



CHOBHAM PARISH COUNCIL

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12th August 2021

Mr N Oliver
Team East2
The Planning Inspectorate
Room 3B (Eagle Wing)
Temple Quay House
2 The Square
Bristol BS1 6PN

By email: east2@planninginspectorate.gov.uk

Dear Mr Oliver

Letter of Representation

18/1089 Land West Of 35, Mincing Lane, Chobham, GU24 8RS

Appeal reference: APP/D3640/W/20/3248358

Chobham Parish Council maintains its objection to the above application as set out in its letter to Surrey Heath Borough Council (SHBC) on 11th February 2019. Because over two years have passed since this original letter, the Council would like to take the opportunity to re-state its objections, include further comments, and expand on some of the points previously made.

The Parish Council wishes it to be noted that it did not receive formal notification of the above Public Inquiry until 10th August 2021, due to a technical error of the sender, when the letter should have been received on 22nd July. The Council trusts that it will not be disadvantaged with regard to any deadlines during the Inquiry process as a result of this error.

It is understood that an extension of time was allowed to the appellant for the preparation of some of the Inquiry evidence. The Council respectfully asks that due consideration is given to the other parties at the Inquiry, who will have had less time than expected to consider the relevant documentation, which is substantial.

Rural exception site criteria

1. The application fails to demonstrate that it has met the criteria for a Rural Exception Site on all counts. A local connection is considered to be current residents, or people with a family or employment connection to the Parish.

There is no proven local need for this scale of discounted market housing for people with a local connection to the Parish, as evidenced by SHBC's Local Housing Needs Assessment dated May 2020. To the contrary, the assessment demonstrates that there are more acute local needs for other forms of affordable housing. To be considered as meeting a proven local need in Chobham, where there are limited development opportunities, it is vital that plans reflect the true needs of the community.

It is understood that the appellant considers that the provision of discounted market housing as a single affordable housing product will backfill a leftover need that was not met by the Little Heath Nursery development. It is unclear what has informed this stance, which appears unusual when the identified affordable housing needs in Chobham (social/affordable rented and a range of needs) remains unaddressed by the proposal.

The recent Little Heath Nursery development was positioned as meeting a significant proportion of affordable housing needs for people with a local connection to Chobham, and the Parish Council would not have expected to see a proposal for another rural exception site of broadly similar size so soon. Further Green Belt land is at risk if rural exception sites are allowed to oversupply forms of affordable housing tenure in lesser local demand, leaving unmet need and gaps in other categories (NPPF, DM5).

2. Failure to comply with the criteria for a Rural Exception Site means that the proposal does not meet the relevant exception in Green Belt policy therefore the proposed development is inappropriate in the Green Belt, with no special circumstances existing to outweigh the Green Belt harm (NPPF).
3. Vacant existing affordable properties in the area have been allocated via the cascade process out of Parish, Borough and neighbouring Boroughs, as it has not been possible to fill them. SHBC's Housing Services Manager stated in a response of 23rd January 2019 to the Fair Oaks Airport application (ref: 18/0642) that "it is also important to note that shared ownership developments in West End in the last 3 months have had to be first cascaded to Woking and Runnymede connections as it was not possible to fill them with people with a Surrey Heath connection, and then wider to a Surrey connection in order to sell the units." The response contains additional general information regarding meeting local need and is appended to this letter for information.

It is concerning that the proposal includes a draft eligibility criteria for the discount market homes (appendix 2 of the planning statement) which sets out an allocation hierarchy reaching beyond Chobham, into Surrey Heath and then onto the open market. This should be challenged as not meeting policy requirement (NPPF, DM5).

4. Chobham Parish Council has previously challenged the "allowance" of up to 30% market housing on a rural exception site, citing that it is likely to be seen as a target rather than essential to facilitate an affordable housing element. A previous scheme with 100% affordable housing has recently been built on the neighbouring Little Heath Nursery site, indicating that there is no reason

why any market housing should be required to facilitate affordable housing development in this location (NPPF, emerging Surrey Heath Local Plan).

5. The appellant does not appear to have demonstrated that any affordable housing need could not be met within the settlement boundary. SHBC conducted a Call for Sites which closed in January 2021. The results have yet to be published, but at least one site in the settlement area (Chobham Rugby Club) is known to have a good chance of coming forward and has been assessed through the Strategic Land Availability Assessment (SLAA) as having a capacity of 90 units, of which a sizeable proportion would be required by policy to be affordable (DM5).
6. There is strong local belief that some homes in the nearby Little Heath Nursery development have been allocated to people without a Chobham connection. An article about this was published in the News and Mail newspaper in June 2019 (appended to this letter). The Parish Council was advised by SHBC that no information was held on the shared ownership properties (this gives cause for concern), and that nothing was cascaded beyond Chobham and Windlesham parishes for the rented properties. The latter statement appears to conflict with the personal knowledge of a Parish Councillor, and with recent face to face conversations with occupants of the housing reported by the Mincing Lane Protection Group, where some 6 of the households available to comment stated they had no prior connection to Chobham. This calls into question the effectiveness of ensuring housing is allocated as per policy.

The Parish Council is not confident that the proposed Community Land Trust (CLT) arrangement is a transparent, secure and independent enough method for guaranteeing that the proposed discounted market housing would be for people with a connection to Chobham in perpetuity. If it is proposed that the CLT includes a Parish Council presence, then the Parish Council must be given a reasonable opportunity to comment on any prospective legal agreement should this be a deciding factor in the planning balance (DM5).

7. A questionnaire sent on behalf of the developers was originally distributed to local households. Caution should be given to the data gathered from this, as it was felt that the questions were somewhat aspirational rather than reflecting the true housing requirements for potential residents with a local connection in a genuine position to afford the proposed homes. Obviously, this data is also now well out of date.

It is noted that there have been recent online marketing efforts to establish demand for the proposed properties, and the Parish Council is advised that results from a corresponding online survey are to be submitted by the appellant. The Council is unclear on whether it is appropriate to allow new evidence on such a key element of the Inquiry at this late stage, but nevertheless urges caution on expressions of interest that have not been objectively assessed, are not binding and would be subject to change during the lead time and construction phases (DM5).

8. The Parish Council has been advised that the discounts on the guide prices for the proposed development have been increased since the planning application. It is unclear what has informed the decision to increase the discounts from their original levels. There is concern that having used the increased discounts to potentially garner interest in the properties, the discounts may revert to reduced levels in the event that the appeal is allowed.
9. Due to the foregoing points and the lack of clarity and guarantees as to how the discounts and eligibility would work in practice, the Parish Council is not satisfied that the development would provide affordable housing for local people in perpetuity (NPPF, DM5).

Sustainability

10. The proposal fails to meet requirements for sustainable development and sustainable transport, in particular by not having easy access to day to day services that are readily accessible without the use of a motor vehicle. Development of this scale should be directed to more sustainable locations (NPPF, CP2, CP11).
11. The footways on Mincing Lane do not offer a safe, continuous route for pedestrians. There is no footway on either side of Mincing Lane north of The Avenue and only a single footway south of The Avenue, on the opposite side of the lane to the proposed development. The single footway is blocked before the Medhurst Close junction by a telegraph pole, requiring almost all users to step into the road at a point where there is an adverse camber to the gutter and slotted drain covers in the road. This is a dangerous hazard, especially for those using mobility vehicles, which must be addressed before any new residential development in the vicinity is permitted. Photography is available to illustrate this point, and it is recommended that the hazard is viewed during the Inspector's site visit. Additionally, footway users need to negotiate a difficult road crossing over the busy A319 with no pedestrian priority to reach the nearest shops at Watts Farm Parade and Chobham High Street (CP2, DM11).
12. The local roads and lanes are unsuitable and dangerous for everyday cycling for most residents. Cycling should not be seen as a realistic sustainable option for this location, particularly for commuting, school runs, grocery shopping etc. Furthermore, the proposed cycle storage, which appears to be in open air alcoves, is unsuitable on a practical and security level. The cycle storage should be a fully weatherproof enclosure, lockable, and spacious enough to store accessories (CP2, CP11, DM5).
13. Bus routes 39A, 87 and 417 offer an extremely limited service not suitable for secondary schools or commuting and cannot be considered to meet residents' day to day transport needs. The hourly bus 73 to Woking does not run in the evenings or on Sundays and bank holidays and the bus stop exceeds a recommended maximum walking distance of 400 metres with respect to the provision of sustainable travel in conjunction with new developments. The

Parish Council urges that timetables are examined and that these public transport limitations are not underestimated (CP2, CP11).

14. Considering the points above relating to footways, cycling, public transport and local services and taking into account the routines of existing nearby residents, it is realistic to expect that residents would rely on private motor vehicles, even in the case where onward journeys are to be made by train. This is against the principles of sustainable development (CP2, CP11).

Traffic management and highway safety

15. Chobham village is a notorious pinch point which suffers from congestion, delays and often gridlock for road users on a daily basis. The introduction of more traffic onto the A319 Chertsey Road and in the surrounding residential roads and narrow rural lanes would adversely affect traffic flow and exacerbate an already severe situation (DM11).
16. The Mincing Lane and Medhurst Close junction has limited sightlines and a blind bend. Residents have expressed concern over its safety. The addition of another 30 dwellings and a new junction just beyond the blind bend has the potential to adversely impact safe traffic movement at this point (DM11).

Proposed development design

17. The proposed development fails to respect the rural character of the area by creating an incongruent central concentration of residential properties at a higher density than in both the settlement to the south and the markedly more rural residential properties of Mincing Lane and The Avenue. With the exception of loft conversions, there is also no precedent for 3-storey development in Chobham, therefore the proposal would be out of context with its surroundings (CP2, DM9, Residential Design Guide).
18. The proposed development is of an unneighbourly and anti-social design. The plan for a one-way road through the site effectively creates a traffic island of the westernmost properties of Medhurst Close and 29 Mincing Lane. With limited parking available on the site, there is a high risk of vehicles using Medhurst Close, Mincing Lane, The Avenue, and other roads in the vicinity as parking overspill. The aspiration to create a "car free" environment for a large portion of the site appears to be to the detriment of existing residents' amenity. The Parish Council has also received information that if the development were to go ahead, residents of The Avenue (a private road) would arrange to have a barrier installed, which would likely exacerbate parking issues on the other nearby roads (DM9).
19. The Parish Council supports SHBC's reason for refusal concerning the unacceptable impact on the residential amenity of the occupiers of 15 Medhurst Close (DM9).
20. Parking provision does not meet Surrey County Council's minimum recommended provision. In the absence of realistic alternatives to motor vehicle use, there is no justification for reducing the number of spaces below the minimum guideline. It also appears that the design goes against tenure

blind principles by providing a greater parking allocation for the market housing element of the site than for the affordable housing (DM9, DM11).

21. Residents have expressed particular concern over the two oak trees on Medhurst Close where the proposed exit road from the site emerges, one of which has a tree protection order (TPO). It is felt that there is a risk that the trees could be damaged, which would have a significant effect on the visual amenity of Medhurst Close. The Parish Council recommends that a TPO is applied to the second oak tree and all necessary steps are taken to ensure both trees are protected from adverse effects of any potential development (DM9).
22. The Council has been unable to locate full detail of entrance, exit and site boundary treatments. Any fencing, gates, urbanising features, signage or similar, unless allowed by general permitted development or deemed consent, would be a material consideration and should be subject to consultation (DM9).

Biodiversity and nature conservation

23. There is concern for the loss of darkness on this woodland site and its potential impact on biodiversity (CP14A).
24. The Parish Council is not satisfied that the proposed development would not give rise to an adverse impact on the neighbouring Little Heath Site of Nature Conservation Importance (SNCI), by way of loss of darkness and increased human and domestic animal disturbance.
25. The Parish Council is not satisfied that the proposed development would not give rise to significant adverse effects on Chobham Common, considering its proximity, ease of access and attractiveness above the poorly maintained Little Heath Suitable Alternative Natural Greenspace (SANG) (CP14A, CP14B).
26. It is understood that that a financial contribution will be made in lieu of SANG, with residents expected to primarily make use of the existing Little Heath SANG. This is considered to be an unsuitable arrangement due to the maintenance obligations for the Little Heath SANG not being fulfilled.

The Parish Council has raised several maintenance issues concerning the Little Heath SANG since its inception. The Council urges that if the application is approved, measures/conditions are put in place to ensure these problems are rectified and are not repeated in future. The problems have included:

- Footpaths lost to overgrowth;
- Lack of ditch clearance;
- Poor ditch/pond management (foul odours, raked grass discarded beside pond);
- Waterlogging of site;
- No seating on site;
- Information board empty and abandoned;
- Lack of dog waste bins;

- New bridge has pooling/excessive mud at step off points;
- Waste bins not being emptied (“wrong type” of bins);
- Litter picking and inspections not carried out;
- General maintenance not carried out according to the schedule, or of a poor standard.

(SP14B, Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document).

Heritage

27. The Council is concerned about potential negative effects on the historic pet cemetery, an as-yet undesignated heritage asset which is held in high regard locally. No importance appears to have been attached to ensuring this rare feature is not harmed. The Parish Council has, through submission of its draft list of suggested additions to the local list to the Planning Authority, recommended that assets within the pet cemetery be afforded the protection that a local listing would give (DM17).

Notwithstanding the Parish Council's above objections, it is recognised that the Inspector may allow the appeal. Should this be the case, it is recommended that the following points are taken into consideration when drafting conditions:

28. Permitted development rights to be removed in order to control further development and encroachment on openness in the Green Belt (NPPF).
29. Regard to be given to the 7.5 tonne Heavy Goods Vehicle (HGV) weight limit in Chobham High Street in the construction management plan. Any development utilising HGVs must ensure that construction traffic is routed away from Chobham village centre (DM11).
30. If granted, in order to support safe and efficient flow of traffic around the site, any vehicles serving the site during construction must not be allowed to park or wait on roads outside of the site itself (DM11).
31. The Parish Council recommends that a condition is placed to safeguard Chobham Pet Cemetery from harm during construction works. It is also noted from Land Registry documentation that public access was granted through the land to the Pet Cemetery. Should planning permission be granted, public access should be guaranteed from the Mincing Lane entrance (NPPF, DM17).
32. The Parish Council notes the responses received from the Scientific Officer, the lead Flood Authority and other consultees in respect of this application and urges that the relevant concerns raised are adequately addressed prior to the commencement of construction in the event of the site being developed for housing.
33. A separate application for advertisement consent must be submitted for any proposed advertisement(s) to be displayed on hoardings, flags or by other means surrounding the site, unless the advertisement meets the criteria to benefit from deemed consent.
34. The design of any hoardings to be erected on the site should reflect the character of the area, fit comfortably within the street scene and not negatively

impact upon the area's visual amenity. Hoardings should not contain internal illumination or unreasonably bright external illumination.

35. Appropriate maintenance and inspection obligations should be in place to ensure successful establishment and maintenance of all new planting within the scheme.
36. The Little Heath SANG problems as detailed in point 26 to be rectified, and the SANG's future maintenance to a high standard assured prior to the commencement of development.
37. It is understood that the appellant has now withdrawn claims that the development qualifies as a self-build or custom-build scheme. If this is not the case for the whole or part of the scheme, the Parish Council would expect any relevant permission to be outline only, with exact design and layout to be consulted upon at a later stage.

The Parish Council has asked to be given the opportunity to make a statement at the Inquiry through one of its Councillors as an interested third party. It notes that additional evidence and information is still being published and, if protocol allows, would like to request the opportunity to potentially make further comment at the Inquiry should any new evidence of substantial significance be put forward for consideration.

If there are any questions, or if the Council can provide clarification or further information on any of the points raised above please do not hesitate to contact me.

Yours sincerely

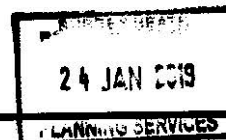


Ms C Cooper
Planning Administrator

Appended:

- Email from SHBC's Housing Services Manager re: local housing need (23/01/19)
- News and Mail article re: Little Heath development local connections (20/06/19)

COMMENTS 18/0642/JP



From: Clive Jinman
Sent: 23 January 2019 17:42
To: Jonathan Partington
Subject: Fair Oaks Affordable Housing

Hi Jonathon,

My initial thoughts on the application are:

No affordability gaps

While the application sets out an aspiration to have a sustainable development with no affordability gaps it is unclear how this will be achieved.

It is welcome that there is a recognition that Social Rent housing needs to be included however there is then a gap between that tenure and the next products, that appear rather 'bunched' in their entry point: namely Affordable Rent, shared ownership, discounted market housing, private rented and market housing accessed with Help to Buy.

The Affordable Rent units would be the expected next point at entry for residents who access the accommodation from the local Housing Register after Social Rent however the table below shows the disparity between Social and Affordable rent levels (the Social Rent levels are of existing social units that have been advertised through Surrey Heath Home Choice in the last 2 months and the Affordable Rent levels are from properties advertised at a new development, all in the same Broad Market Rental Area as the application site).

Property size	Social rent p.c.m	Affordable rent p.c.m
1 bedroom	£411.00	£720.00
2 bedroom	£456.04	£969.51
3 bedroom	£548.73	£1165.49

Taking a crude affordability measure of 30% of gross income for rent costs then the entry levels to the 1, 2 and 3 bedroom Affordable Rent units would be £28,800 p.a., £38,780 p.a. and £46,620 respectively.

Some balance for younger single people could be met with the inclusion of HMO properties within the private rented stock proposed.

This is without the consideration of any service charges, including those that may be levied for management of the site which will push up the cost to residents.

It is also important to note that shared ownership developments in West End in the last 3 months have had to be first cascaded to Woking and Runnymede connections as it was not possible to fill them with people with a Surrey Heath connection, and then wider to a Surrey connection in order to sell the units.

Other issues

Shared ownership

The discounted market housing on the site will be discounted in perpetuity however there appears to be an expectation that it would be possible to staircase the shared ownership to full ownership. As this is a green belt development a protection of all affordable units would add to the sustainability of the site which would include a cap on staircasing for the shared ownership.

Supported, specialist and retirement housing

Further work is needed to identify what client groups such housing would be for, and who would provide it, and that identifying a site within the development for 'older residents and those with a requirement for some supported living' is premature without this work. A preference may be for a more integrated approach within the new community with such housing pepper-potted throughout the site.

Size of units

While the application talks about the imbalance of smaller to larger units in the Borough, and claims the proposed mix goes some way to address this, the reality is the proposal is for 58% 3+ bedrooms, with a quarter being 4 and 5 bedroom homes.

Meeting Local Need

The application talks about both about meeting a very local need and uses information from across 3 boroughs to justify the need. From an affordable housing perspective, without answers to some of the issues raised above it is difficult to ascertain whether the development meets a presenting local need, or just a wider demand (and if the latter it is a demand that in future will generate its own local need).

If you would like any clarification on these points or other matters please let me know.

Regards,

Clive

Residents 'do not fit criteria'

■ by Rob Searle

A NEIGHBOUR of a new estate built on Green Belt land at Chobham says she was shocked to find that it has residents who do not seem to fit the criteria for living there.

Gaynor Grugan said she had found that families from Belgium and France had homes on the Little Heath Farm development.

She also said that people with no Chobham connections had been moved into the social housing on the former plants nursery off Burr Hill Lane.

"We were assured that only local people or people with strong links with the village would get the homes," said Gaynor, who lives with her husband, John, in Little Heath Road.

"I've been speaking to the residents and two families are from Belgium and France and several have been moved here from Camberley.

"This is not what we were promised."

The 35-home estate was approved to be built on a "rural exception site" and is a mix of shared ownership and social housing. A condition of the planning permission was that local people would get priority for the homes.

"The majority of people are from outside Chobham," added Gaynor, who was one of the many neighbours who objected to the development as being on an inappropriate and unsuitable site.

She and John bought their house five years ago on the understanding that a bungalow would be built near their boundary.

They were alarmed when the plans were changed and a semi-detached house was erected.

"We complained to Surrey Heath Borough Council that we would be overlooked and lose our privacy and that has proved to be the case," Gaynor added.

"The council insisted we would not be overlooked, but we can see into the neighbours' bedrooms and they can see into ours.

"We have to be particularly careful to pull the curtains for privacy now, even during the day."

The estate was built by Vivid, formerly Sentinel Housing Association.

Vivid's head of development, Julie Porter, commented: "Our Little Heath development includes 19 homes for rent and 16 for shared ownership built to address demand for affordable homes in the area.

"All customers were either nominated or approved in accordance with local authority policy."