

LOCATION: CALGARY, CHURCH ROAD, WINDLESHAM, GU20 6BH
PROPOSAL: Erection of 4 x four bed dwellings, with associated garages, parking and garden areas, and revised access following demolition of the existing dwelling and outbuildings.
TYPE: Full Planning Application
APPLICANT: Viper Property Investments Ltd
OFFICER: Emma Pearman

This application would normally be determined under the Council's Scheme of Delegation, however, it has been reported to the Planning Applications Committee at the request of Councillor Sturt.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The application site is located on the eastern side of Church Road, outside the settlement areas of Windlesham, and within the Green Belt and the Church Road Conservation Area. The application site currently comprises one single storey dwelling, with a residential garden, and a number of brick built outbuildings and wooden sheds/stables on land the rear. The site is located between residential dwellings although there is a commercial car sales business to the north of the site. The site faces open land on the other side of Church Road. The proposal is to replace the existing dwelling and outbuildings with four, two-storey dwellings. While no planning history can be found for the outbuildings and sheds, a site visit and aerial photos suggest that those which should have had planning permission are likely to be lawful through the passage of time.
- 1.2 The proposal is considered to be inappropriate and harmful development in the Green Belt, meeting none of the exceptions for new buildings within the Green Belt, and would be harmful to openness due to the quantum of built form proposed. While comments are still awaited from the Conservation Officer, concern is also raised about the impact on the Conservation Area and rural character with this proposal introducing a more suburban form of development. Surrey Wildlife Trust have advised that insufficient information has also been received in terms of bats, although since then the applicant has submitted further information and comments are awaited on this basis. The SAMM payment has also not been received to date. It is not considered that the factors advanced by the applicant amount to very special circumstances to outweigh the identified Green Belt harm, and other harm caused. The proposal is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the eastern side of Church Road, outside the settlement areas of Windlesham and within the Green Belt and the Church Road Conservation Area. The site currently comprises a single storey dwelling to the front, which takes up most of the width of the site, and the dwelling is set back from the road with a large front garden laid to lawn and driveway, enclosed by a low wall and high conifer hedging. The gate to the side of the property leads to a number of outbuildings to the rear, which are set around an open area of lawn, with a limited area of hardstanding, and there is a hedge separating this area from the residential garden of the property.
- 2.2 Surrounding development in this road and Kennel Lane mostly comprises single storey detached dwellings, of varied architectural style, though there are also some semi-detached cottages. The plot sizes and building lines also vary though most have generous gardens and the plot of this dwelling is one of the larger plots in the vicinity. To the opposite side of the road there is open land. To the north of the site is a car sales business called Vauxhall City with a number of cars for display to the front.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The site contains a number of outbuildings to the rear, which appear to be mostly in storage use at present. While no planning history can be found for these buildings, those that do not constitute outbuildings ancillary to the residential use are likely to be lawful through the passage of time in any case given the length of time that they are likely to have been in situ.
- 3.2 05/0771 – Erection of single storey front, side and rear extensions.
Granted 11/11/2005
- 3.3 09/0272 – Matthews Corner Garage, Matthews Corner, Church Road - Erection of 7 dwellings with associated vehicular access, car parking and landscaping, following demolition of existing car sales office, bungalow and associated outbuildings.
Application withdrawn 14/08/2009

4.0 THE PROPOSAL

- 4.1 The proposal is for the erection of 4 x four bed dwellings, with associated garages, parking and garden areas, and revised access following demolition of the existing dwelling and outbuildings. The access would be moved to the northern side of the site, from Church Road. Plot 1 would be situated at the front of the site, in approximately the same location as the existing dwelling. Plot 2 would be behind Plot 1, with Plots 3 and 4 to the rear. The four dwellings would be similar, though not identical in architectural design, particularly plots 2, 3 and 4.
- 4.2 Plot 1 would be the only dwelling clearly visible from the road and it would have a hipped roof of 7.5m in height with an eaves height of 5.4m, would be 15.5m in

width including the attached single garage. Plot 2 would have a hipped roof with gabled elements and dormers, with a maximum height of 7.6m approx and eaves height of 4.8m, and width of 12.9m including the attached garage. Plot 3 would also have a hipped roof, with gabled elements and dormers of 7.7m ridge height approx and 4.8m eaves height. It would have a maximum width of 15.9m approx including the single garage. Plot 4 would have a hipped roof with a gabled front projection in the middle, and dormers to the side. It would have a ridge height of 7.8m, eaves height of 4.5m and width of 16.1m approx including the garage. All four plots would also have driveways and private garden areas to the rear.

5.0 CONSULTATION RESPONSES

5.1	Surrey County Highway Authority	No objection, subject to conditions.
5.2	Head of Environmental Services	No objection.
5.3	Council's Heritage Officer	Comments awaited.
5.4	Council's Arboricultural Officer	No objection, subject to conditions.
5.5	Surrey Wildlife Trust	Advised that a bat survey is required before determination of the application. Recommend conditions in terms of biodiversity enhancements.
5.6	Windlesham Parish Council	Objection – overdevelopment of the site, the density and mass of the proposed application is inappropriate and not in keeping with the street scene. Furthermore the site is located in green belt land and the application does not demonstrate very special circumstances.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, 14 letters of objection have been received, including one from the Windlesham Society, which raise the following issues:

Green Belt *Officer comment: see section 7.3 and section 7.11]*

- This is Green Belt and there are no very special circumstances
- Other small buildings on the site have no consent and are temporary in their nature so their existence does not support any reason for development
- This is not infill development

- Windlesham already has an oversupply of larger houses; does not help with home ownership or housing supply
- Will be viewed from all surrounding areas of Green Belt.

Character/Conservation Area *[Officer comment: see section 7.4]*

- It is in a Conservation Area and the proposal detracts from the area; undermines the whole purpose of the conservation area
- Plot should only hold one dwelling
- Will create a precedent of cul-de-sacs in this area
- None of the existing properties in the Conservation Area have any shared access
- Houses are too similar, conservation area has varied design of properties.

Highways, Parking and Access *[Officer comment: see section 7.6]*

- Access is badly sited; is on a blind bend
- Church Road already dangerously filled with cars do not want eight more; garages will become family rooms with cars overspilled onto road
- Would become a difficult junction in its own right; roads are already rat-runs.

Other issues

- The location is unsustainable with local facilities limited and in decline, and limited public transport *[Officer comment: see section 7.8]*
- Local infrastructure already overburdened, schools oversubscribed, limited other facilities, no doctor's surgery; Windlesham already taken more than its allocated housing numbers *[Officer comment: see section 7.8]*
- Concern also about the applicant's reference to adjoining sites and potential for larger scale development *[Officer comment: Any application on adjoining sites would be considered separately on its own merits]*
- With previous applications on adjacent site, Conservation Officer said four new dwellings on small plots would be excessive, overbearing and out of context *[Officer comment: This is believed to refer to application 09/0272 – see paragraph 3.3. Conservation Officer comments are awaited on this site and all are judged on their own merits against up to date policy]*
- Will result in drainage issues *[Officer comment: see paragraph 7.10.3]*
- Where is the affordable housing? *[Officer comment: see paragraph 7.10.2].*

7.0 PLANNING CONSIDERATION

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are CP1, CP2, CP5, CP6, CP12, CP14A, CP14B, DM9, DM10, DM11 and DM17. It will also be considered against the Surrey Heath Residential Design Guide 2017 and the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered are:

- Principle of the development in the Green Belt;
- Impact on the character of the Conservation Area;
- Impact on residential amenity;
- Highways, parking and access;
- Impact on ecology;
- Impact on infrastructure;
- Impact on the Thames Basin Heaths SPA;
- Other matters – housing mix, affordable housing, drainage; and
- Green Belt – Very Special Circumstances.

7.3 Principle of the development in the Green Belt

7.3.1 Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.

7.3.2 Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that 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, is clearly outweighed by other considerations.

7.3.3 Paragraph 89 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, but lists some exceptions; which includes *“limited infilling in villages”* and *“limited infilling or the partial or complete redevelopment of a previously developed site, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*.

7.3.4 The table below shows the existing and proposed development on the site:

	Footprint (m²)	Floorspace (m²)
Building A (main house)	226.5	226.5
Building B (wooden summerhouse)	12.9	12.9
Building C (shed)	9.4	9.4
Building D (brick garage)	13.1	13.1
Building E (brick building)	35.1	35.1
Building F (shed)	15	15
Building G (wooden stables)	46.5	46.5
Building H (brick garage)	95	95
Total Existing	453.5	453.5
	Footprint (m²)	Floorspace (m²)
Proposed Plot 1	154.8	277.4
Proposed Plot 2	134.7	246.2
Proposed Plot 3	153.3	282.9
Proposed Plot 4	147.2	274.3
Total Proposed	590	1080.8
Difference	+ 136.5	+627.3
% Increase	30%	138%

7.3.5 The applicant argues that the proposal constitutes limited infilling in a village, and as such would fall under an exception under paragraph 89 of the NPPF and therefore would not be inappropriate in the Green Belt. However, the site is outside any village boundary, being 430m-530m from the two settlement areas of Windlesham, to the north and south of the site, which are inset within the wider, continuous Green Belt of which the site forms a part. The development between the village boundaries and the application site is sporadic and not continuous, with

open space between the application site and the village boundaries, and the site adjoins open land to the east. Although the NPPF does not define 'village', as such it cannot be reasonably said that the site is within or part of the settlement areas of the village. Even if it was considered that the site was within the village, the exception allows 'limited infilling' only. Infilling is normally considered to be where there is a gap between existing properties, whereas in this case, the development extends to the rear; and, Plots 3 and 4 in particular would not be between any other dwellings, but are more representative of backland development. Moreover, if it was concluded that the development was infilling, by replacing one dwelling and a number of smaller, mostly temporary outbuildings with four large dwellings, the development is not considered to be 'limited' infilling. As such, it is not considered that the proposal falls under this exception.

- 7.3.6 The site could be considered to be previously developed land, as although the NPPF excludes residential gardens in built up areas, this is not considered to be a built up area. However, this would only be considered to be an exception under the NPPF, if it had no greater impact on openness than the existing development, excluding temporary buildings which cannot be taken into account. The table above clearly indicate that the proposed footprint and floorspace of the buildings would be considerably larger than the existing development. The floorspace alone would be over double the size. While no volume calculations were provided, with the exception of Building H which is particularly tall, the buildings are single storey and as such replacing these with two storey buildings is similarly likely to result in a considerably large increase in volume. This quantum of built form would be harmful to openness.
- 7.3.7 The buildings are also currently arranged around the boundaries of the site, with a large open area in the middle and as such this limits the impact of the built form to some degree. This area of open land is proposed to be built on as part of the development and this would also result in harm to openness. By association, the proposal would conflict with the purpose of including land within the Green Belt, as it would fail to assist in safeguarding the countryside from encroachment, fail to preserve the setting and special character of historic towns, and not assist in urban regeneration given that this is a rural site.
- 7.3.8 The proposal would therefore be inappropriate and harmful development in the Green Belt. The applicant suggests that there are Very Special Circumstances (VSC) that exist to clearly outweigh the harm to the Green Belt, and any other harm. Whether there is any other harm arising will be considered in paragraphs 7.4 - 7.10 below, with VSC considered at the end of the report.

7.4 Impact on the character of the Conservation Area

- 7.4.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and

history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.

- 7.4.2 Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density. Policy CP2 requires new development to respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM17 states that development which affects any Heritage Asset should first establish and take into account its individual significance, and seek to promote the conservation and enhancement of the Asset and its setting.
- 7.4.3 Principle 6.6 of the RDG states that new development will be expected to respond to the size, shape and rhythm of surrounding plot layouts, and that plot layouts that are out of context with the surrounding character will be resisted. Principle 7.4 states that new residential development should reflect the spacing, heights and building footprints of existing buildings, especially when these are local historic patterns. Principle 7.5 states that where a building has been designed to reflect traditional forms and styles, flat roof should not be used to span overly deep buildings. Principle 7.9 states that window design visible in the public realm should be high quality and create visually balanced harmonious compositions.
- 7.4.4 The applicant has submitted a Heritage Statement which states that the existing development does not positively contribute to the character of the area, nor do the range of outbuildings. They state that Plot 1 which would face the street, would maintain the street scene and complement the character of the conservation area. It states that the other proposed dwellings would not be prominent from any other vantage points and would be sympathetic to the character of the area.
- 7.4.5 It is agreed that the existing bungalow is of no particular architectural or historical merit, however given its single storey nature and set back from the road, it is not considered to cause any particular harm to the conservation area. The remaining buildings are not visible from the road and mostly comprise temporary garden buildings in any case. Plot 1 would be situated more or less on the site of the existing bungalow, and would be approximately in line with the dwelling to the north. Its design appears to be a combination of architectural styles and periods, with different windows to the upper and lower floors, and some concern is raised in this regard, however further comments are awaited from the Conservation Officer. Plot 4 would also be visible in the street scene, and would be visible in the gap between Plot 1 and Shanklin to the north.
- 7.4.6 Concern is raised about the introduction of a suburban, cul-de-sac type of development in this rural, Green Belt location. The presence of more than one property in the plot, which is contrary to all other surrounding development, would be clear from Church Road, and from wider viewpoints for example from the Grade II listed church to the south of the site which is on elevated ground, which currently has views across this conservation area. The views are noted in the Church Road Conservation Area Appraisal (CAA, March 2000), which states that there are

important views between building groups, including from the church across open land, and these views help to create the special character of this part of the Conservation Area. While this is a larger than average plot, the plot sizes in this location vary considerably and there are no other examples of this type of development, with surrounding dwellings being set on individual plots, mostly fairly close to the road. Existing plots are also mostly square or rectangular in size, with all properties facing the road. This would introduce much smaller plots, some of which are triangular, dwellings which do not face the road, and some small spaces which appears to be shared, and as such it does not reflect the form, layout and spacing of the surrounding development.

- 7.4.7 While the dwellings are not excessively high, they also feature crown roofs which are flat on the top, and as such this is indicative of trying to limit the height but still providing overly deep buildings, and is not considered to be an appropriate design, which again is more akin to suburban development. While landscaping could be secured which could be an improvement over the existing situation, it is not considered that this would outweigh the harm to character. The CAA states that the purpose of designation is to help retain the existing character and prevent unsympathetic alterations to the area which would harm its setting. It describes the overall characteristic of the Conservation Area as rural, being largely surrounded by fields, and that housing and other buildings follow the line of established roads. While the CAA notes that the area around the Vauxhall Garage and Shanklin is of lesser quality than parts of the Conservation Area to the south, this emphasises the need for high quality development appropriate to the character of the Conservation Area at this end of Church Road, so as not to further detract from the special character of the area. It is noted that Cobbles, next door to the south is listed as a building of interest and as such the development could detract from its setting also.
- 7.4.8 It is considered that the proposal causes harm to the character of the Conservation Area and as such the development is considered to be contrary to Policies DM9, DM17 and the RDG in this regard. Further comments are awaited from the Conservation Officer and will be reported to the meeting.

7.5 Impact on residential amenity

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.

Principle 8.1 of the RDG states that developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted, and Principle 8.3 that developments should not result in the occupants of neighbouring dwellings suffering from a material loss of daylight and sun access.

- 7.5.2 The site shares a boundary with Shanklin to the north. The proposed Plot 1 would be closest to this dwelling, but would be further than the existing property, at over 10m from the garage and over 14m from the two-storey element of the building. No windows are proposed on the side of this property that faces this dwelling and given the separation distances, no harm in respect of overbearing or overshadowing is anticipated. The area to the rear of Shanklin appears to be commercial in nature, with the storage of cars on the land and some commercial buildings. While the front windows of Plot 4 would overlook this area, given the existing development it is not considered that this would cause harm to residential amenity.
- 7.5.3 The site shares a boundary with Cobbles to the south. Plot 1 would be set forward of Cobbles, similar to the existing bungalow on the site, and given the distance of over 14m at the nearest point from this dwelling, it is not considered that it would cause any significant overbearing or overshadowing issues. Plot 1 has one upper floor window in the side elevation, however this serves a bathroom and in addition would overlook the front garden only of this dwelling which is visible from the road, although enclosed to some degree. A condition could be imposed for this window to be obscure glazed to prevent overlooking.
- 7.5.4 Plots 2 and 3 would have their rear elevations facing the side boundary of the rear garden of Cobbles. The rear windows of Plot 2 would be approximately 13m from the boundary and Plot 3 would be 14m approx. with a minimum of 15m between the buildings themselves. While this would increase the overlooking of the rear garden of Cobbles to a noticeable degree, given at present it is not overlooked, the RDG states that the acceptable separation distance for rear to side relationships is around 15 metres, and in this case the windows would be over 20m from the area of garden immediately to the rear of Cobbles. Suitable, high boundary planting could also be secured by condition and as such, on balance, this is considered to be acceptable.
- 7.5.5 Plot 4 would be close to the rear garden boundaries of The Post House and Harton to the north. However it would be over 20m from the buildings themselves, and given the angle of the dwelling in relation to these buildings, there would be only limited views of part of the rear garden of Harton only. Plot 4 would be around 20m from the very end of the garden boundary of Glebe House and as such is not considered to cause any significant amenity impacts in this regard.

- 7.5.6 The proposed dwellings would not result in any significant overlooking issues between each other, subject to obscure glazing of upper floor side windows. The sizes of the gardens are in excess of those set out in Principle 8.4 of the RDG and no concern is raised with regard to levels of daylight and sun within the properties.
- 7.5.7 The proposal is therefore considered to be, on balance acceptable in terms of its impact on residential amenity, and in line with the above policies, subject to conditions.

7.6 Highways, Parking and Access

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.6.2 The existing dwelling is accessed via a single entrance off Church Road, with a low wall. The outbuildings to the rear are accessed from a track along the southern side of the building. The proposal seeks to move the entrance from Church Road to the northern side of the boundary with Church Road, from which all four properties will be accessed. All four properties would also have a single garage and driveways, providing approximately 3 parking spaces per dwelling.
- 7.6.3 The proposal has been reviewed by the County Highway Authority who have not objected to the new access or parking levels, which are in excess of those required for 4-bedroom properties, subject to a number of conditions. The conditions include a Construction Transport Management Plan, reinstating the existing access, and providing fast charging sockets for each dwelling. While concern has been raised in terms of the number of additional cars, while this may be noticeable to immediate neighbours, given the conclusions of the County Highway Authority it is not considered that it would result in any highway safety issues or noticeable increases in congestion.
- 7.6.4 It is therefore considered that the proposal is acceptable in terms of its impact on highways, parking and access, and in line with Policy DM11 and the NPPF in this regard.

7.7 Impact on Ecology

- 7.7.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible.

Policy CP14A states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted.

- 7.7.2 Given the nature of the existing site, proximity to open land and the outbuildings to the rear, the applicant has submitted a Phase 1 Ecological Assessment, which has been reviewed by Surrey Wildlife Trust (SWT). They have raised concern that evidence has been found of at least one bat species using existing buildings as a bat roost, however no further bat survey has been submitted. This would involve three bat activity surveys at the right time of year. They have stated that unless the ecologist can provide further information in this regard, the surveys are required prior to determination of the application and without these the Local Planning Authority does not have sufficient information to assess the impact on these protected species.

- 7.7.3 In all other regards, the development is considered to be acceptable in terms of its impact on ecology and a condition would be imposed if permission is granted for biodiversity enhancements such as bird and bat boxes, log piles, and suitable native species. The applicant has since submitted a further survey and comments are awaited from Surrey Wildlife Trust and will be reported to the meeting. However at this time, the proposal is considered to be contrary to Policy CP14A, and the NPPF.

7.8 Impact on Infrastructure

- 7.8.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.8.2 Concern has been raised about the impact on local infrastructure. Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This development would be CIL liable at a rate of £220 per square metre, though a reduction is given for existing built form as long as it has been occupied for the required period of time. While contributions towards education are not collected through CIL, given the small size of the proposal the applicant is not required to provide any additional contribution in this regard. The proposal is considered to be acceptable in this regard and final figures would be agreed following a grant of permission, and submission of the necessary forms.

7.9 Impact on the Thames Basin Heaths SPA

- 7.9.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.9.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 2km from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available and this development would be CIL liable, so a contribution would be payable on commencement of development.
- 7.9.3 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. This proposal is liable for a SAMM payment of £2248.70 which takes into account the existing floorspace. This has not yet been received from the applicant, and as such the development causes harm to the Thames Basin Heaths SPA. If the SAMM payment is received before Committee then the proposal would be acceptable in this regard.

7.10 Other matters

- 7.10.1 Policy CP6 requires a mix of housing and suggests that 2-bed and 3-bed properties are the most in need. This development proposes exclusively 4-bed properties. Given the small nature of the proposal however, with 3 net dwellings, it is not considered that this is so harmful to warrant refusal of the application on this basis.
- 7.10.2 Policy CP5 requires developments of 3-4 dwellings to provide a 20% affordable housing contribution equivalent payment. However the Government's Written Ministerial Statement (WMS) issued in November 2014 indicated that contributions should not be sought on developments of 10 units or less, where the GIA does not exceed 1000m². Recent case law has given more weight to the WMS than the development plan in this regard, and as such no contribution is sought on this basis.

- 7.10.3 Policy DM10 requires development to be flood resilient and not increase risk off-site. While concern has been raised in this regard, given the size of the development and the fact it is within Flood Zone 1, the applicant does not have to provide further information in this regard, and drainage would be a matter for building control.

7.11 Very Special Circumstances

- 7.11.1 The above paragraphs have concluded that the proposal would cause harm to the Green Belt, harm to the character of the Conservation Area, harm to ecology and harm to the Thames Basin Heaths SPA. The applicant considers the proposal to not be inappropriate development but in the event that this is not agreed has put forward the following arguments in support which are argued to amount to represent VSC: the lack of a 5 year housing land supply; job creation during the construction period; new residents helping to sustain the key services; high quality residential accommodation, increasing home ownership; scheme respects the character and appearance of the area; and, there would be a landscaping scheme, to the benefit of the site and surrounding area.
- 7.11.2 With regard to the scheme providing high quality accommodation, with landscaping, and respecting the character and appearance of the area, these are requirements that would be expected with any new residential development and as such these are given very limited weight.
- 7.11.3 Surrey Heath does not have a 5 year housing land supply at present, and it is acknowledged that the NPPF seeks to boost significantly the supply of housing. However Policy CP1 directs housing to sustainable locations in the western side of the borough, and this rural location is considered to be less sustainable. In addition, the proposal would provide only three additional dwellings, and as such its impact on the 5 year housing land supply position, job creation and contribution of additional residents to sustain services is very limited. Again these reasons are given very limited weight.
- 7.11.4 Either alone or in combination it is not considered that the applicant's arguments amount to very special circumstances to clearly outweigh the identified harm.

8.0 CONCLUSION

- 8.1 The proposal is considered to be acceptable in terms of its impact on amenity, highways, and infrastructure. However, the proposal represents inappropriate development in the Green Belt not meeting any of the exceptions under paragraph 89 of the NPPF. By virtue of the quantum of built form and the spread of development it would also be harmful to the openness of the Green Belt and conflict with its purposes. Moreover, whilst comments are awaited from the Conservation Officer, it is considered that the development will cause harm to rural character including the Church Road Conservation Area; and, insufficient information has been provided in respect of bats, and no SAMM payment has

been received. There are no very special circumstances to outweigh the identified harm and therefore the application is recommended for refusal.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal constitutes inappropriate and harmful development in the Green Belt not meeting any of the exceptions under paragraph 89 of the National Planning Policy Framework. By reason of the quantum of built form and the spread of development the proposal would cause further harm to the openness of the Green Belt and conflict with its purposes and cause other harm as identified in reasons 2 -4. There are no very special circumstances that would amount to outweigh the identified harm. The proposal is therefore contrary to the National Planning Policy Framework.
2. The proposal, by reason of the siting, layout and design of the dwellings, would result in a suburban form of development which would be harmful to the character of the Church Road Conservation Area, would fail to sufficiently conserve and enhance this Heritage Asset, and would fail to respect and enhance the street scene and integrate sufficiently within its rural context. The proposal is therefore contrary to Policies CP2, DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Church Road Conservation Area Appraisal March 2000, Principles 6.6, 7.4, 7.5 and 7.9 of the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework.
3. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority the presence or otherwise of protected species (in particular bats), and the extent that they may be affected by the proposed development, contrary to paragraph 99 of ODPM Circular 06/2005, Policy

CP14A of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

4. In the absence of a payment in respect of Strategic Access Management and Monitoring (SAMM), the proposal would fail to mitigate the impact of additional residential development upon the Thames Basin Heaths Special Protection Area, and as such is contrary to Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012, the Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document, and the National Planning Policy Framework.

Informative(s)

1. Advise CIL Liable on Appeal CIL3