



Appeal Decision

Site visit made on 5 September 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/D3640/W/21/3283008

50 Windsor Road, Chobham, Woking GU24 8LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cleanslate Limited against the decision of Surrey Heath Borough Council.
 - The application Ref 19/2141/FFU, dated 17 December 2019, was refused by notice dated 20 August 2021.
 - The development proposed was originally for the demolition of existing building and erection of a new club building and 10 dwellings, access roads, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and erection of a new club building and 9 dwellings, access roads, car parking and landscaping at 50 Windsor Road, Chobham, Woking GU24 8LD in accordance with the terms of the application, Ref 19/2141/FFU, dated 17 December 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Prior to the Council's decision the appellant amended the proposal and description of development from 10 to 9 dwellings.
3. During the appeal the appellant submitted an executed planning obligation (unilateral undertaking) dated 6 September 2022. It relates to the Thames Basin Heaths Special Protection Area. The Council has confirmed in writing that the planning obligation is acceptable to it and overcomes its reason for refusal 2, which it has withdrawn. I return to this matter below.
4. The site is within the defined settlement boundary of Chobham village, which is washed over by the general extent of the Green Belt. There is agreement that the proposal would be not inappropriate development in the Green Belt. I have no reason to find otherwise and have therefore determined the appeal on this same basis.

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - its effect on the Thames Basin Heaths Special Protection Area.

Reasons

Character and appearance

6. The site faces Windsor Road with dwellings either side and some loop behind it along a slip road¹. It is part of a frontage of mainly residential development that stretches in both directions and along the opposite side of this road, in places interspersed by a 'green corridor' of roadside trees or hedgerow.
7. The 'Chobham Club' is a well-established social club. This building is centrally placed on the site and mostly single-storey with a long, narrow curved main roof and some flat roof offshoots, including a two-storey part. Around it is a hardstanding with perimeter hedgerow, which along Windsor Road is on a shallow bank. It is currently maintained to be tall and dense and there are some roadside trees next to it at one end.
8. Although this building is distinctive in appearance and appreciated as such locally, it is overall low quality in design and external materials with a disjointed, piecemeal form. Similarly, despite its spacious, landscaped 'island' setting near the edge of Chobham, it is in a built-up part of the village. The site would be redeveloped with a new club building and nine houses. Most of these buildings would face Windsor Road in a row with two houses behind near the slip road.
9. The layout would broadly reflect the main T-shaped layout of the Chobham Club and continue the general building line of development along Windsor Road. The bank would be removed to lower the site level and two-storey buildings on it would be comparable in height to others nearby. They would be conventional in appearance but appropriate in design for their intended uses and in-keeping with others along this part of Windsor Road. A condition could ensure that they were built using high quality external materials. Most of the house plots would be smaller than many in the immediate vicinity of the site, but not all, and the houses would be similar to some nearby in type and size. The club building would be on a smaller part of the site but be significantly smaller than the one it would replace.
10. This overall increase in built form would, though, be accommodated over more of the site. Albeit closer to road boundaries there would be a wide gap between buildings in the frontage facing Windsor Road as well as to the two houses behind, with satisfactory separation distances to existing dwellings. Most of the buildings would have low-pitched fully hipped roofs and the layout includes pockets of undeveloped garden or landscaped amenity land. The development would therefore not appear cramped or overbearing.
11. I appreciate concerns about the loss of the Windsor Road hedgerow. However, a new hedgerow is proposed and it would stretch across the front of the site with a similar alignment. The proximity of buildings behind it would restrict the physical extent of hedgerow but once established it would screen the lower part of these buildings and have a meaningful visual presence. Together with the retained trees a new hedgerow would not unduly diminish the continuity and overall integrity of the green corridor. Details of a hedgerow satisfactory in appearance and for its retention and maintenance by a management plan could be secured by a condition before the existing hedgerow was removed.

¹ This road has been referred to by different names

12. I acknowledge that the proposal would, nonetheless, change the nature of the site and how it is experienced in public views in the Windsor Road and slip road streetscenes. However, in layout, scale, massing and in the appearance of buildings, together with associated open spaces and landscaping, it would be assimilated into the existing pattern and sequence of development in these roads. Accordingly, it would be compatible with this part of Chobham.
13. I find that the proposed development would not cause harm to the character or appearance of the area. Consequently, it complies with Policies CP2 and DM9 of the Council's Core Strategy & Development Management Policies February 2012 (CSDMP). These policies include that land should be used efficiently for high quality, landscaped development having regard to its surrounding context, the quality of the urban environment and sense of place.

Thames Basin Heaths Special Protection Area (TBHSPA)

14. The appeal site is within a zone of influence of the TBHSPA which has been designated due to its important ground-nesting bird species. A significant individual or in-combination adverse effect on this European site would be likely to occur due to disturbance from increased population arising from residential development in an area where these inhabitants would be in such proximity to the SPA that they would be likely to visit it for recreational purposes.
15. In consultation with Natural England (NE) the Council has adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019. It requires development to provide or maintain Suitable Alternative Natural Greenspace (SANG) for residents to use instead of the SPA and to make contributions towards Strategic Access Management and Monitoring (SAMM) measures to control activity in the SPA. In this appeal the Council has reserved a parcel of land as SANG at Chobham Meadows. A financial contribution towards its maintenance would be secured through the Council's Community Infrastructure Levy (CIL) Regulations 2010 scheme. The requisite SAMM financial contribution would be secured by the appellant's planning obligation on or before the commencement of development.
16. The Council has provided a detailed explanation of the avoidance strategy and the basis on which these mitigation measures are sought. This includes justification for the respective levels of tariffs and the administrative arrangements for receipt and effective and timely use of the financial contributions for these purposes. I am therefore satisfied that the planning obligation is necessary, related directly to the development and fairly related in scale and kind. As such it accords with the provisions of Regulation 122 of the CIL Regulations 2010 and the Framework tests for planning obligations. NE has confirmed in writing that appropriate mitigation would be secured by these means and on this basis it does not object to the proposal.
17. In these circumstances, as the competent authority in this appeal and after appropriate assessment, including consultation with NE who did not object, I am satisfied that the proposal would not adversely affect the integrity of the SPA. Consequently, it complies with CSDMP Policy CP14B(vi) and saved Policy NRM6 of the South East Plan 2009. These policies seek appropriate mitigation to avoid development having an adverse effect upon the integrity of the TBHSPA.

Other Matters

Rear garden space

18. One rear garden would fall below the Council's relevant space standard by a small amount and not be material. Another would be appreciably smaller in area, with a curved side boundary. However, it would have good width and (on one side) depth, including across the rear of the house and receive afternoon and evening sunlight when it was most likely to be used. Both gardens would have direct level access from each house, be enclosed by fences, walls or hedgerow and not be overshadowed by tall trees. There would be sufficient space for bin and cycle storage.

Heritage assets

19. No.44 and No.56 Windsor Road are Grade II listed buildings (LBs). Their significance includes their siting and design as, respectively, late 16th century and mid-18th century houses. Most of the immediate environs of the LBs have been developed, including on the site. Taken in this context, the extent and layout of the proposed buildings and uses would have a neutral effect on their settings. As a result, the proposal would preserve the setting of the LBs.
20. The boundary of the Chobham Conservation Area (CA) is about 400m along Windsor Road to the south of the site. This road meanders and there are intervening buildings and trees. As a result the CA and its immediate setting, including part of the green corridor near the CA, forms no part of the streetscene at the site. The proposal would therefore have a neutral effect on the CA and as such would preserve its character and appearance.

Other representations

21. As well as the representations from Chobham Parish Council and The Chobham Society, many local residents have other concerns including those relating to disruption during a construction period, increased on-street parking, the safety of accesses and the operation of the new social club.
22. Although regrettable, some disruption during construction works is unavoidable but it would be for a temporary period. It is not a reason to refuse proposed development that would be acceptable once completed. However, the effects of such works could be mitigated by a condition requiring a construction and transport management plan. This would ensure safe and efficient operation of the highway network, particularly for children going to and from school, during the construction period. It would also protect the living conditions of nearby residents.
23. The number of car parking spaces proposed for the club building and the houses would meet the Council's required standard, as would their size. Some tandem spaces would not be overly inconvenient to use. A condition could ensure that these spaces (including car ports) are provided and retained to reduce the likelihood of on-street parking elsewhere. Details of cycle stores or shelters could also be secured by a condition. The highway authority has agreed that the pavement and bus stop on the east side of Windsor Road could be enhanced using land within the site. Its requirements in these regards could be secured by a condition. This would make sustainable travel to and from the club building and the houses more attractive and reduce reliance on cars.

24. The junction sightlines and forward visibility splays at the new accesses would meet the highway authority standards. These could be kept clear permanently by a condition to ensure safe access and avoid highway conflict. The submitted swept path plans show that cars and service or delivery vehicles could access and turn within the site. A condition could ensure that these areas are retained permanently which would also reduce the likelihood of on-street parking.
25. There is a need to ensure that the social club would be operated in a satisfactory manner. Conditions could ensure that suitable details of air-conditioning units, a smoking area, an acoustic fence and a waste and recycling storage area were provided and maintained at the site (a fence would also restrict glare from car headlights). A condition could also control the hours of use of the social club. These measures would protect the living conditions of nearby residents, including those who live on the west side of Windsor Road.
26. Residents' concerns about noise, inconvenience, disturbance and increased on-street parking are matters capable of also being addressed by the Council through other powers and legislation. Similarly the highway authority and the Police are responsible for dealing with obstruction of the highway or other anti-social behaviour. The effect of the development on alleged land ownerships, including landscape features, is beyond the scope of this appeal. These would be private matters between the respective parties.

Conditions

27. The appellant raised no objection to any of the conditions suggested by the Council in the event that the appeal was allowed. I have obtained their written agreement to pre-commencement of development conditions relating to a construction transport management plan and hard and soft landscaping. These would be important aspects of the proposal for the reasons set out earlier, so there is a clear justification to secure these details before any development commenced. Where required, I have considered modified wording of the other suggested conditions in the interests of clarity and have had regard to the relevant tests in the Framework and advice in Planning Practice Guidance (PPG). I have also considered the need for any other conditions.
28. In addition to the conditions that I have referred to earlier, the Council has a finite resource of SANG at Chobham Meadows which it seeks to apportion to other proposed development. It is therefore necessary to shorten the standard three year time limit condition, for the start of the development, to one year so that the SANG is used effectively in this case. There is no evidence that this would compromise commencement or delivery of the development. A condition is also necessary to specify the approved plans to provide certainty.
29. A condition is necessary to mitigate unforeseen ground contamination discovered during construction works to protect the environment and human health. Surface water drainage details need to be agreed and implemented to reduce flood risk. Prior to construction above slab level the materials to be used must be agreed in the interests of the appearance of the development. A parking management plan will ensure the approved parking and access arrangements operate effectively and safely. A condition restricting the use of the social club building is required to protect the living conditions of local residents and limit the demand for on-site parking. A condition to secure provision of electric vehicle charging points is justified to encourage this low-carbon mode of transport.

30. The PPG sets out that it is generally inappropriate to restrict future use of permitted development rights for small-scale domestic alterations. In this case though the unfettered exercise of such rights for extensions or outbuildings could individually or cumulatively undermine the spatial quality of the development or private garden space. These are important aspects of the proposal so a condition to restrict specific permitted development rights in these respects is justified in this case.
31. The Council suggested a condition to use obscured glazing in a first floor north elevation window of the club building. Views from this landing towards rear gardens of existing or proposed houses would be distant and transient, thus glimpsed in nature. This condition is not therefore necessary.
32. Advertising at the site during construction or in the operation of the social club that would not be exempt from control, or not be deemed consent, would need to be the subject of an application to the Council for express consent. Whether a temporary (during construction) or permanent one-way flow along the slip road is necessary would be a matter for the Council and the highway authority. Any required consent or licence for scaffolding or hoardings on the public highway would also be a matter for separate regulation by the responsible authorities.

Planning Balance and Conclusion

33. Subject to conditions the proposed development would accord with the development plan. There are no other material considerations which suggest that the decision should be taken other than in accordance with the development plan.
34. Consequently, for the reasons given above the appeal succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (21)

- 1) The development hereby permitted shall begin not later than 1 (one) year from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

19101-S101D	site location plan
19101-S102D	existing site survey plan
19101-P101V	proposed site plan (roof level)
19101-P102V	proposed site plan (ground level)
19101-P105L	proposed streetscene A-A, B-B, C-C, D-D
19101-P110H	proposed plans and elevation plots 1 to 4
19101-P111B	proposed plans and elevations plots 5 and 6
19101-P112E	proposed plans and elevations plot 7
19101-P113G	proposed plans and elevations plot 8
19101-P114H	proposed plans and elevations plot 9
19101-P211J	proposed plans and elevations social club
19075-003	proposed accesses and associated visibility splays
19075-SK02	forward visibility (25 metre SSD)
- 3) No development or site preparation, including groundworks and demolitions, shall commence and no equipment, machinery or materials shall be brought onto the site for any of these purposes until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall 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) A programme of works, including measures for traffic management;
 - e) Boundary hoarding behind any visibility zones;
 - f) Heavy goods vehicle deliveries and hours of their operation;
 - g) Vehicle routing;
 - h) Measures to prevent the deposit of materials on the highway and on-site turning for construction vehicles;
 - i) Hours of working at the site.

The approved CTMP shall be implemented and maintained for the duration of the construction of the development, including site preparation, groundworks and demolitions.
- 4) No development or site preparation, including removal of any part of the hedgerow on the site along Windsor Road, shall take place until details of soft and hard landscaping works have been submitted to and approved in writing by the local planning authority. The details shall include:
 - a) A plan and specification for all new hard surfaces, walls, fences and accesses;

- b) A plan showing existing trees and hedgerows to be retained and measures to protect these features during construction;
 - c) A plan and specification for new planting;
 - d) A landscape management plan (LMP), including long term design objectives, management responsibilities and timescales and a maintenance schedule for all landscaped areas, other than small privately owned, domestic gardens.
- 5) The soft and hard landscaping works, including the LMP, shall be carried out in accordance with the details approved by condition 4) prior to the first occupation or use of any part of the development and thereafter retained in accordance with the LMP. Within a period of 5 years from the completion of the development any soft landscaping which dies, is removed or becomes seriously damaged, defective or diseased shall be replaced in the same place in the next planting season with soft landscaping similar in size and species unless the LMP indicates otherwise, in which case its replacement shall be in accordance with the LMP.
- 6) Any contamination that is suspected or found prior to or during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued. Upon completion a verification report prepared by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of development is occupied.
- 7) Development above ground level shall not commence until details for disposing of surface water by means of a sustainable drainage system (SuDS) have been submitted to and approved in writing by the local planning authority. The details must satisfy the SuDS hierarchy and comply with the national Non-Statutory Technical Standards for SuDS, the National Planning Policy Framework, Ministerial Statement on SuDS and Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version). The details shall include:
- a) The design storm period and intensity and evidence that the proposed drainage solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2.6 l/s;
 - b) Detailed drainage design drawings and calculations, including:
 - A 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 (such as silt traps and inspection chambers) including details of the proposed highway drain diversion;
 - A plan showing exceedance flows (during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- c) The method employed to protect the drainage system during construction and a timetable for implementation of the drainage system;
 - d) The method employed to delay and control surface water discharged from the site;
 - e) The measures taken to prevent pollution of the receiving groundwater and/or surface waters and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The SuDS shall be carried out in accordance with the approved details.

- 8) The development shall not be first occupied or brought into use until a verification report by a suitably qualified drainage practitioner has been submitted to and approved in writing by the local planning authority. This report must demonstrate that the surface water drainage system has been constructed in accordance with the approved drainage details under condition 7) or detail any minor variations and include:
 - a) The national grid reference of any key drainage elements (surface water attenuations devices/areas, flow restriction devices and outfalls) and confirm any defects have been rectified; and
 - b) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) No foundations or ground floor slabs shall be constructed on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site, including roads and private drives, in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 10) No external facing materials shall be used on or in the development hereby approved until samples and details of them have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11) No surface materials for the roads, car parking areas, driveways or footpaths shall be used on the site until a plan showing the location of their use, together with samples and their details, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 12) The development shall not be first occupied or brought into use until the following details have been submitted to and approved in writing by the local planning authority and the approved details have been carried out:
- a) A scheme to provide safe routes for pedestrians to travel along Windsor Road and through to the development by:
 - Widening the footway on the eastern side of Windsor Road at the frontage of the site to 3m and providing a link through to the club building;
 - Tactile paving at vehicular access crossovers or junctions with the public highway.
 - b) A scheme to improve access to the development using the bus by an enhanced bus stop on the east side of Windsor Road with:
 - A bus shelter with two half end panels;
 - A 23m bus cage;
 - Accessible kerbing, with a kerb height at 140mm for a minimum 9m in a straight alignment.
- 13) The development shall not be first occupied or brought into use until a plan and specification for secure, robust covered bicycle parking (store or shelter) for each house and the club building hereby permitted shall have been submitted to and approved in writing by the local planning authority and the approved details have been carried out. The approved details shall be retained thereafter.
- 14) The development shall not be first occupied or brought into use until the following details of the development have been carried out:
- a) The new or modified vehicular access crossovers or junctions with the public highway with 2m x 25m visibility splays (in accordance with the approved proposed accesses and associated visibility splays plan drawing number 19075-003);
 - b) The 25m forward visibility splays (in accordance with the approved forward visibility (25 metre SSD) plan drawing number 19075-SK02);
 - c) Space for vehicle parking and turning (as shown in the approved proposed site plan (ground level) drawing number 19101-P102V) so that vehicles can enter and leave the site in a forward gear.

These details shall be retained thereafter, including that the visibility splays and forward visibility splays shall be kept permanently clear of any obstruction over 0.6m high.

- 15) The club building hereby permitted shall not be first brought into use until a plan and specification for the following details have been submitted to and approved in writing by the local planning authority and the approved details have been carried out:
- a) The position, design and material(s) of a permanent noise barrier, or other suitable noise mitigation measure(s), to safeguard an acceptable noise environment for adjoining residents;

- b) The storage and collection of refuse and recycling;
- c) An outdoor smoking area;
- d) Air conditioning unit(s), including operational noise levels, appearance and location.

The approved details shall be retained thereafter.

- 16) The club building shall not be first brought into use until a parking management plan (PMP), including details of controls to prevent parking overspill, safeguard access for the resident(s) of the house on plot 1 (in accordance with the approved proposed site plan (ground level) drawing number 19101-P102V) and potential measures to restrict unauthorised vehicular access, has been submitted to and approved in writing by the local planning authority and the approved details have been carried out. The approved PMP shall be implemented and maintained thereafter.
- 17) The houses hereby permitted shall not be first occupied until each house has been provided with an electric vehicle fast charge socket in accordance with current minimum requirements (7 kw Mode 3 with Type 2 connector - 230v AC32 Amp single phase dedicated supply) or equivalent future minimum requirements in accordance with a scheme to be submitted to and approved in writing by the local planning authority and the approved details have been installed. The fast charge sockets shall thereafter be retained in accordance with the approved details.
- 18) The houses and club building hereby permitted shall not be first occupied or brought into use until car parking spaces (in accordance with the approved proposed site plan (ground level) drawing number 19101-P102V) including car ports on plots 4, 8 and 9, have been constructed. The spaces and carports shall thereafter be retained and used for parking cars.
- 19) The parking space no.01-1 (as shown on the approved proposed site plan (ground level), drawing number 19101-P102V) shall be retained exclusively for the use of the occupants of the house on Plot 1.
- 20) Notwithstanding the provisions of Article 3(1) and Schedule 2, Part 1, Classes A, AA, B, C, D, E and Part 2, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no further extensions, roof alterations, outbuildings or means of enclosure shall be erected or undertaken without the prior approval in writing of the local planning authority.
- 21) The club building hereby permitted:
 - a) Shall be open to the public only between the hours of:
 - 1100 to 2300 Sunday to Thursday
 - 1100 to 2359 Friday and Saturday
 - b) Shall be used only as a social club and for no other purpose;
 - c) Shall make use of the basement only for ancillary storage.