's inappropriateness. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS6 'Green Belt', Woking DMP DPD (2016) policy DM13 'Buildings Within and Adjoining the Green Belt' and the National Planning Policy Framework (2019).*
- 02. The proposed development, by reason of its scale, bulk, massing, form, design, plot coverage and the proposed parking and bin storage arrangements would result in an unduly prominent, dominating and incongruous development and a cramped and contrived overdevelopment of the site which would have a significantly harmful impact on the character of the surrounding area. The proposal would consequently fail to improve the character or quality of the area. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing', Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2019).*
- 03. It has not been demonstrated that the proposal would deliver sufficient parking provision, including accessible spaces, visitor or staff parking, or that proposal would not lead to inappropriate on-street parking on Bagshot Road (A322). Consequently the Local Planning Authority cannot be satisfied that there would be no adverse effect upon car parking provision, highway safety or the free flow of traffic within the locality. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS18 'Transport and Accessibility', Woking Development*

17th JANUARY 2023 PLANNING COMMITTEE

Management Policies DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing', Supplementary Planning Document 'Parking Standards' (2018) and the National Planning Policy Framework (2019).

04. *It has not been demonstrated that the proposed development would be able to accommodate sufficient bin storage to meet the needs of the proposed development. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing' and the Council's 'Waste and Recycling Provisions for New Residential Developments' guidance and the National Planning Policy Framework (2019).*

- PLAN/1994/0855 – Erection of a three storey and single storey building to be used as a house for the elderly (24 bedrooms) requiring psychiatric care following demolition of all the existing buildings and alterations – Permitted 02.02.1995
- PLAN/2003/0037 – Erection of a conservatory – Permitted 21.02.2003

CONSULTATIONS

County Highway Authority: No objection subject to conditions.

Tree Officer: No objection subject to conditions.

Drainage and Flood Risk Engineer: No objection subject to conditions.

Surrey Wildlife Trust: No objection subject to conditions.

Scientific Officer: No objection subject to conditions.

Environmental Health: No objection subject to conditions.

Environment Agency: No specific comments to make.

SCC Archaeologist: No objection subject to conditions.

Natural England: No objection subject to appropriate mitigation being secured.

Waste Services: No objection subject to conditions.

Thames Water: No objection.

REPRESENTATIONS

1x objection has been received raising concerns about the following issues:

- Who is the accommodation intended for?
- Will the accommodation be social housing or for private purchase?
- Why is a bistro needed and will it be open to the general public?

30x letters of support have been received, although most of these have been received via a third party website. The representations raise the following points:

- Proposal would provide a much needed housing for the elderly
- The proposal site is close to local amenities and services

17th JANUARY 2023 PLANNING COMMITTEE

- Proposed building would be more modern and an improvement on the current situation
- Proposal would make good use of land
- The site is currently derelict and is an eyesore and detracts from the character of the area
- The site is being used for fly tipping and is currently a health and safety risk
- Proposal would provide employment
- The site is already a developed brownfield site and would have a similar impact to the existing building
- The developer should have to pay for traffic calming measures on the A322
- Proposed building would be in-keeping with the area

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 6 - Building a strong, competitive economy

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 13 - Protecting Green Belt land

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Woking Core Strategy (2012):

Spatial Vision

CS1 - Spatial strategy for Woking Borough

CS6 - Green Belt

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Areas

CS9 - Flooding and Water Management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS12 - Affordable housing

CS13 - Older people and vulnerable groups

CS15 - Sustainable economic development

CS16 - Infrastructure delivery

CS18 - Transport and accessibility

CS19 - Social and community infrastructure

CS20 - Heritage and conservation

CS21 - Design

CS22 - Sustainable construction

CS23 - Renewable and low carbon energy generation

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):

DM1 - Green Infrastructure Opportunities

DM2 - Trees and Landscaping

DM6 - Air and Water Quality

17th JANUARY 2023 PLANNING COMMITTEE

DM7 - Noise and Light Pollution
DM8 - Land Contamination and Hazards
DM11 - Sub-divisions, specialist housing, conversions and loss of housing
DM13 - Buildings in and adjacent to the Green Belt
DM16 - Servicing Development
DM20 - Heritage Assets and their Settings

Supplementary Planning Documents:

Parking Standards (2018)
Design (2015)
Affordable Housing Delivery (2014)
Climate Change (2013)
Outlook, Amenity, Privacy and Daylight (2022)
Thames Basin Heaths Special Protection Area Avoidance Strategy (2022)

Other material considerations:

Strategic Housing Market Assessment (2015)
Annual Monitoring Report 2021-2022 (December 2022)
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Recycling and waste provision – guidance for property developers (Joint Waste Solutions)
Site Allocations Development Plan Document (October 2021)
Sustainability Appraisal Report (incorporating Strategic Environmental Assessment) to accompany the Regulation 19 Version of the Site Allocations Development Plan Document (October 2018)
Five Year Housing Land Supply Position Statement (April 2019)
Woking Character Study (2010)
Surrey Landscape Character Assessment: Woking Borough (2015)
National Planning Practice Guidance
Commissioning Statement Accommodation with care, residential & nursing care for older people - Woking Borough Council April 2019 onwards
Saved South East Plan Policy (2009) NRM6 - Thames Basin Heaths SPA
Housing LIN - Design Principles for Extra Care Housing (3rd edition) – June 2020

BACKGROUND:

A previous proposal for an 'Extra Care' development comprising 54x one and two bedroom extra care apartments (Use Class C2) in a building of up to five storeys has previously been refused by the LPA (PLAN/2020/0492; see Planning History). The current proposal is also for an 'Extra Care' development but differs from the previous proposal in the following ways:

- 34x units are proposed opposed to 54x (20x fewer units)
- The proposed building is smaller than the previously refused scheme (approximately 38% smaller and 3-4 storeys opposed to 3-5 storeys)
- The form and design has been amended; the proposed building largely comprises pitched roof elements opposed to flat roofs

Amended arboricultural and ecological information was received on 30.08.2022 during the course of the application.

Amended plans showing amended bin storage arrangements were received on 07.11.2022

The proposal has been assessed on its own merits as set out below.

PLANNING ISSUES

'Extra Care':

1. The applicant describes the proposed development as C2 use as an 'Extra Care' facility. National Planning Practice Guidance (PPG) states that:

"There are different types of specialist housing designed to meet the diverse needs of older people, which can include:...

Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses"

(Paragraph: 010 Reference ID: 63-010-20190626; Revision date: 26 June 2019)

Use Class C2 or C3:

2. Use Class C2 (residential institutions) is defined by the Use Classes Order (1987) (as amended) as *"Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre"*. Article 2 of the Order defines 'care' as *"personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder..."*.
3. Use Class C3 (dwellinghouses) is defined as *"Use as a dwellinghouse (whether or not as a sole or main residence) —*
(a) by a single person or by people living together as a family, or
(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents)"
4. It is important to establish whether the proposed development would genuinely constitute Use Class C2 or whether it is more akin to a C3 use. If the proposal were to constitute a C3 (dwellinghouse) use, this would significantly alter how the proposal should be assessed and what material considerations should be taken account of. For example:
 - A C3 development would be liable to make contributions towards affordable housing
 - A C3 development would be liable to make a CIL contribution
 - A C3 development would have a greater parking requirement; the Council's Parking Standards SPD (2018) sets minimum standards for C3 development opposed to maximum standards for C2 uses
 - A C3 development would result in the loss of the existing C2 use, contrary to the Development Plan
5. The National Planning Practice Guidance states that:

"It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist

17th JANUARY 2023 PLANNING COMMITTEE

housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided"

(Paragraph: 014 Reference ID: 63-014-20190626 Revision date: 26 June 2019)

6. The applicant states that the proposal would constitute a C2 use and puts forward the following points to justify this:
 - Prospective residents would be required to have a 'care assessment' to determine the level of care required
 - Residents would be provided with at least a 'minimum care package'
 - The units are designed for more frail and less mobile residents and include wet rooms, en-suites, wider hallways, accessible plug sockets, door entry systems, accessible kitchens and dementia and mobility-friendly landscaped areas
 - The development incorporates communal facilities including a bistro, lounge, hairdressing/treatment room, activity room and gym/therapy room. The proposal also includes a buggy store for mobility scooters.
 - The provision of around 10x staff including nursing care, cleaning, maintenance, catering and hospitality
 - Apartments are generally sold on a long leasehold basis to ensure entry criteria are met on re-sale and service charges are applied
7. In addition to the above the applicant has further indicated that they would be willing to enter into a S106 Agreement to secure the following:
 - A primary resident is a person who is 65 years or older and is in need of at least 2x hours of personal care a week.
 - Obligatory basic care package to include a range of services that are needed by reason of old age or disablement following a health assessment.
 - The health assessment is to be undertaken by the partner domiciliary care agency who must be registered by the Care Quality Commission.
 - Provision for a periodic review of the health assessment to establish whether a greater level of care has become necessary. The domiciliary care agency would also provide a 24-hour monitored emergency call system
8. Case law and other similar developments in the Borough have established that the above factors combined are sufficient to mean that the proposed development would fall within Use Class C2.
9. Each residential unit would be fully self-contained. As individual units it would not be unreasonable to consider each of the separate units of accommodation as dwellings as they would have the form, function and facilities associated with a dwelling. However the development proposed would comprise more than the provision of individual units, but rather the collection of a number of units, the occupation of which would be subject to restrictions secured through S106 Legal Agreement as discussed above and would also have access to communal facilities.
10. The previously refused application was considered to fall within Use Class C2 by the LPA on the basis of the above and the current proposal is considered to constitute the same type of accommodation with a similar range of communal facilities.
11. In the context of the above, it is considered that the proposed development would comprise a C2 use rather than a C3 use, subject to the wording of a S106 Agreement and conditions which could be applied if the proposal were considered otherwise acceptable.

Principle of C2 Use:

12. The existing building, although vacant, comprises an existing C2 use. Woking Core Strategy (2012) policy CS13 'Older people and vulnerable groups' states that

"The Council will support the development of specialist accommodation for older people and vulnerable groups in suitable locations. The level of need will be that reflected in the latest Strategic Housing Market Assessment. This will include the provision of new schemes and remodelling of older, poorer quality sheltered housing which is no longer fit for purpose."

Existing specialist accommodation will be protected unless it can be demonstrated that there is insufficient need/demand for that type of accommodation.

New specialist accommodation should be of high quality design, including generous space standards and generous amenity space"

13. The National Planning Practice Guidance describes the need to provide housing for older people as 'critical'. Paragraph 62 of the NPPF (2021) states that the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies. As the proposed development would comprise a C2 use, there would be no loss of an existing C2 use. The proposal is therefore considered acceptable in principle in land use terms.

Impact on Green Belt:

14. The proposal site is in designated Green Belt and as such Woking Core Strategy (2012) policy CS6 'Green Belt', Woking DMP DPD (2016) policy DM13 'Buildings Within and Adjoining the Green Belt' and section 13 of the NPPF (2021) apply and these policies seek to preserve the openness of the Green Belt. The NPPF (2021) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 of the NPPF (2021) sets out the five purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

15. The NPPF (2021) establishes that the erection of new buildings in the Green Belt is 'inappropriate development'; exceptions to this are listed in Paragraph 149. The NPPF (2021) goes on to state that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.

17th JANUARY 2023 PLANNING COMMITTEE

16. One of the exceptions listed in Paragraph 149 is *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*. Another of the exceptions listed in Paragraph 149 is the following:

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”

17. In Turner v SSCLG [2016] EWCA Civ 466 it was established that the concept of ‘openness’ is capable of having both a spatial and visual dimension and that the decision maker should consider how the visual effect of the development would bear on whether the development would preserve the openness of the Green Belt. Furthermore, current Planning Practice Guidance sets out what factors can be taken into account when considering the impact on openness and includes *“the degree of activity likely to be generated, such as traffic generation”* and states that *“openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”* (Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22.07. 2019).

Inappropriate Development:

18. For the proposed development to be considered ‘appropriate development’ in the Green Belt the proposed development must therefore not be considered materially larger than the one it replaces or must not be considered to have a greater impact on the Green Belt than the existing development. A comparison between the existing development, the previously refused development (PLAN/2020/0492) and the currently proposed development in terms of the relevant uplift in volume, floor area, footprint, plot coverage and extent of hardstanding is outlined below.

	Existing Development	Previously Refused Development (PLAN/2020/0492)	Previously Refused Percentage Uplift	Proposed Development	Proposed Percentage Uplift
Volume (Approx.)	3,333m3	16,769m3	+403%	10,417m3	+212.5%
Floor Area	981m2	5,858m2	+497%	3,554m2	+262.3%
Footprint	624m2	1,586m2	+154%	984.5m2	+57.8%
Plot coverage (%) (Approx.)	12.5%	31.7%	+154%	19.7%	+57.6%
Amount of Hardstanding (Approx.)	542m2	760m2	+40%	760m2	+40%

19. It is clear that the proposed development would be materially larger than the existing development and would have a greater impact on the openness of the Green Belt

compared to the existing development on the site. This is acknowledged by the applicant. The proposal does not fit within any of the exceptions listed in Paragraph 149 of the NPPF (2021) and the proposal would therefore constitute inappropriate development in the Green Belt which is harmful by definition.

Green Belt Harm and Loss of Openness:

20. The proposed building would be up to four storeys in height, albeit with one of the storeys partially excavated into the ground. The proposed building would therefore be greater in height, bulk and massing compared to the existing building which is two storeys with accommodation in the roof space. The building would be partially built into the ground with a basement level; this means there is a requirement for retaining walls. This is considered contrived and urbanising in effect. Whilst the proposed building adopts a generally traditional form and design approach, the size, bulk and massing of the proposed building is considered to contrast starkly with the prevailing development in the area and would result in a significant uplift in built development on the proposal site which would significantly alter the character of the site.
21. The proposal site is bordered on two sides by open undeveloped land and the proposal site plays an important role in marking the transition between Green Belt and the Urban Area to the north; the proposal site is the first element of built development on Bagshot Road when travelling north from Brookwood.
22. The sensitivity of this site is highlighted in the Sustainability Appraisal of the Site Allocations DPD, which, with regard to its Green Belt function, states the following;

“Land is considered to be of critical importance to Green Belt purposes by preventing development that could lead to merger with scattered development of Knaphill and Brookwood; and prevents encroachment of built-up area of Knaphill on a distinctive local landscape (a valley landscape with strong identity)”
23. The proposal site, along with the neighbouring Public House assist in this transition through the large amounts of open space surrounding the buildings. In the proposal site the majority of the site currently comprises open landscaped areas; the change in levels on the site is addressed by modest banks and brick steps. To the rear of the site where it meets open land the site blends with the neighbouring landscape through the amount of open space and general absence of development. The proposal would result in a greater footprint and spread of development across the site and would excavate into the ground. Compared to the previously refused scheme, the proposed development would have a greater separation to the rear boundary and a greater amount of landscaped land retained around the building. Nonetheless, the proposed building would have a greater footprint, bulk and massing compared to the existing building.
24. The applicant places great emphasis on the proposed development being well-screened by vegetation. However, it is a well-established principle that the particular visibility of a development does not determine the degree to which a development would result in the loss of openness. The NPPF (2021) makes clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Vegetation can die or be removed over time, new landscaping can take considerable time to mature, and the screening effects of vegetation is much reduced in the winter months.

17th JANUARY 2023 PLANNING COMMITTEE

25. Considering the points discussed above, the proposal is considered to result in a harmful loss of openness to the Green Belt which would conflict with the fundamental aim and purposes of the Green Belt.

Very Special Circumstances (VSC):

26. As the proposal would constitute inappropriate development in the Green Belt, it remains to be considered whether 'Very Special Circumstances' (VSC) exist which 'clearly outweigh' the harm otherwise caused by the development, by reason of its inappropriateness. The NPPF (2021) makes clear that 'substantial weight' should be given to any harm to the Green Belt.
27. The applicant acknowledges that the proposal would constitute inappropriate development in the Green Belt but considers that there are VSC which outweigh this harm. The applicant's VSC arguments are summarised and discussed below.

VSC Argument 1 – Need for Extra Care Accommodation:

28. Woking Core Strategy (2012) policy CS13 'Older people and vulnerable groups' states that:

"The Council will support the development of specialist accommodation for older people and vulnerable groups in suitable locations. The level of need will be that reflected in the latest Strategic Housing Market Assessment. This will include the provision of new schemes and remodelling of older, poorer quality sheltered housing which is no longer fit for purpose"

29. The latest Strategic Housing Market Assessment (SHMA), which is currently from 2015, has identified a need for 918x specialist homes for older persons from 2013-2033. Whilst the Council has allocated one site (Broadoaks) in the Site Allocations DPD to help fulfil this objective, currently, the Council's main approach is to meet need through in-principle support of schemes as and when they come forward in suitable locations.
30. So far, from 2013-2022, 319x units for older people have been completed. At least a further 351x units for older people are expected to be delivered, with construction having commenced for developments such as Broadoaks (PLAN/2018/0359) and Sheer House (PLAN/2021/0059 and PLAN/2022/0266). This will amount to 670x completions towards the target of 918x units to be delivered by 2033. Therefore, the development pipeline demonstrates that the Council is currently in a secure position in meeting this delivery target.
31. As highlighted by the applicant, the scheme will contribute to the supply of Class C2 'extra care' units for older people. Although monitored, Policy CS13 does not commit to, or provide requirements for, the provision of specialist accommodation in this sub-category. Of the 319x units which have been completed, 169x of these were Use Class C2 with the remainder being Use Class C3.
32. In addition to the above, Surrey County Council has published a Commissioning Statement (Accommodation with care, residential & nursing care for older people) for Woking Borough Council for April 2019 onwards. The Commissioning Statement calculates that as at 1st April 2019, future demand for 'extra care' accommodation for 2035 will be 313x units.

17th JANUARY 2023 PLANNING COMMITTEE

33. Given the above, there is not considered to be a shortage of C2 accommodation in the Borough of Woking.
34. The applicant has produced their own Need Assessment which they claim demonstrates an unmet need for extra-care units. However the premise of this assessment is to analyse the population within a 5km radius 'Target Area' around the proposal site. This method encompasses largely rural areas and a large part of the radius is outside the Borough of Woking. This is an entirely different approach to the Council's own evidence which establishes the need within the Borough of Woking. The applicant's methodology ignores the contribution made by developments at Broadoaks and Sheer House in West Byfleet and at Ian Allan Motors in Old Woking for example. The Need Assessment is not considered to adequately demonstrate a shortage of extra care accommodation and does not use a recognised methodology.
35. Whilst there may be demand for such accommodation, this does not equate to a critical shortage which could amount to VSC. There is not considered to be a shortage of C2 accommodation in the Borough of Woking. Even if there was considered to be an identified shortage of C2 accommodation, this would not outweigh the harm which would be caused by the proposed development, given the harm to the Green Belt, and other harm, which has been identified.

VSC Argument 2 – Contribution to housing supply:

36. The applicant argues that the proposal would make a contribution towards the housing supply in the Borough. The Borough can currently demonstrate a five year supply of housing land; the Borough currently has a 9.0 year supply of housing land as evidenced by Council's latest Housing Land Supply Position Statement. There is not therefore an identified shortage in housing land supply in the Borough.
37. The applicant refers to the benefits of prospective residents of the development 'downsizing' from larger homes thereby freeing up housing stock. Limited weight is afforded to this.
38. The current proposal is not considered unacceptable in principle in land use terms and refusal of the current proposal does not preclude a development of a more appropriate scale being brought forward on the proposal site. Whilst the proposal would contribute towards housing supply and housing choice in the Borough, this is not considered to constitute a VSC which would outweigh the identified harm to the Green Belt.

VSC Argument 3 – Re-use of derelict site and enhancement to character of the area:

39. The existing building on the site is partially derelict and the site is generally in an overgrown and poor visual state. However as discussed above, refusal the current application does not preclude a more appropriate development being brought forward on the proposal site. The site has a lawful C2 use and there is nothing to prevent the building being repaired, renovated and occupied as such.
40. There is no in-principle objection to the redevelopment of the proposal site in an appropriate manner and the impact of the existing visual state of the site is temporary in nature. In any case, the site is currently well-screened from public vantage points by site hoarding and vegetation. The applicant has control over the proposal site and has the ability to maintain the building and the soft landscaping on the site if they wish and have the ability to secure the site and building more effectively.

17th JANUARY 2023 PLANNING COMMITTEE

41. In any case, give the arguments discussed in the 'Impact on Character' section, the proposal is considered to result in a harmful impact on the character of the wider area which would be more permanent and irreversible in nature, compared to the temporary impact of the current state of the building.

VSC Argument 4 – Employment opportunities and economic benefits

42. The submission is accompanied by an Economic and Social Impact Assessment which argues that the proposed development would generate economic benefits during the construction and operational phase of the development. The applicant suggests this would include approximately 25x full-time jobs over 1.5x years during construction and 10x full-time jobs on site when operational.
43. The economic benefits are considered likely to be modest in nature and only moderate weight is attached to this consideration. The economic benefits of the construction phase would be intrinsically temporary in nature whereas the harm to the Green Belt and other harm would be permanent and irreversible in nature.
44. Again however, refusing the current application would not preclude a more appropriate development scheme coming forward which would generate similar employment opportunities and economic benefits. Only moderate weight is therefore attached to this argument, and this is not considered to constitute a VSC which would outweigh the harm to the Green Belt and other harm.

VSC Argument 5 – Social/wellbeing benefits:

45. The applicant argues that the proposed scheme would have social/wellbeing benefits in providing accommodation for older people thereby enhancing their quality of life and reducing pressure on the NHS. Again however, refusing the current application would not preclude a more appropriate development scheme coming forward with the same social benefits. The proposal site already has a lawful C2 use and could be used as such in any case. Limited weight is therefore afforded to this benefit.

VSC Summary:

46. The proposed development is considered to result in a harmful loss of openness to the Green Belt which would conflict with the fundamental aim and purposes of the Green Belt. The NPPF (2021) makes clear that 'substantial weight' should be given to any harm to the Green Belt.
47. Furthermore, as discussed elsewhere in the report, the proposal would result in a contrived overdevelopment of the proposal site which would result in a harmful impact on the character of the surrounding area.
48. In the context of this Green Belt harm and other harms identified, none of the above arguments, either alone or in combination are considered to amount to Very Special Circumstances which would clearly outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness and harm to openness.

Conclusion:

49. The proposal represents inappropriate development in the Green Belt which would be harmful by definition and would have a harmful impact on the openness of the Green Belt. No Very Special Circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt by reason of the proposal's

17th JANUARY 2023 PLANNING COMMITTEE

inappropriateness. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS6 'Green Belt', Woking DMP DPD (2016) policy DM13 'Buildings Within and Adjoining the Green Belt' and the National Planning Policy Framework (2021).

Impact on Character:

50. Woking Core Strategy (2012) Policy CS21 'Design' requires development proposals to *"respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land"*. Policy CS24 'Woking's landscape and townscape' requires development proposals to provide a 'positive benefit' in terms of landscape and townscape character and local distinctiveness. In addition to the above, Woking DMP DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing' states that specialist housing proposals will be permitted only where (inter alia) *"the proposal does not harm the residential amenity or character of the area..."* and *"there would be no detrimental impact on the visual appearance of the area"*.
51. Section 12 of the NPPF (2021) states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* and requires development proposals to *"add to the overall quality of the area..."*, to be *"visually attractive as a result of good architecture..."* and *"sympathetic to local character and history, including the surrounding built environment..."*.
52. The proposal site is in the Green Belt and is bordered by open, undeveloped Green Belt land to the rear (west), side (south) and opposite the site to the east. To the north of the site is a Public House which is positioned in a generously sized plot. Further to the north along Bagshot Road are two storey detached dwellings which are positioned in the designated Urban Area. There is dense tree cover along Bagshot Road and the proposal site also features various mature trees and vegetation. The surrounding area is therefore sparsely populated with built development and has a distinctly open and rural appeal where trees and open, undeveloped land predominate over the built form.
53. The Public House immediately adjoining the site to the north is a two storey building built in a traditional style dating from the Victorian/Edwardian era with a mixture of render, tile hanging and clay roof tiles and a hipped roof design. Dwellings further to the north on Bagshot Road are also traditional in style and proportions and are finished in the same materials with hipped roofs.
54. The existing building on the proposal site is a two storey purpose-built care home building dating from the 1990s; accommodation is contained within the roof space facilitated by dormer windows. The hipped roof design, predominately two storey nature and traditional overall design approach and proportions assist in limiting the prominence of the existing building and helps to integrate the existing building into the street scene.
55. The proposed building has been designed with traditional forms in the form of gabled roof elements, chimneys and traditional proportions but with contemporary materials and detailing, including glazed balconies and projecting window surrounds. The proposed building would be predominately finished in brick. The proposed development is considered to adopt an appropriate design approach and material palette for this location.

17th JANUARY 2023 PLANNING COMMITTEE

56. The proposed development is for a building of up to four storeys. When viewed from Bagshot Road the development would have three storeys and when viewed from the open land to the south and west up to four storeys would be apparent. The development that does exist in the area is predominately two storeys; there are no examples of three, or four storey buildings in the area. Two storey development predominates which is unsurprising considering the Green Belt location of the proposal site. A building of up to four storeys is considered to be out of scale and out of character with the prevailing building heights and scale of development in the area and would be clearly visible and prominent in the area.
57. There is a change in levels across the site from the front to the rear. The existing building is primarily positioned on the higher part of the site to the front with the rear portion of the building being single storey with a relatively shallow hipped roof. The rear of the site primarily comprises soft landscaping. These factors allow the current development on the site to blend seamlessly into the naturalistic landscape to the rear of the site.
58. Compared to the previously refused scheme, the proposed development would not extend significantly into the currently undeveloped land to the rear the site and the proposal is considered to retain an acceptable level of open landscaped areas in visual amenity terms. The building would have up to four storeys, one of which is partially set into the ground, however this would clearly be appreciable around the site and the proposed courtyard amenity space would be sunken into the ground with the need for retaining walls. This is considered to give an overly contrived and engineered appearance which is at-odds with the naturalistic setting of the proposal site.
59. The application is accompanied by a Landscape and Visual Impact Appraisal which concludes that the proposal would have an acceptable impact on the landscape however this assessment includes a limited number of viewpoints where views of the existing building are already limited and the viewpoints are taken in summer when trees and vegetation are in full leaf. The applicant places great emphasis on the reliance on trees and landscaping to screen the development. Landscaping cannot be relied upon to permanently screen a development; soft landscaping and trees may die or may be removed over time. New and replacement landscaping would take some time to mature and the screening effects of landscaping is greatly reduced in the winter months. A reliance on the need to screen the proposed development from view implies that the development would be harmful and fails to reflect the character of the area. This is considered indicative of a contrived form of development.
60. The proposed development, by reason of its scale, bulk and massing would result in an unduly prominent, dominating and incongruous development and a contrived overdevelopment of the site which would have a harmful impact on the character of the surrounding area. The proposal would consequently fail to improve the character or quality of the area. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing', Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2021).

Transportation Impact

Car Parking:

61. The previously refused application was refused partly due to the limited amount of parking provided (see Planning History). The previous proposal was for 54x units with

17th JANUARY 2023 PLANNING COMMITTEE

a total of 27x spaces and no dedicated accessible, visitor or staff parking. This equated to a parking ratio of 0.5x spaces per unit.

62. The current proposal is for 34x units (17x one bedroom and 17x two bedroom) and the proposal includes a car park with a total of 25x parking spaces, including 4x accessible spaces, which equates to a parking ratio of 0.74x spaces per unit.
63. The Council's Parking Standards SPD (2018) set minimum parking standards for residential development (Use Class C3) of 0.5x spaces per one bedroom flat and 1x space per two bedroom flat. For uses falling within Use Class C2, the SPD sets maximum standards for Care Homes of 1x space per two residents or an individual assessment. For sheltered housing the SPD sets maximum standards of 1x space per unit or an individual assessment.
64. If the proposal is assessed against the minimum parking standards for C3 developments, this would equate to a minimum requirement of 25.5x spaces. The SPD also encourages the provision of visitor parking where appropriate at a rate of 10% of the total number of parking spaces although there is no minimum requirement. The proposed provision of 25x spaces would therefore result in a shortfall of 0.5x spaces against the minimum standards set out in the SPD for C3 developments.
65. The proposal site is on Bagshot Road (A322). Whilst there is a 30mph speed limit, vehicle speeds are relatively fast as acknowledged by the submitted Transport Statement. There are no opportunities for on-street parking along Bagshot Road and any such parking is likely to pose a highway safety risk. There is therefore no capacity for safe on-street parking in the vicinity for any overflow parking arising from the proposed development. The submitted Transport Statement argues that for this reason, overspill parking would not take place on Bagshot Road.
66. Whilst located in the Green Belt, the proposal site is in a relatively accessible location in terms of local amenities; there is large supermarket along with an ATM and dental surgery positioned on Redding Way to the north which is approximately a five minute walk from the proposal site. The proposal site is also approximately a two minute walk from a Petrol Station on Bagshot Road to the south. The Basingstoke Canal is also located approximately a two minute walk to the south and this provides a pedestrian and cycle route through the Borough and there are a number of bus stops along Bagshot Road. However the pedestrian route to the amenities described above is along Bagshot Road which is a busy 'A' road with relatively fast vehicle speeds and the road also follows an incline from south to north. The pedestrian route from the site is therefore unattractive in nature.
67. In seeking to justify the level of parking provision, the submitted Transport Statement refers to similar developments around the country which have a similar parking ratio. However no information has been provided about whether the parking in those developments is sufficient or whether this has resulted in parking stress in the local area.
68. The application is also accompanied by a Travel Plan which detailed measures to promote sustainable methods of transport amongst staff and residents. The Travel Plan argues that the provision of a limited number of parking spaces is in itself a method of reducing demand for parking as a 'restraint-based' approach. Other identified measures are the provision of cycle and scooter storage, the provision of a live information board displaying bus times and signposting to public transport. Measures also include the provision of an information booklet to residents and a staff car sharing scheme.

17th JANUARY 2023 PLANNING COMMITTEE

69. It is considered likely that residents of an 'Extra Care' development would have a relatively high degree of dependence and are therefore likely to be car owners compared to a care home providing a high level of care provision for example. The proposal would have a parking ratio 0.74x spaces per unit however this makes no allowance for visitor or staff parking. This means at least 9x of the units would have no parking provision and as discussed above, there is no capacity for safe on-street parking along Bagshot Road. Notwithstanding the above, in accordance with the stricter minimum parking standards for C3 developments described above, the proposal would result in a shortfall of only 0.5x spaces compared to the minimum parking standards. The County Highway Authority has reviewed the proposal and raises no objection subject to conditions. On this basis, the proposal is, on balance, considered to achieve an acceptable level of parking provision.

Accessible spaces:

70. Whilst the Parking Standards SPD (2018) does not set specific standards for accessible parking spaces in residential developments, it is considered that the provision of accessible parking spaces is particularly important given the target demographic of the development. Four of the proposed parking spaces are identified as being accessible spaces, which equates to 16% of the total. This is considered an acceptable level of provision in this instance.

Cycle storage:

71. The proposed plans identify the provision of a cycle store which identifies storage for 10x cycles and a buggy store for 7x mobility scooters. The Parking Standards SPD (2018) does not set minimum cycle storage requirements for C2 uses but requires an individual assessment. Further details of cycle storage could be secured by condition if the proposal were considered otherwise acceptable.

Impact on Highway Network:

72. The submitted Transport Statement calculates that the proposal would result in 110x net additional two way vehicle trips, compared to the existing care home use which generates 49x two way trips. The Transport Statement also includes a traffic survey of Bagshot Road and concludes that the additional traffic generated by the proposed development would have a minimal impact on the highway network.
73. The Transport Statement acknowledges that whilst there is a 30mph speed limit on Bagshot Road, vehicle speeds are typically in excess of this which impacts on the ability to achieve adequate visibility splays. In order to reduce vehicle speeds to an acceptable level, highways works in the form of a traffic island to the north along Bagshot Road to act as a traffic calming measures is proposed. This is considered acceptable by the County Highway Authority who raise no objection on highway safety grounds.
74. The application demonstrates that service vehicles including refuse vehicles, ambulances and fire tenders would be able to enter and leave the site in forward gear subject to the existing access being modified. Overall the proposal is considered to have an acceptable impact on highway safety and the highway network.
75. Overall, the proposal is considered to have an acceptable transportation impact.

Waste Management:

76. Woking Core Strategy (2012) policy CS21 'Design' requires new developments to incorporate the provision of storage of refuse and recycling whilst Woking DMP DPD

17th JANUARY 2023 PLANNING COMMITTEE

(2016) policy DM11 states that residential institutions should provide adequate enclosed storage space for recycling and refuse. The Council's Waste Contractor (Joint Waste Solutions) has recently published their 'Recycling and waste provision – guidance for property developers' document which sets out bin storage and collection requirements for different types of development. In accordance with the guidance, a flatted development of 17x one bed and 17x two bed flats requires a minimum of 5x 1,100 litre bins for general refuse, 5x 1,100 litre bins for recycling and 6x 140 litre bins for food waste.

77. The proposed plans show an external bin store and an integral bin store which are sufficient in size to meet the above requirement. Space is also shown for clinical waste storage. The integral bin store is within 10m of the collection point as required by the above guidance. Bins would need to be moved to the integral bin store on collection day; details of a waste management plan could be secured by condition if the proposal were considered otherwise acceptable. Overall, the proposal is considered acceptable in terms of waste storage and management.

Impact on Neighbours:

78. The proposal site borders open land to the south and west and the adjacent neighbour to the north is a Public House. Records indicate that there is a flat above the Public House at first floor level. Neighbouring first floor windows are positioned approximately 29m from the boundary of the proposal site and the proposal would pass the '25° test' with these windows as set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2022). This separation distance is considered to result in an acceptable relationship with this neighbour in terms of loss of light, overbearing and overlooking impacts.
79. There are no other residential neighbours which border the site or any that are positioned in close proximity to the proposal site; the next nearest residential neighbours are St Barbara on Bagshot Road which is positioned approximately 76m from the proposal site to the north and No.59 Percheron Drive which is approximately 85m away to the north-east. These separation distances to neighbours are considered sufficient to avoid an undue loss of light, overbearing or overlooking impact.
80. Overall, the proposal is therefore considered to form an acceptable relationship with surrounding neighbours.

Housing Mix:

81. Core Strategy (2012) policy CS11 requires proposals to address local needs as evidenced in the Strategic Housing Market Assessment (SHMA) which identifies a need for family accommodation of two bedrooms or more. The most recent published SHMA (September 2015) is broadly similar to the mix identified in policy CS11. However policy CS11 goes on to state that "*The appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme*" and the reasoned justification for policy CS11 goes on to state that "*Lower proportions of family accommodation (2+ bedroom units which may be houses or flats) will be acceptable in locations in the Borough such as the town and district centres that are suitable for higher density developments*". In addition to the above, policy CS13 'Older people and vulnerable groups' requires that 50% of C2 schemes should have two bedrooms.
82. The proposed development would deliver the number and proportion of dwellings set out below.

17th JANUARY 2023 PLANNING COMMITTEE

Unit Type	No. of Units	Percentage of Total
One Bedroom	17	50%
Two Bedroom	17	50%
Total	34	100%

83. The proposed development is considered to achieve an appropriate mix of one and two bedroom units which is considered broadly consistent with the aims of Woking Core Strategy (2012) policies CS10 and CS13.

Impact on Trees:

84. The proposal site features various mature trees, predominately close to the site boundaries which are considered to have significant public amenity value. The application is accompanied by arboricultural information which assesses the quality of the trees on the site and details how retained trees would be protected during construction.
85. The submitted information identifies the presence of 50x trees and groups of trees on the proposal site. 32x of these trees are identified as being retained and protected during construction. The remaining 18x trees are proposed to be removed to accommodate the proposed development. Of these trees 13x are identified as 'C' category trees (low quality), 3x are 'B' category (moderate quality), 1x is 'A' category (high quality) and 1x is 'U' category (dead, dying or with defects). Whilst the loss of an 'A' category tree is undesirable, overall the proposal would retain a high proportion of existing trees. Details of soft landscaping including tree planting could be secured by condition if the proposal were considered otherwise acceptable.
86. The Council's Tree Officer has been consulted and raises no objection on arboricultural grounds subject to conditions. Overall the proposal is considered acceptable on arboricultural grounds.

Standard of Accommodation:

87. Section 12 of the NPPF (2021) states that planning decisions should ensure that a 'high standard of amenity' is achieved for existing and future residents and the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2022) seeks to ensure satisfactory levels of outlook for all residential development. In addition, Core Strategy (2012) policy CS13 states that new specialist accommodation should include generous space standards and generous amenity space provision.
88. The Housing Learning and Improvement Network (LIN) has developed the HAPPI (Housing for our Ageing Population Panel for Innovation) principles to apply to Extra Care developments to ensure high quality accommodation, which include the following:
- Space and flexibility
 - Daylight in the home and in shared spaces
 - Balconies and outdoor space
 - Adaptability and 'care ready' design
 - Positive use of circulation space

17th JANUARY 2023 PLANNING COMMITTEE

- Shared facilities and 'hubs'
 - Plants, trees, and the natural environment
 - Energy efficiency and sustainable design
 - Storage for belongings and bicycles
 - External shared surfaces and 'home zones'
89. The proposal includes 17x one bedroom units and 17x two bedroom units and all of the units would comply with the minimum floor space standards set out in the National Technical Housing Standards (2015). All of the proposed units would have access to either private projecting balconies or the communal landscaped garden and courtyard garden. In addition to external amenity areas there are internal communal amenity areas including space for a gym/therapy room, hair salon, lounge, activity room and bistro with associated kitchen.
90. The application is accompanied by a Noise Report which assesses the noise environment of the proposal site and the most significant source of noise was found to be traffic noise from Bagshot Road. The report concludes that the proposed units would achieve an acceptable noise environment subject to recommendations. The Council's Environmental Health Team has reviewed the proposal and raises no objection subject to conditions.
91. Overall the proposed development is considered to deliver sufficient internal and external amenity spaces and the proposal is considered to achieve an acceptable standard of accommodation for future residents.

Affordable Housing:

92. Woking Core Strategy (2012) policy CS12 'Affordable Housing' requires all new residential developments of 15x dwellings or more to provide 40% of the dwellings as affordable housing. However the Affordable Housing Delivery SPD (2014) states that

*"Policy CS12 applies to all types of residential development sites including change of use (conversion), mixed use sites that incorporate an element of residential development, older persons housing such as sheltered and extra care schemes and any other development where there is a net increase in the number of **Class C3** residential units on the site.(emphasis added)*

*The Council will not seek an affordable housing contribution from specialist, non-Class C3 residential developments such as traveller accommodation (a sui generis use), **any C2 uses** such as nursing/residential care homes as on-site provision is often not suitable and as the Council wishes to encourage the provision of these specialist forms of accommodation where an identified need exists" (emphasis added)*

93. As established above, the proposed development is considered to fall within use class C2. On this basis there is not considered to be any requirement to provide affordable housing in this instance.
94. The Council has recently published a draft revised Affordable Housing Delivery SPD (November 2022) which contains different guidance to the above and states that all residential development, including C2 developments, should be liable for affordable housing contributions. However, this is a draft SPD only which is at consultation stage and can therefore be afforded only very limited weight. In this case the guidance in the

17th JANUARY 2023 PLANNING COMMITTEE

current 2014 SPD is considered to hold more weight and there is not therefore considered to be any requirement to provide affordable housing in this instance.

Impact on Drainage and Flood Risk:

95. The majority of the proposal site is not within a designated Flood Zone however a small part of the south-west corner of the site is designated as Flood Zone 2 and 3. Parts of the proposal site are also classified as being at risk of surface water flooding. The NPPF (2021) and Core Strategy (2012) policy CS9 state that Local Planning Authorities should seek opportunities to reduce flood risk through the appropriate application of sustainable drainage systems (SUDS). As per the guidance issued by the Department of Communities and Local Government (DCLG) all 'major' planning applications must consider sustainable drainage systems (House of Commons: Written Statement HCWS161 - Sustainable drainage systems).
96. A Flood Risk Assessment and details of a proposed sustainable drainage scheme have been submitted with the application. The proposed building itself would be located outside Flood Zones 2 and 3 and the submitted drainage information demonstrates how surface water would be drained from the site sustainably and how occupants of the proposed development would not be at risk from flooding.
97. The submitted information is considered acceptable by the Council's Drainage and Flood Risk Engineer subject to conditions. The proposal is therefore considered to have an acceptable impact on drainage and flood risk subject to conditions which could be applied if the proposal were considered otherwise acceptable.

Ecology:

98. The site currently comprises overgrown grass and scrubland along with mature trees in addition to the existing building. The existing building would be demolished and most of the grass and scrub would be lost. Most of the mature trees are proposed to be retained.
99. The NPPF (2021) states that the planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This approach is supported by Circular 06/05 – Biodiversity and Geological Conservation and is reflected in Policy CS7 of the Woking Core Strategy.
100. In its role as a Local Planning Authority, the Council should also be aware of its legal duty under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 which states that "a competent authority must, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
101. All species of bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations (2017).
102. The application is accompanied by an Ecological Assessment which assess the potential for the presence of protected species on the site and the ecological value of the site. The presence of different species and habitats is outlined below.

17th JANUARY 2023 PLANNING COMMITTEE

103. The Ecological Assessment submitted with the previously refused application confirmed the presence of three day roosts of common pipistrelle bats within the existing building and the presence of at least six species of foraging and commuting bats. Further bat emergence/re-entry surveys have been carried out to accompany the current application. A total of one common pipistrelle and one Myotis species bat were recorded emerging from the building in the same location previously identified. The building therefore still supports day roosts for common pipistrelle bats and a day roost of a Myotis bat species. The report concludes that the site supports low status day roosts and has local value for the species identified.
104. The trees on the site are identified as having a negligible suitability to support roosting bats and a moderate suitability to support foraging bats. Six species of foraging and commuting bats were identified. The site is assessed as supporting moderate numbers of common and widespread bat species and is of local value for commuting and foraging bats.
105. The report identifies the site as suitable for supporting reptiles and a low population of slow-worms and common lizard were identified on the site. The report concludes that this equates to a low population of slow-worms and the habitats in the surrounding area providing the most suitable habitat in the area.
106. The report concludes that the site has habitats which could support common bird species, badgers and hedgehogs. The report finds no evidence of other species being present on the site with a low suitability to support other species.
107. The report identifies that the proposed development would incorporate compensation and enhancement measures in the form of a green roof and additional tree, hedgerow and shrub planting. The proposed development would result in the loss of day roosts as discussed above and therefore an EPS Mitigation Licence will be required from Natural England before any works take place. The Habitats and Species Regulations (2017) requires the decision maker to have regard to the three 'derogation' tests set out in the European Habitats Directive at application stage. These are:
 - a) Preserving public health or public safety or other imperative reasons of overriding public interest;
 - b) There is no satisfactory alternative; and
 - c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.
108. For the avoidance of doubt, there is a legal requirement under The Conservation of Habitats and Species Regulations (2017) for the applicant to obtain an EPS Mitigation Licence from Natural England prior to the carrying out of any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. A planning condition requiring the applicant to acquire an EPS Mitigation Licence from Natural England is not necessary as it is required by alternative legislation and secured by a separate permitting regime.
109. The report sets out recommendations and precautions with regards to the clearance of the site. Compliance with the recommended precautions could be secured by condition. The report also makes recommendations with regards to potential measures to enhance the biodiversity of the site (e.g. bird and bat boxes and use of native plant/tree species). Specific details of biodiversity enhancement measures could also be secured by condition. Surrey Wildlife Trust has reviewed the submitted information and raises no objection but recommends several conditions.

17th JANUARY 2023 PLANNING COMMITTEE

110. The conclusion of the submitted report is that post-development, no residual or cumulative impacts are anticipated subject to mitigation, compensation and enhancement measures. Overall the proposal is therefore considered to result in an acceptable impact on biodiversity and protected species

Impact on Heritage Assets:

111. There are no locally or statutorily listed buildings in the vicinity of the proposal site. The proposal site is positioned a minimum of 96m from the Basingstoke Canal Conservation Area to the south. This separation distance and the visual detachment of the proposal site from the Conservation Area is considered to result in the proposal preserving the special character of the Conservation Area.
112. The proposal site is not within an area of High Archaeological Potential however the site is over 0.4ha. As required by Core Strategy (2012) policy CS20, the application is accompanied by a desk-based archaeological assessment which assesses the archaeological potential of the proposal site. The assessment concludes that the site is likely to have low archaeological potential and therefore no mitigation measures are recommended. The Surrey County Council Archaeologist has reviewed the assessment and raises no objection; the proposal is therefore considered acceptable in this regard.
113. Overall, the proposal is therefore considered to have an acceptable impact on heritage assets.

Impact on the Thames Basin Heaths Special Protection Area (TBH SPA):

114. The Thames Basin Heaths Special Protection Area are internationally important and designated for their interest as habitats for ground nesting birds. Policy CS8 of the Woking Core Strategy (2012) requires all new residential development within the 400m 5km zone (i.e. Zone B) to make a financial contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM) to avoid adverse effects. Since adoption of the Community Infrastructure Levy (CIL) on 1 April 2015 the April 2015 the SANG element of the contribution is encompassed Within CIL although the SAMM element is required to be secured outside of CIL.
115. Since the previously refused application was determined, the Council has adopted an updated Thames Basin Heaths Special Protection Area Avoidance Strategy (February 2022) which states at Section 5.0 that:

“Developments within Use Class C2 (Residential Institutions) may need to provide avoidance/mitigation as they may be considered to give rise to likely significant effect to the SPA. Applications for C2 development will be considered on a case-by-case basis and in reaching a decision the Council will take into consideration how the development will be used, the likely activity levels of the residents and the level of care and the likelihood of pet ownership...One key indicator on how mobile the residents would be relates to the facilities on site such as swimming pool, gym, car parking and bike stores. This would also be assumed in facilities where residents are in self-contained accommodation and therefore live reasonably independently, even if there is a level of care required. In these cases avoidance and mitigation will be required.”

116. Natural England has been consulted and raise no objection in the basis that mitigation measures are secured in accordance with the Council's Thames Basin Heaths Special

17th JANUARY 2023 PLANNING COMMITTEE

Protection Area Avoidance Strategy. Considering the above guidance in the updated Avoidance Strategy and the comments from Natural England, it is considered that a SAMM contribution would be necessary in this instance. The applicant has agreed to make a SAMM contribution of **£23,341** based on 17x one bed units at £583 per unit and 17x two bed units at £790 per unit (this figure may be subject to change due to indexation). This would be secured via a S106 Agreement if the proposal were considered otherwise acceptable.

117. However, in the absence of a completed Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwellings would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to the Conservation of Habitats and Species Regulations (2017) (SI No. 1012 - the "Habitats Regulations"), saved Policy NRM6 of the South East Plan (2009), Policy CS8 of the Woking Core Strategy (2012) and the Thames Basin Heaths Special Protection Area Avoidance Strategy (2022).

Sustainability:

118. The Planning and Energy Act 2008 allows LPAs to set energy efficiency standards in their Development Plan policies that exceed the energy efficiency requirements of the Building Regulations. However, such policies must not be inconsistent with relevant national policies for England. A Written Ministerial Statement to Parliament, dated 25 March 2015, set out the Government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the (now abolished) Code for Sustainable Homes - this is approximately 19% above the requirements of Part L1A of the Building Regulations. This is now reiterated in Planning Practice Guidance (PPG) on Climate Change, which supports the NPPF. Therefore, whilst Policy CS22 of the Woking Core Strategy (2012) sought to achieve zero carbon standards (as defined by the Government) from 2016, standards have been 'capped' at a 19% uplift in Part L1A Building Regulations standards in accordance with national planning policy and national zero carbon buildings policy.
119. The LPA requires all new residential development to achieve as a minimum the optional requirement set through Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. Specific details of how the proposed development would achieve the above could be secured by conditions if the proposal were considered otherwise acceptable.
120. In addition to the above, the Council's Climate Change SPD (2013) requires 5% of parking spaces in car parks of over 20x spaces to feature 'active' Electric Vehicle charging bays and 15% 'passive' bays. This equates to a total of 1x 'active' and 4x 'passive' bays. This provision could be secured by condition if the proposal were considered otherwise acceptable.

Community Infrastructure Levy (CIL):

121. The proposed development would fall within Use Class C2 which attracts a nil CIL charge. The proposal would not therefore be liable to make a CIL contribution.

CONCLUSION

122. The proposed development would be greater in size, footprint, height, bulk and massing than the existing development on the proposal site and would therefore be materially larger than the existing building and would have a greater impact on Green Belt openness compared to the existing situation. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would have a harmful impact on the openness of the Green Belt. No Very Special Circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt reason of the proposal's inappropriateness.
123. The proposed development, by reason of its scale, bulk and massing would result in an unduly prominent, dominating and incongruous development and a contrived overdevelopment of the site which would have a harmful impact on the character of the surrounding area. The proposal would consequently fail to improve the character or quality of the area.
124. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area.
125. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS6 'Green Belt', CS8 'Thames Basin Heaths Special Protection Areas', CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking Development Management Policies DPD (2016) policies DM11 'Sub-divisions, specialist housing, conversions and loss of housing' and DM13 'Buildings Within and Adjoining the Green Belt', Supplementary Planning Documents 'Design' (2015), the Thames Basin Heaths Special Protection Area Avoidance Strategy (2022), saved policy NRM6 of the South East Plan (2009), the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations") and the National Planning Policy Framework (2021).
126. The proposal is therefore recommended for refusal.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations
4. Site Notices

RECOMMENDATION

REFUSE for the following reasons:

01. The proposal represents inappropriate development in the Green Belt which would be harmful by definition and would have a harmful impact on the openness of the Green Belt. No Very Special Circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS6 'Green Belt', Woking DMP DPD (2016) policy DM13 'Buildings Within and Adjoining the Green Belt' and the National Planning Policy Framework (2021).

17th JANUARY 2023 PLANNING COMMITTEE

02. The proposed development, by reason of its scale, bulk and massing would result in an unduly prominent, dominating and incongruous development and a contrived overdevelopment of the site which would have a harmful impact on the character of the surrounding area. The proposal would consequently fail to improve the character or quality of the area. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking Development Management Policies DPD (2016) policy DM11 'Sub-divisions, specialist housing, conversions and loss of housing', Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2021).
03. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Special Protection Area Avoidance Strategy (2022) and saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations").

Informatives

1. The plans and documents relating to the development hereby refused are listed below:

2122/PA/201 Rev.A (Site Location Plan) received by the LPA on 04.05.2022
2122/PA/204 Rev.A (Site Plan Existing) received by the LPA on 04.05.2022

2122/PA/205 Rev.A (Site Plan Proposed) received by the LPA on 04.05.2022
2122/PA/206 Rev.A (Proposed Lower Ground Floor Plan) received by the LPA on 04.05.2022
2122/PA/207 Rev.C (Proposed Ground Floor Plan) received by the LPA on 07.11.2022
2122/PA/208 Rev.A (Proposed First Floor Plan) received by the LPA on 04.05.2022
2122/PA/209 Rev.A (Proposed Second Floor Plan) received by the LPA on 04.05.2022
2122/PA/210 Rev.A (Proposed Roof Plan) received by the LPA on 04.05.2022
2122/PA/220 Rev.A (Apartment Plans) received by the LPA on 04.05.2022

2122/PA/215 Rev.A (Proposed Elevations Sheet 1) received by the LPA on 04.05.2022
2122/PA/216 Rev.A (Proposed Elevations Sheet 2) received by the LPA on 04.05.2022
2122/PA/217 Rev.A (Proposed Elevations Sheet 3) received by the LPA on 04.05.2022
2122/PA/221 Rev.C (Bin Store) received by the LPA on 07.11.2022

2122/PA/225 Rev.A (Existing Floor Plans) received by the LPA on 04.05.2022
2122/PA/226 Rev.A (Existing Elevations) received by the LPA on 04.05.2022

P2110/TS/3a (DMRB Vehicle Visibility Sightlines Looking South) received by the LPA on 04.05.2022
P2110/TS/3b (DMRB Vehicle Visibility Sightlines Looking North) received by the LPA on 04.05.2022
P2110/TS/4 (MfS Vehicle Visibility Sightlines Looking North & South) received by the LPA on 04.05.2022

17th JANUARY 2023 PLANNING COMMITTEE

P2110/TS/05 (7.5T Box Van Swept Path Analysis) received by the LPA on 04.05.2022
P2110/ATR/06 (Fire Tender Swept Path Analysis) received by the LPA on 04.05.2022
P2110/TS/07 (Refuse Swept Path Analysis) received by the LPA on 04.05.2022
P2110/TS/H (Illustrative Proposal for Speed Reduction Measures) received by the LPA on 04.05.2022
P2110/TS/Hi (Traffic Island With Two Passing Cars) 04.05.2022
P2110/TS/Hii (Traffic Island With Two Passing Buses) 04.05.2022
P2110/TS/Hiii (Traffic Island with two Articulated lorries passing) 04.05.2022

Unnumbered plan named 'Detailed Planting Plan L16' received by the LPA on 04.05.2022

Unnumbered plan named 'Landscape Design and Mitigation Strategy L5' received by the LPA on 04.05.2022

Arboricultural Impact Assessment prepared by PJC Consultancy ref: 5193/19/02 Rev.03 dated 11/01/2022 received by the LPA on 04.05.2022

Preliminary Arboricultural Method Statement prepared by PJC Consultancy ref: 5193/19/03 Rev.03 dated 11/01/2022 received by the LPA on 30.08.2022

Ecological Impact Assessment prepared by Ecosa Rev.1 dated August 2022 received by the LPA on 30.08.2022

The following documents all received by the LPA on 04.05.2022

Archaeological Desk-Based Assessment & Walkover Survey prepared by Wardell Armstrong ref: BE10442/0001 V0.1 dated February 2022

Flood Risk Assessment and Drainage Strategy prepared by Bright Plan Civils ref: D2038/FRA1.1 dated 26.01.2022

Bream Pre-Assessment report prepared by Method Consulting

Transport Statement dated November 2021 prepared by Paul Mew Associates

Travel Plan dated November 2021 prepared by Paul Mew Associates

Planning Statement prepared by Gillings Planning

Landscape and Visual Appraisal & Green Belt Analysis ref: 416.08107.00002 Version 1 dated January 2022

Design and Access Statement prepared by Edmund Williams Architects

Economic and Social Impact Assessment prepared by Turley

Ground Investigation prepared by Land Science

Need Assessment prepared by HPC

Noise Assessment prepared by Hawking Environmental

Statement of Community Involvement prepared by Chess Engage Ltd

Sustainability Statement prepared by Pope