

LOCATION: ORCHARD COTTAGE, SHEPHERDS LANE, WINDLESHAM, GU20 6HL

PROPOSAL: Outline application for the erection of a 65 bedroom care home, a doctors surgery and a detached bungalow with landscaping and access following demolition of existing buildings (access to be considered), (Additional info rec'd 24/06/15 & 15/7/15).

TYPE: Outline

APPLICANT: Windlesham Care Home Limited

OFFICER: Emma Pearman

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The application site is located on the southern side of Chertsey Road in Windlesham and Shepherds Lane. It is approximately 2.2ha in size and is within the Green Belt, outside the settlement area of Windlesham. It currently comprises a residential dwelling Orchard Cottage and Highams Builders Yard in Shepherds Lane, and a large area of open land to the west of Orchard Cottage.
- 1.2 The proposal seeks outline planning permission with access only to be considered, for a care home to be built on the open part of the site, a new bungalow on the Builders Yard, and a doctors surgery on the site of Orchard Cottage. The existing floorspace totals 674m² and proposed would be in the region of 4185m². All other matters are reserved.
- 1.3 The applicant seeks to justify the development in the Green Belt by reference to the need for the care home and doctors surgery in the local area. In the officer's opinion there is insufficient evidence to demonstrate the need for these facilities such that they amount to very special circumstances that outweigh the significant harm to the openness of the Green Belt. By association, there is also concern with regard to the impact on the character of the area. Additionally, objection has been raised by the County Highway Authority due to the unsustainable location. The Health and Safety Executive also advise against granting planning permission due to a pipeline running through the site. The application is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of the B386 Chertsey Road, about 0.75km outside the settlement boundary of Windlesham, as identified on the Surrey Heath Core Strategy and Development Management Policies 2012. The site lies within the Green Belt and within 100m of the Thames Basin Heaths Special Protection Area (SPA), Chobham Common SSSI and the Thursley, Ash, Pirbright and Chobham Special Conservation Area. The application site is 2.19 ha in size and currently comprises the residential dwelling Orchard Cottage (0.18ha approx including garden) accessed from Shepherds Lane, Highams Builders yard and access track (0.23ha approx) also accessed via Shepherds Lane, and a stretch of open, undeveloped land to the west of Orchard Cottage and the builders yard (1.78ha approx), which has a small access gate from the B386 Chertsey Road.
- 2.2 The area around the site is semi-rural in nature, with limited development along the Chertsey Road, which includes the Brickmakers Arms Public House opposite the site, and

the former British Oxygen Corporation (BOC) headquarters adjacent to the east, with a high brick wall along the boundary between these sites. The northern boundary of the site adjoins the B386 Chertsey Road, and along this boundary is a red brick wall and mature trees which screen the site from the road. The nearest residential properties are Scarlett Hollies in Shepherds Lane to the north-east, and Lynbrook Cottage on Chertsey Road to the north-west, and the rear gardens of two other properties also share a boundary with the site to the north-west. Along the western boundary there are mature trees which prevent views into the site. The site adjoins open land to its southern boundary, with some trees and hedges along this boundary.

- 2.3 The site lies within Flood Zone 1 which has the lowest probability of flooding. There are no archaeological or historical designations within the site, though there are some Locally Listed buildings nearby including the Brickmakers Arms, approximately 25m to the north, a building within the BOC site approx 90m from the access road, and residential properties Gunners and Gunners Meadow, approximately 120m to the south-west. There is also a pipeline running north-south through the western half of the site.

3.0 RELEVANT HISTORY

- 3.1 SU/13/0952 Erection of a two-storey detached dwellinghouse and detached triple garage and workshop following demolition of Orchard Cottage and the buildings located at Highams Storage yard (*same application site*)
Decision: Application withdrawn Date: 5.6.14
- 3.2 SU/13/0598 Application for a Proposed Certificate of Lawfulness for the erection of 3 outbuildings (*Orchard Cottage only*)
Decision: Agreed Date of decision: 15.10.13
- 3.3 SU/98/891 Change of use of land and buildings from storage of construction plant and building materials to single dwellinghouse, detached garage and residential curtilage (*Highams Builders yard*)
Decision: Refused (*and dismissed on appeal*) Date of decision: 5.2.99 (*appeal 22.7.99*)
- 3.4 SU/98/77 Change of use of land and buildings from storage of construction plant and building materials to single dwellinghouse with residential curtilage, erection of single storey rear extension incorporating glazed linkway (*Highams Builders yard*)
Decision: Refused (*and dismissed on appeal*) Date of decision: 9.7.98
- 3.5 SU/97/0495 Application for a Certificate of Lawful Use for land to be used for the storage of building materials and contractors plant. (*Highams Builders Yard*)
Decision: Agreed Date of decision: 5.1.98

4.0 THE PROPOSAL

- 4.1 The proposal is an outline planning application for access only and relates to a 65-bed residential care home, a doctor's surgery and a detached bungalow with associated parking provision and landscaping, following the demolition of Orchard Cottage and Highams Builders Yard. All other matters are reserved.
- 4.2 In respect of access, the proposed doctors surgery would be built on the site of Orchard Cottage, and the care home on the open land to the west of Orchard Cottage, both accessed directly from Chertsey Road in the same location as the existing access gate. The proposed bungalow would be built on the site of Highams Builders Yard and accessed via Shepherds Lane. The proposed care home and its gardens would be located in the northern half of the site, with a separate nature conservation area forming most of the southern section of the site.
- 4.3 Whilst only indicative, as the actual quantum of development would be determined at reserved matters stage, from the illustrative floorplans the proposed bungalow would have a footprint of around 500m², doctors surgery 220m² and care home 1,800m², with total new floorspace 4,185m². Overall this would represent a floor area increase of 3,510m² (i.e. the existing bungalow has a footprint and floorspace of 272m² and Builders Yard 402m²).
- 4.4 Parking would be provided to the front of the care home and doctors surgery, though numbers of parking spaces would be a reserved matter. According to the applicant's submission there would be up to 170 two-way vehicle trips per day associated with the Care Home and could be around 500 two-way trips in total including visits to the proposed doctors surgery.
- 4.5 The applicant advises that up to 70 jobs would be created and proposes priority places for Windlesham and Chobham residents. Further reference will be made to the applicant's arguments in favour of the proposal in section 7 of this report. Where applicable, reference will be made to the following documents submitted in support:
- Transport Statement
 - Design and Access Statement
 - Planning Policy Statement
 - Arboricultural Impact Assessment
 - Flood Risk Assessment
 - SuDS Drainage Report (and additional Drainage Report, Strategy and Management Report)
 - Ecology Report (and further information following Surrey Wildlife Trust's comments).

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority Objection - the proposed development is located such that its users will be heavily reliant on car borne access and not sustainable transport methods, due to its lack of proximity to the existing settlement of Windlesham which will result in a severe impact with regards to transport

		sustainability; and the lack of direct pedestrian access to the site.
5.2	Natural England	No objection subject to a condition requiring gated access to the care home and doctors surgery.
5.3	Surrey Wildlife Trust	No objection, subject to conditions.
5.4	Council's Arboricultural Officer	No objection, subject to conditions.
5.5	Surrey County Council - Local Lead Flood Authority	Response awaited.
5.6	Environment Agency	Response awaited.
5.7	Council's Drainage Officer	Response awaited.
5.8	Thames Water	Response awaited.
5.9	Surrey County Council Archaeology	No objection, subject to condition.
5.10	Council's Listed Buildings Officer	No objection.
5.11	Council's Environmental Health Officer	No objection.
5.12	Fisher German Pipelines/CLH Pipeline System	No objection, subject to condition.
5.13	Health and Safety Executive	Advise against.
5.14	Windlesham Parish Council	Objection - Road and highway safety issues as very close to school, asked whether there are any "very special circumstances" that would allow Green Belt to be built on.
5.15	Chobham Parish Council	No objection - provided that the "very special circumstances" are upheld, particularly provision to Chobham Parishioners, the site is used for its stated purpose and trees on west side and green area to south is maintained.

6.0 REPRESENTATION

6.1 At the time of preparation of this report 225 letters in support and 48 objections have been received. The letter of objections are summarised below:

Green Belt/need for the development

- Loss of Green Belt land, no very special circumstances demonstrated, will set dangerous precedent of building on Green Belt [see paragraphs 7.2 and 7.10]
- Not the community charitable care home wanted by Windlesham residents, this is a commercial venture for only those who can afford it [see paragraph 7.10]
- Previous doctors surgery closed for economic reasons, no evidence to suggest this would be any different, need not proved for doctors surgery [see paragraph 7.10]

- Site is currently a buffer between residential housing and former BOC site [see paragraph 7.2 and 7.3]
- Already new care homes at Lightwater and Bagshot [see 7.10].

Residential Amenity

- Care home residents would suffer from pollution and noise from M3 [see 7.5].

Highways, Parking and Access

- Not in a sustainable location, too far from village centre for people to get to, no closer than doctors at Lightwater, no bus service [see 7.4]
- Dangerous stretch of road, potential conflict with entrance to pub opposite, already accidents on this stretch [see 7.4]
- Will increase traffic through Windlesham [see 7.4]
- Insufficient parking proposed [Officer comment: parking is a reserved matter so would be considered under a further planning application should permission be granted].

Ecology

- Will have a detrimental impact on wildlife and ecology [see 7.7].

6.2 The letters of support are summarised below:

Green Belt/need for the development

- Care home and doctors surgery are much needed for residents of Windlesham and surrounding area/will be asset to village [see 7.10]
- Residents and their relatives can stay in village if they have to go into a home [see 7.10]
- High demand for existing Lightwater surgery [see 7.10]
- Residents have been wanting a care home in Windlesham for a long time [see 7.10]
- Priority should only be given to local residents at reduced costs [see 7.10]
- Will free up houses within the local area when people move into care home [Officer comment: this may be the case but only 'priority access' is suggested for local residents meaning that residents could come from elsewhere]
- Will create jobs [see 7.10].

Character

- Beautiful setting [see 7.2 and 7.3]
- Well designed building [Officer comment: the design of the building is illustrative only and would be considered at reserved matters stage].

7.0 PLANNING CONSIDERATION

7.1 The proposal is considered against the National Planning Policy Framework (NPPF); policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) including Policies CP2, CP3, CP6, CP8, CP11, CP14A, CP14B, DM9, DM10 and DM11. As this is an outline application for access only this is the main issue to consider, however, regard must also be had to the principles and impacts of the development and so this report will consider the following issues:

- Green Belt appropriateness and harm;
- Impact on the character of the area;
- Highways, parking and access;
- Impact on residential amenity;
- Trees, Landscaping and Ecology;
- Impact on Thames Basin Heaths Special Protection Area;
- Other matters including drainage and impact on the gas pipeline; and,
- Very Special Circumstances.

7.2 Green Belt appropriateness and harm

7.2.1 Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts, and that their fundamental purpose is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt being their openness and their permanence. Paragraph 80 states that the Green Belt serves five purposes, the third of which is to assist in safeguarding the countryside from encroachment. 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 goes on to say that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.2.2 Paragraph 89 states that the construction of new buildings is inappropriate within the Green Belt with some exceptions, one of which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and another is the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, 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.

7.2.3 There are essentially three elements to this proposal: 1) the care home proposed on open, undeveloped Green Belt land; 2) the doctors surgery proposed on the site of existing Orchard Cottage; and, 3) the bungalow proposed on the site of Highams Builders Yard which can be considered to be previously developed land. The care home therefore represents inappropriate and harmful development, by definition i.e. as a new building contrary to paragraph 89 of the NPPF. The doctors surgery replacing Orchard Cottage itself is not in the same use as the existing dwellinghouse and so under paragraph 89 this surgery would also represent inappropriate development in the Green Belt.

While the Builders Yard could be considered previously developed, the proposed bungalow has a 20% larger floorspace than the existing buildings put together and as such would result in a greater impact on openness, contrary to paragraph 89.

- 7.2.4 Moreover, the total amount of built form would cause further harm to the openness of the Green Belt. The exact size of the care home would be determined at the reserved matters stage, however it is proposed to be up to 65 bed spaces, and the illustrative plans show a footprint of around 1800m². Accordingly, this would result in a large building within the Green Belt where there has always been open land, and therefore would have a significant adverse effect on the openness of the Green Belt. The spread of development would also constitute encroachment into the countryside, contrary to the purposes of including land in the Green Belt listed under paragraph 80 of the NPPF.
- 7.2.5 In short this development represents inappropriate development in the Green Belt and would cause significant harm to its openness and conflict with the purposes of including land within it. Paragraph 7.10 of this report considers whether there are any very special circumstances to outweigh the identified harm.

7.3 Impact on the character of the area

- 7.3.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment, paragraph 61 requires new development to integrate into its context and paragraph 64 requires design to improve the character and quality of the area. Policy CP2 and DM9 of the CSDMP reiterates this by requiring development to respect and enhance the quality of the environment.
- 7.3.2 This site is best described as a semi-rural area being located outside of the settlement of Windlesham with the immediate vicinity of Chertsey Road having a limited amount of development on both sides of the road. This mostly comprises large, detached dwellings on large plots, which are located sporadically along the road, and some terraced cottages. There is no prevailing architectural style and dwellings are set back from the road by varying degrees. The application site is also located next to the former BOC site which is a large office complex and across the road from the Brickmakers Public House, and further along there is Coworth Flexlands School, so there are a mix of uses in the immediate vicinity of the site. The streetscene is dominated by significant mature vegetation all along the road, including that existing along the front boundary of the application site.
- 7.3.3 Development along this road is in small groups or lone dwellings, interspersed with areas of open land. This proposal would fill in a gap between Lynbrook Cottage and Sundial, resulting in a band of continuous development for 0.6km, which is not repeated anywhere else along the road and results in a more urbanised character to this part of the road. Despite the proposal's set-back from the road, mature landscaping, and existing mix of uses in the vicinity, it is not considered that this is enough to offset the detrimental impact on character that the development would have.
- 7.3.4 Whilst there is no objection per se to the architectural design, which would be a reserved matter, the indicative quantum of built form on this site would conflict with the open rurality of the area and fail to integrate into its established context. Furthermore, the nature of the development would attract a large number of people throughout the day and at weekends, with resulting noise and traffic generation, which is likely to be in the region of 500 two-way trips daily. This would also be at odds with the character of the area. The proposal cannot therefore be said to respect and enhance the existing rural and open character of the area, so contrary to the NPPF and policies CP2 and DM9.

7.4 Highways, Parking and Access

- 7.4.1 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 CP11 states that new development that will generate a high number of trips will be directed towards previously developed land in sustainable locations or will be required to demonstrate that it can be made sustainable to reduce the need to travel or promote travel by sustainable modes of transport. All development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. 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.
- 7.4.2 The proposed development is 0.75m outside the settlement boundary of Windlesham and 1.5km from the nearest bus stop. As such, its location means that people are very unlikely to use public transport or walk from the nearest bus stop and so its location is considered unsustainable. Although the site would have reasonable access by car, and level of parking would be determined at reserved matters stage, it does not comply with Policy CP11 as it is not easily reachable by public transport. The County Highway Authority have objected because the development would be heavily reliant on car borne access, users would not be likely to use sustainable methods of transport and because the lack of direct pedestrian access to the site from Chertsey Road.
- 7.4.3 The applicant proposes a gated access to the development, which is required by Natural England so the car park cannot be used by people wishing to walk on the Thames Basin Heaths Special Protection Area (SPA) which is located on the opposite side of the road about 60m away. The County Highway Authority has indicated that this would be of concern as it is likely to lead to vehicles queuing on Chertsey Road. It is the officer's opinion that access gates would be impractical as the amount of cars entering and exiting a doctors surgery is high. Access gates would require the entrant to confirm the nature of the visit each time, with staff at the doctors surgery or care home to prevent any unauthorised use. This would require a member of staff at both places to be constantly engaged for that purpose to prevent any queuing on the road, or a full time member of staff to supervise the car park. Further consideration is given to this matter in paragraph 7.8 below.
- 7.4.4 It is therefore considered that the location of the proposed development is unsustainable and the use of the gated access may cause queuing on the highway, and the proposal is therefore contrary to Policies CM11, DP11 and the NPPF.

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.
- 7.5.2 The nearest property to the proposal is Sundial on Shepherds Lane. There is a brick wall along some of the boundary between Orchard Cottage and Sundial, however at present much of the boundary is open. The proposed doctor's surgery would be located as close to Sundial as the existing Orchard Cottage, and the illustrative plans show that there would be around 6.9m between the northern side elevation of the doctor's surgery, and the southern side elevation of Sundial. The doctor's surgery is proposed to be single storey,

however illustrative plans show that it would have a high ridge height so consideration would have to be given at the reserved matters stage to the height in relation to Sundial in case of any overbearing or overshadowing effects. Consideration would also have to be given to placement of windows on the northern side elevation, which may result in a loss of privacy to the occupants of Sundial given the minimal distance between them.

- 7.5.3 Lynbrook Cottage is located to the west of the development and the building itself is over 40m away, as is the proposed new bungalow on the site of the Builders Yard. As such, no adverse effects in terms of overlooking, overshadowing or loss of privacy are anticipated. A mature tree screen would be retained along the rear boundary of Lynbrook Cottage, Lynbrook and Appletree Cottage which adjoin the application site.
- 7.5.4 In terms of noise, the proposed development would generate additional noise over and above the existing levels, mostly in terms of traffic generation and use of the car park, which would be mainly for the doctor's surgery so during normal working hours Monday to Friday. Government guidance states that noise is not likely to have any adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude, such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. Although this level of noise is out of keeping with the character of the area, the level of noise resulting from the development and the timing of the noise is not likely to result in a significant adverse effect on the quality of life of nearby occupants such that any change in behaviour would occur. The acoustic environment, however, would reflect a more urban environment rather than the existing rural one. It is not considered that the M3 to the south of the site would cause an unacceptable level of noise or pollution for future residents. The Council's Environmental Health Officer has been consulted and raises no objection.
- 7.5.5 It is therefore considered that although the proposal would increase noise levels, these are not likely to cause significant adverse effects on immediate neighbours. Subject to the careful design of the surgery, no other impacts on amenity are anticipated. As such, it is considered that the proposal is in accordance with Policy DM9 and the NPPF in this regard.

7.6 Trees, Landscaping and 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 DM9 states that development will be acceptable where it protects trees and other vegetation worthy of retention.
- 7.7.2 The applicant's submitted Arboricultural Report states that the oak woodland on the southern boundary would not require any works because of the distance between it and the proposed development. However, it would be suitable for additional planting to create a varied age class therefore prolonging the likely lifespan of the wood. It states that other than a hedgerow within the middle of the site, which currently is along the rear and side boundaries of Orchard Cottage, and two Category U trees, all remaining trees including those along the northern and western boundaries would be retained and protected during the proposed works. The Design and Access statement further adds that these existing trees would be supplemented by additional planting to enhance the landscape appearance and provide screening.
- 7.7.3 The Design and Access Statement advises that there will be a central courtyard landscape garden to the rear, surrounded on three sides by the care home building.

There would also be additional landscaped areas designed specifically to aid in the care of dementia suffers for example a reminiscence garden, a sensory garden and/or a sound and kitchen garden.

- 7.7.4 The Council's Arboricultural Officer has been consulted and does not object. However, should the application be permitted, he would require conditions for a comprehensive landscaping scheme with the provision of native species and not just ornamental species, tree and ground protection measures during construction and a pre-commencement site meeting. It is considered therefore that subject to these conditions the proposal would be acceptable in terms of trees and landscaping.
- 7.7.5 The applicant has also submitted an Ecology Report, which states that four species of reptiles were found on site. Therefore, work to clear the site would be carried out with Reasonable Avoidance Measures and supervised by an ecologist. A Method Statement has been provided. In order to increase the carrying capacity of the site, three broad habitat types of orchard, woodland and wildlife meadow would be created/retained and managed. Within the nature conservation area to the rear of the care home garden, hibernacula (places for refuge for wildlife) would be installed within the woodland, along with log piles and the conservation area in front of the wood seeded with wildflower mix.
- 7.7.6 The Surrey Wildlife Trust originally had concerns about the carrying capacity of the site. Following the submission of further information however, they now have no objections subject to conditions requiring the applicant to adhere to the report's mitigation recommendations, specifications for management of the retained area and who would be responsible for implementation, a comprehensive landscaping plan and additional enhancements such as bird and bat boxes. Subject to conditions the proposal would therefore accord with adopted policy.

7.8 Impact on Thames Basin Heaths Special Protection Area

- 7.8.1 The site lies within 5km of the Thames Basin Heaths SPA and this site is approximately 60m 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, however care homes can be acceptable subject to some conditions, and replacement dwellings can be acceptable. Natural England has been consulted and originally requested further information which was submitted. Consequently they have not objected subject to conditions requiring the development only to be occupied by those who are not able to independently recreate on the SPA and are of limited mental or physical capacity; no keeping of pets at the home and gated access to the development controlled by intercom, with fencing off during construction. However, the requirement for a gated access conflicts with the County Highway requirements and therefore objection is raised to the proposal on these grounds.
- 7.8.2 Residential and retail developments are CIL liable and for residential developments this includes a contribution towards Suitable Alternative Natural Greenspace (SANG) which is pooled through CIL. Therefore, the bungalow part of the development only would be liable to CIL, as it is payable on all new dwellings. CIL would be payable on commencement. An informative regarding CIL would be added if permission is granted.

7.9 Other matters

- 7.9.1 The application site is located within Flood Zone 1 however it is over 1 ha in size and as such a Flood Risk Assessment was required and has been submitted. The applicant has also submitted a Drainage Strategy and SuDS Drainage Report.

Comments are awaited at this stage from the Local Lead Flood Authority, the Drainage Officer, Thames Water and the Environment Agency and will be reported to the meeting.

- 7.9.2 The Health and Safety Executive have, through their automated system, advised against development based on the information provided from the application. They have, however, advised that this may be overcome if the applicant can submit further details of the pipeline on an appropriate scale map. It is considered that if permission was granted this should be done before a reserved matters application is submitted, as it may mean that development is not possible on this site because of the pipeline. At present therefore, the objection remains, but it is recognised that further information before any reserved matters application may be able to overcome this issue.

7.10 Very Special Circumstances

- 7.10.1 On the basis of the identified harm in paragraphs 7.2 – 7.9 above namely the significant harm to the Green Belt; the adverse impact on the rural character of the area; the unsustainability of the site; the potential conflict of the gated access with highway safety; and, the potential impact on the gas pipeline it is therefore necessary to consider whether alone or in combination there are very special circumstances to outweigh this combined harm.

- 7.10.2 The applicant has put forward reasons for the development which they consider amount to very special circumstances, listed below:

- Provision of a rare, available site of a sufficient size to meet pressing local needs for a care home and doctor's surgery;
- Priority rights for Windlesham and Chobham parish residents to be included in a legal agreement;
- Provision of 70 full time equivalent jobs in a variety of different forms of employment;
- A site location well-related to the strategic road network and already previously developed;
- The removal of a set of unattractive utilitarian buildings and non-conforming use comprising the existing builders yard; and,
- The provision of a high quality design including a number of design features of Edwardian character.

- 7.10.3 In respect of the need arguments, Policy DM14 of the CSDMP states that the Borough Council will seek to identify opportunities to enhance and improve community facilities, and where demand for facilities occurs the Council will, in the first instance, explore opportunities to provide additional facilities through the enhancement of existing or co-located facilities. While the applicant states that the provision of a site such as this is rare, and that there is a pressing need for a local care home and doctor's surgery, no evidence to back up either of these issues has been presented, other than data on the ageing population and associated need for accommodation.

- 7.10.4 Nine care homes have been approved within the Borough since 2009, including the newly built Lakeview home in Lightwater, approximately 1.5km from the settlement boundary of Windlesham to the south-west. There is no evidence provided to suggest that Windlesham and Chobham residents are not able to find appropriate local places in existing local care homes, or that there is a pressing need for a doctor's surgery in Windlesham particularly, and that other local facilities cannot be enhanced or extended. While the applicant

suggests that local residents would be given 'priority access' to places at the care home there is no mention of how this would work or any fee reduction.

- 7.10.5 The applicant states that there is a need for housing and an ageing population in the local area, which is not disputed. However, Policy CP3 of the CSDMP states that the Borough Council will make provision for additional dwellings by promoting the use of previously developed land in settlement areas and after 2025 if insufficient sites have come forward within settlement areas then consider release of sustainable sites in Countryside beyond the Green Belt. The part of the site where the care home would be located is not previously developed, or in a settlement area. No Alternative Site Assessment has been submitted, which could have demonstrated that another, more suitable non-Green Belt site or previously developed site cannot be found locally for either of these facilities. Accordingly it is considered that the need for the care home and doctor's surgery on this particular site cannot be considered to be very special circumstances, given the lack of evidence provided to demonstrate this claim.
- 7.10.6 The creation of jobs is supported by paragraph 28 of the NPPF which states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. While the creation of jobs is welcomed and this weighs in favour of the proposal, this is not a sustainable location for 70 new jobs, and additionally job creation alone is not considered sufficient to outweigh the other concerns.
- 7.10.7 While the development may be accessible by car, it is not in a sustainable location, being 1.5km from the nearest bus stop in the centre of Windlesham with no public transport serving this location. Consideration must be given to those who would need to access the site without a car, and with a doctor's surgery and care home it is likely that there may be a high proportion of older visitors to the site, who may not be able to use the car and who may have difficulty walking the 1.5km from the nearest bus stop. Additionally, the County Highway Authority has objected because of its unsustainable location, which is considered in further detail below. It has already been explained in paragraph 7.2 of this report that only part of the site is previously developed land and this does not justify the quantum of development now proposal. As such, contrary to the applicant's claim, the site's location cannot be said to represent a very special circumstance.
- 7.10.8 The removal of unsightly buildings does not justify additional development in the Green Belt. The fact that a proposal may improve the visual amenities of the area does not outweigh the harm to openness as all proposals should improve the character of the area, in line with the NPPF and adopted policy. Similarly, high quality architectural design ought to be a pre-requisite with any proposal. In any event, given that design is a reserved matter there is no indication to suggest that this design would be so special or outstanding to justify the harmful development.

8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT)

ORDER 20

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.

c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The proposal represents inappropriate development in the Green Belt, which is by definition harmful, and would cause harm to the Green Belt's openness by virtue of the significant increase in floorspace, together with new access, car park and hardstanding. By association the proposal would conflict with the purposes of including land in the Green Belt and be harmful to the existing rural and undeveloped character of the area. The development would be in an unsustainable location and not be easily accessible other than by car. In the officer's opinion, the factors put forward by the applicant to justify the development do not amount to very special circumstances that clearly outweigh the harm to the Green Belt, and the other harm in terms of local character and highways as identified above. It is therefore recommended that the application be refused.

10.0 RECOMMENDATION

Refuse for the following reason(s)

1. The proposed new buildings represent inappropriate development in the Green Belt, which is by definition harmful and by reason of its use, size and scale would cause significant harm to the openness of the Green Belt and conflict with the purposes of the Green Belt and, by association, would fail to respect and enhance the open and undeveloped rural character of the area. The proposal is therefore contrary to Policies CP2 and CP9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
2. The remote location of the site relative to Windlesham Village means that users of the development are unlikely to use sustainable forms of transport. As a result the development will have a severe impact in regard to transport sustainability. The proposed development is located such that its users will be heavily reliant on car borne access due to its lack of proximity to the existing settlement of Windlesham, and the lack of direct pedestrian access to the site from Chertsey Road, contrary to Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.
3. The applicant has failed to demonstrate to the satisfaction of the Planning Authority that very special circumstances exist sufficient to outweigh the inappropriateness and harm to the Green Belt, and other harm identified in reasons 1 and 2 above. As such the development is contrary to the National Planning Policy Framework.

Informative(s)

1. Advise CIL Liabe on Appeal CIL3

2. The applicant is advised that the Health and Safety Executive raise concern over the proximity of the development to the Esso Pipeline and the risk of harm. The applicant is advised to further investigate this matter with the HSE and provide further evidence to ensure no risk to people and property.
3. The applicant is advised that the gated access to the site required by Natural England would conflict with the requirements of the County Highways Authority. For this reason the applicant needs to look at alternatives, in consultation with Natural England.