

LOCATION:	Matthews Corner Garage, Matthews Corner, Church Road, Windlesham, Surrey, GU20 6BH,
PROPOSAL:	Erection of a terrace of 3 two storey dwellings and one detached building to accommodate 4 flats with associated bin store, parking and landscaping following demolition of existing buildings on site (Existing dwelling of Shanklin to be retained).
TYPE:	Full Planning Application
APPLICANT:	Cavalier
OFFICER:	Miss Patricia Terceiro

This application would normally be determined under the Council's Scheme of Delegation, however, it is being reported to the Planning Applications Committee at the request of Cllr Tedder, on the grounds that it would be an appropriate development in the Green Belt in keeping with the surrounding area.

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 a commercial car sales business. The site faces open land on the other side of Church Road. The proposal is to replace the existing business with a terrace of 3 no two storey dwellings and one detached building to accommodate 4 no flats.
- 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. In addition, the proposal would be detrimental to the spacious character of the area. 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 Matthews Corner Garage is located on the east side of Church Lane, close to its junction with Kennel Lane. The irregularly shaped application site currently comprises the car sales business historically known as 'Matthew's Corner Garage' and the adjoining residential property within the same ownership known as 'Shanklin'. The application site has frontages to Kennel Lane to the north and to Church Road to the west, which gives vehicle access to the site.

- 2.2 Surrounding development mostly comprises of detached dwellings, of varied architectural styles, though there are also some semi-detached cottages. On Kennel Lane, further to the east, there is also a row of terraces. The plot sizes and building lines also vary, though most have generous gardens. To the opposite side of the Church Road there is open land.
- 2.3 The application site lies within Green Belt land and forms part of the Church Road, Windhlesham Conservation Area. Walnut Tree Farm, a Grade II listed building sits to the north of the application site.

3.0 RELEVANT HISTORY

Application site:

- 3.1 10/0556 Erection of 5 detached dwellings comprising of 4 detached two storey dwellings with roofspace accommodation and 1 chalet bungalow, and two detached double garages with associated parking and access. Refused, 2010.
[Officer note: this application was refused on the grounds of Green Belts, impact on the character of the area, residential amenity and Thames Basin SPA].
- 3.2 10/0590 Certificate of Lawful Development for the existing use of land and garage for parking, storage and valeting of motorcars (Sui Generis) in conjunction with adjacent motorcar sales site. Agreed, 2010.
- 3.3 19/0489 Erection of a terrace of 3 no two storey dwellings and one detached building to accommodate 5 no flats with associated bin store, parking and landscaping, following demolition of existing buildings on site *[See Annex A for a copy of the Officer's report and update].*
This application was presented to Planning Committee on 12 September 2019 with an Officer recommendation to refuse and was refused for the following reasons:
- 1 - The proposal constitutes inappropriate and harmful development in the Green Belt not meeting any of the exceptions under paragraph 145 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 proposed development, by virtue of its layout, plot size, scale, massing and building height would result in an excessive quantum of development that would appear over dominant and visually cramped in this rural location, which is characterised by spacious low density residential development. The proposal is therefore contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principles 6.6, 7.3, and 7.4 of the Surrey Heath Residential Design Guide Supplementary Planning Document 2017, Policy WNP2.1 of the Windlesham Neighbourhood Plan and the National Planning Policy Framework.*
- 3 - The level of parking proposed is insufficient to meet the needs of the 1 and 3 bed dwellings and could result in overspill parking onto local roads and, by association, may rise to conditions prejudicial to highway safety and the free flow of traffic contrary to Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy WNP4.2 of the Windlesham Neighbourhood Plan 2018-2028.*
- Reason 4 refers to the Thames Basin SPA.*

4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of a terrace of 3 two storey dwellings and one detached building to accommodate 4 flats with associated bin store, parking and landscaping following demolition of existing buildings on site (Existing dwelling of Shanklin to be retained).
- 4.2 The flatted building would face towards Church Road and have a shallow frontage. It would accommodate plots 1-5, which would be 2-bedroom flats. It would have a dual roof with hipped ends and measure 17.3m in width (including single storey element), 12.1m in depth, 5.5m in height to the eaves and 7.4m in ridge height.
- 4.3 Plots 5-7 would form the row of terraces, which would comprise 2x 3-bedroom dwellings and 1x 2-bedroom dwelling, facing towards Kennel Lane. The building would have a hipped roof and measure 16.3m in width, 10.6m in depth, 5.3m in height to the eaves and 8.1m in ridge height.
- 4.4 The development would benefit from a communal parking area located in the central area of the site, with capacity to accommodate 16 no parking spaces. This would be accessed off Church Road through a long driveway that would be shared with Shanklin. All plots would have garden areas to the rear.
- 4.5 The proposal would be externally finished in painted bricks to the walls and natural slate roof tiles, as stated on the application form.
- 4.6 Compared to the 2019 refused application (19/0489), the proposal would provide one less flat. The total number of residential units would be seven and comprise 5x 2-beds and 2x 3-beds. The row of terraces would now face towards Kennel Lane and the block of flats to Church Road. Parking would continue to be provided in the central area of the site, however now there would be 16 no spaces instead of 11. The second amenity area, which was located on the south-east corner of the site has been removed. Therefore, this assessment focuses on whether or not this revised scheme has overcome the previous reasons for refusal.
- 4.7 A revised layout plan has been submitted showing a different vehicle parking arrangement. The application has been assessed on the basis of the revised layout.

5.0 CONSULTATION RESPONSES

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| 5.1 | Surrey County Highway Authority | No objection, subject to planning conditions <i>[see Annex B for a copy of the consultation response]</i> . |
| 5.2 | Conservation Officer | No objection, subject to a planning condition regarding materials |
| 5.3 | Council Waste Services Manager | No objection, subject to condition |
| 5.4 | Scientific Officer | No objections, subject to planning conditions |
| 5.5 | The Windlesham Society | Objects to the proposal on the following grounds: <ul style="list-style-type: none">• The proposal would be contrary to Policies WNP2.1, WNP2.2 and WNP2.3 of the Windlesham Neighbourhood Plan <i>[See sections 7.4 and 7.5]</i>;• Inadequate parking provision <i>[See section 7.6]</i>. |
| 5.6 | Surrey Wildlife Trust | No objections, subject to planning conditions |

6.0 REPRESENTATION

6.1 At the time of preparation of this report 11 no objections have been received which raise the following issues:

- The proposal would fail to comply with Green Belt Policy [See section 7.3];
- The area of hardstanding would be less than that shown on the drawings [See section 7.3];
- Cars are not a permanent structure and therefore should not be included in the calculation of existing footprints [See section 7.3];
- The proposed development would interrupt the views through the conservation area from the areas around the Church [See section 7.4];
- The proposal would represent an over development of the site, which would have a highly detrimental effect on the historic character of this part of the village [See section 7.4];
- The site is too small to sustain the proposed magnitude of development, as evidenced by Shanklin's rear garden, which is now proposed as a parking area instead of garden area [See section 7.4];
- The application would fail to respect the ratio of existing footprint, density and spacing between buildings [See section 7.4];
- The proposal would fail to respect the building line on Church Road [See section 7.4];
- The hedge fronting Kennel Lane is shown as continuous however, if this were to be built, it is likely that within a short time the hedge would be broken up to create pedestrian accesses to the front of the houses from Kennel Lane [See section 7.4];
- The proposed development would appear crammed into the small site and would not be sympathetic with the other houses in the vicinity [See section 7.4];
- The proposal provides for 16 bedrooms, there will be more bedrooms (and residents, visitors and cars) than those associated with the last application, which provided for 14 bedrooms [See sections 7.4, 7.5 and 7.6];
- Loss of privacy to the residents of The Post House and Walnut Tree House [See section 7.5];
- The block of flats and terraced houses would not be provided with adequate private amenity space [See section 7.5];
- The proposal would generate additional noise in the locality [See section 7.5];
- The proposed parking layout is in a cramped tandem style arrangement that would be difficult to use. The proposed number of parking spaces would not be sufficient and there would be overspill onto the roads [See section 7.6];
- The two bedroom flats would not be in accordance with the Windlesham Neighbourhood Plan [See section 7.10].

7.0 PLANNING CONSIDERATION

7.1 The application site is located in the Green Belt, as set out in the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). In this case, consideration is given to Policies CP1, CP2, CP3, CP6, CP12, CP14, DM9, DM11 and DM17 of the CSDMP. The Residential Design Guide (RDG) SPD 2017, as well as the Windlesham Neighbourhood Plan (2019) also constitute material planning considerations. Finally, the proposal will also be considered against the principles of protecting the Green Belt land, in accordance with Section 13 of the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered within this application are:

- Principle of development and impact upon the Green Belt;
- Impact on character of the area, including Conservation Area;
- Residential amenity;

- Transport and highways considerations;
- Biodiversity;

Impact on infrastructure;

- Impact on the Thames Basin Heaths SPA;
- Other matters: housing mix, contaminated land, waste management;
- Very Special Circumstances.

7.3 Principle of the development and impact on the Green Belt

- 7.3.1 Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 seeks sustainable development within the Borough. This policy states that new development will come forward largely through redevelopment of previously developed land. Policy CP3 sets out the overall housing provision targets for the Borough for the period 2011-2028.
- 7.3.2 Paragraph 143 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. Therefore, and as per paragraph 144, the Local Planning Authority 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 145 of the NPPF states new buildings are inappropriate in the Green Belt but lists exceptions to this. In particular, bullet point g) notes that limited infilling or the redevelopment of previously developed land (excluding temporary buildings) is not inappropriate development within the Green Belt, provided that it would not have a greater impact on the openness of the Green Belt than the existing development.
- 7.3.4 The application site is occupied by a car sales and is virtually laid to hardstanding. It contains one single storey building used as office and 4 no smaller outbuildings, also single storey. The application is therefore considered to form previously developed land and, consequently, its re-development would benefit from support of para 145 of the NPPF, provided that it would not have a greater impact on the openness of the Green Belt than the existing development. The following table indicates these differences in floor space, footprint, volume, height and hardsurfacing, in comparison with the existing situation:

	Existing	2019 Application		This proposal (19/2309/FFU)	
		Proposed	Difference	Proposed	Difference
Floor space	152m ²	698m ²	+546m ² (359%) increase	688m ²	+536m ² (353%) increase
Footprint	152m ²	379m ²	+227m ² (149%) increase	357m ²	+205m ² (135%) increase
Volume	488m ³	2137m ³	+1649m ³ (338%) increase	2112m ³	+1624m ³ (333%) increase
Maximum height	4.9m	8.2m	+3.3m	8.1m	+3.2m
Hardstanding	2023m ²	550m ²	-1473m ² (73%) decrease	822m ²	-1201m ² (59%) decrease

- 7.3.5 Case law has established that 'openness' is open-textured and a number of factors are relevant when it comes to applying it to the particular facts of a specific case. This includes both spatial and visual impacts.
- 7.3.6 The table above also compares the current development with the previous refused application. The figures show that this proposal has been reduced in terms of floor space, footprint, volume and maximum height in relation to the 2019 application, however this difference would be minimal. The revised scheme would still include a ridge height increase of +3.2m, 353% increase in floor space, 333% increase in volume and provide first floor accommodation. The scale, volume and design of the proposal would be significant and spatially would lead to a greater impact on openness than the existing modest buildings on site. In addition, it is not considered that the 59% reduction in hardstanding would mitigate the impact of this additional built form upon the openness of the Green Belt, as hardstanding is a less conspicuous form of development.
- 7.3.7 The existing buildings on site are modest in size and height and sit within the central area of the site. The proposal would spread development across the site and push built form towards its boundaries and, given its two storey nature, scale and volume the proposal would result in a visual harm to openness.
- 7.3.8 As a result, it is concluded that the amount of development proposed would be harmful to the Green Belt, both in spatial and visual terms. Due to the spread of development, it is considered that the proposal by association would have an adverse impact on the purpose of including land within the Green Belt and fail to safeguard the countryside from encroachment. The applicant suggests that there are existing Very Special Circumstances (VSC) to clearly outweigh the harm to the Green Belt and any other harm. Whether there is any other harm arising will be considered in the sections below, with VSC considered at the end of the report.

7.4 Impact on character of area

- 7.4.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 promotes high quality design. Development should respect and enhance the character of the local environment and be appropriate in scale, materials, massing, bulk and density. Policy CP2 states that new development should use the land efficiently within the context of its surroundings and 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.
- 7.4.2 The RDG provides further guidance relating to the design of residential developments. In particular, Principle 6.6 sets out that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Proposals with plot layouts that are out of context with the surrounding character will be resisted. Principle 7.4 refers that new residential development should reflect the spacing, heights and building footprints of existing buildings. Principle 7.3 advises that buildings heights should enable a building to integrate well with its surrounding context. Principle 7.1 goes on to say that setbacks in new development should complement the streetscene. Principle 8.4 sets out the minimum outdoor amenity space standards for dwellings.
- 7.4.3 Policy WNP2.1 of the Windlesham Neighbourhood Plan state that proposals for new housing developments should respond positively and protect the built and natural character features of their setting.
- 7.4.4 The Windlesham Conservation Area Character Appraisal (CAA) states that the purpose of this 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. The CAA points out the application site as a building of lesser quality that is insensitive to the area and it is agreed that this site

would benefit from enhancement. However, the CAA emphasises that this should be subject to policy control, especially Green Belt.

- 7.4.5 The application site is located within an area which is rural in character and generally comprises low density residential development set within spacious and irregularly sized plots. Although there are some commercial uses with Matthews Corner and the Post House these uses are unobtrusive and fit well with the character of the area. The application site currently represents a significant departure from the pattern of development of the area and the unattractive buildings and the large volumes of parked cars significantly detract from the character and appearance of the area.
- 7.4.6 There is a sense of space on the stretch of Church Road where the application site is located, resulting from the wide plots which contain detached dwellings placed fairly set back from the highway verge. The block of flats, which would be sited to front this road, would be higher than the adjoining development and have a shallow frontage as it would be placed further forwards than the building line. This, in combination with the building's scale and massing would result in a dominant development that would fail to integrate into the surrounding area, which is spacious in character. The proposed block of flats would appear incongruous in its setting and would be harmful to the rural character of the area.
- 7.4.7 The proposed row of terraces would face towards Kennel Lane, which in this area is characterised by properties with wide frontages. The proposed plots would be noticeably narrower than the immediate properties, and this would disrupt the rhythm of existing plots and appear out of context with the surrounding character. In addition the size of the rear gardens would fall short of the recommendations contained within Principle 8.4 of the RDG. While this building would be higher than Matthews Corner, due to the separation distance between both it is considered the proposal would integrate with both neighbours in terms of height. The row of terraces would also respect the building line.
- 7.4.8 As discussed at para 7.4.5 of the officer's report for the previous application (see Annex A), the parking arrangements on the central area of the site would be acceptable in character terms.
- 7.4.9 The Conservation Officer was consulted on the proposal and, for similar reasons to those discussed at para 7.4.10 of the officer's report for the previous application supports this current proposal. Whereas there may not be a basis to refuse the application on conservation grounds, it is not considered that this overrides the harm to character identified above.
- 7.5.10 For the above reasons, it is considered that the proposed quantum of development would be too high for this plot and consequently appear visually cramped in this rural location. As such, the revised proposal would not be considered to overcome the previous reason for refusal in character terms.
- 7.5.11 The proposal is therefore contrary to Policies CP2 and DM9 of the CSDMP, Principles 6.6, 7.1, 7.3 and 7.4 of the RDG, Policy WNP2.1 of the Windlesham Neighbourhood Plan.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP 2012 states that development should respect the amenities of the adjoining properties and uses. Section 8 of the RDG advises, through Principles 8.1 and 8.3, that new residential development should not have a significant adverse effect on the privacy, loss of daylight and sun access to neighbouring properties. Principle 7.6 recommends that new housing complies with the national internal space standards. Principles 8.4, 8.5 and 8.6 set out the criteria regarding amenity space for both dwellings and flats.
- 7.5.2 The scale and siting of the proposed buildings would be fairly similar to the previous application. No objection was raised in the 2019 application regarding residential amenity. The proposal would therefore be considered acceptable in terms of overbearing and overshadowing. In addition, provided that the first floor north facing flank window on Plots 1-4 and first floor flank windows on the row of terraces are secured by planning condition to

remain obscure glazed and fixed shut below an internal height of 1.7m, the proposal would not be considered to give rise to overlooking.

- 7.5.3 The row of terraces would be provided with private amenity space, however as already explained the size of these gardens would fall short of the guidelines recommended by Principle 8.4 of the RDG. The block of flats would have a communal open space to the rear which would be connected to the building. The proposed design would not provide any form of private outdoor amenity space for the flats, by way of balconies to the upper floor flats or well-defined private area within the garden for the ground floor flats. Consideration is afforded to the site's surroundings and Windlesham Club is within walking distance. Footpath FP29 runs to the east of the site, whereas FP28 and FP7 are sited towards the west and these are also within walking distance. As such and on balance, the proposal would ultimately be considered acceptable with regards to amenity space for the future occupiers.
- 7.5.4 The site layout plan shows that parking would be provided in the central area of the site. The garden area of Plots 1-4 would be adjacent to the driveway that provides access to the site. In addition, there would be parking spaces adjacent to the rear gardens of the proposed residential units. Whereas this would not warrant a refusal of the application on noise and disturbance grounds, it is noted a parking court with capacity for 12 no cars would be placed near the boundary with Calgary and with The Post Office. However, this land is already used in association with the car business and, affording consideration to these existing arrangements, the proposal would ultimately be considered acceptable in respect of noise and disturbance.
- 7.5.5 As such, the proposal would not be considered to affect the residential amenities of the neighbouring properties and would be in accordance with Policy DM9 of the CSDMP and the RDG.

7.6 Parking and access

- 7.6.1 Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.6.2 Policy WNP4.2 of the Windlesham Neighbourhood Plan states that new residential development should provide, where space permits, on plot parking for 2 no vehicles for a 2-bedroomed dwelling and 3 no vehicles for a 3+ bedroomed dwelling. The proposal would provide five 2-bed and two 3-bed dwellings and the proposed site plan shows provision for 16 no vehicle parking spaces, which would be in accordance with the policy requirements.
- 7.6.3 The County Highway Authority has been consulted on the revised layout plan and advises that the proposed dwellings would not be located in a sustainable location however the proposed residential use is likely to generate less car trips compared to the existing use of the site as a car sales showroom. The Highway Authority considers that the proposal is unlikely to have a material impact on highway issues, subject to planning conditions.
- 7.6.4 The proposal is therefore in line with Policy DM11 of the CSDMP and Policy WNP4.2 of the WNP.

7.7 Biodiversity

- 7.7.1 Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath. Where appropriate, new development will be required to contribute to the protection, management and enhancement of biodiversity.
- 7.7.2 Similar to the previous application, the Surrey Wildlife Trust raises no objection, subject to a number of planning conditions regarding lighting, precautionary working methods and biodiversity enhancements.
- 7.7.3 In light of the above, it is considered that the proposed development would be in line with

policy CP14A of the CSDMP.

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. In the longer term, contributions will be via the Community Infrastructure Levy (CIL) charging schedule, in order to offset the impacts of the development and make it acceptable in planning terms. The Council's Infrastructure Delivery Supplementary Planning Document (2014) sets out the Council's approach to delivering the infrastructure required to support growth.
- 7.8.2 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted on 16 July 2014 and the CIL Charging Schedule came into effect on 1 December 2014. Regulation 123 CIL sets out the list of infrastructure projects that may be funded (either entirely or in part) through CIL. These include, for example, open spaces, community facilities or play areas. It is noted that these projects do not have to be directly related to the proposed development.
- 7.8.3 As the proposed development would involve the provision of an additional residential unit, the development would be CIL liable. The site falls within the Eastern Charging Zone, for which the charge is £220 per m², for residential development that does not provide its own SANG. As such, an informative has been added to this recommendation, should planning permission be granted for the proposal.
- 7.8.4 It is therefore considered that the proposal would be in accordance with Policy CP12 of the CSDMP.

7.9 Impact on Thames Basin Heaths SPA

- 7.9.1 Policy CP14B of the CSDMP 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 Special Protection Area (SPA) and Special Areas of Conservation (SAC) sited within the Borough. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2019) identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA more than 400m away from the SPA can be mitigated by providing a financial contribution towards SANGS.
- 7.9.2 There is currently sufficient SANG available and this is collected via CIL. This development would be CIL liable, so a contribution would be payable on commencement of development. 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 payment has not been received from the applicant.
- 7.9.3 Following an Executive resolution which came into effect on 1 August 2019, due to the currently limited capacity available for public SANGs in parts of the Borough, applications for development which reduce SANG capacity, as in the case of this application will be valid for one year (rather than three years). In the event that the application is approved, it is recommended that the time limit for commencing works is set to this timeframe.
- 7.9.4 It is therefore considered that the proposal complies with Policy CP14B of the CSDMP and with the Avoidance Strategy SPD.

7.10 Other matters: housing mix, contaminated land, waste management

- 7.10.1 Policy CP6 requires a mix of housing and suggests that 2-bed and 3-bed properties are the most in need. Policy WNP1.2 of the Windlesham Neighbourhood Plan states that planning applications should prioritise development of 2- and 3-bed dwellings. This development proposes a mix of this type of properties and, as such, would comply with this policy.

- 7.10.2 Similar to the previous application, the Scientific Officer advised that a scheme to deal with land contamination on site will need to be submitted and agreed prior to commencement of development by way of planning condition, should planning permission be granted.
- 7.10.3 The Council's Waste Services Manager has advised that each apartment will need to be provided with its own set of waste and recycling bins. This would be in accordance with Guiding Principle 9.2 of the RDG which advises regarding this matter.

7.11 Very Special Circumstances (VSC)

- 7.11.1 Sections 7.3, 7.4 and 7.9 have concluded that the proposal would cause harm to Green Belt, to the character of the area and to the Thames Basin Heaths SPA. The applicant acknowledges that the proposed scale of development would be greater than that it would replace and therefore presents a number of arguments they consider to form 'very special circumstances', summarised below:
- 1 Windlesham Church Road Conservation Area Appraisal
 - 2 Housing land supply
 - 3 Removal of the display of cars;
 - 4 Reduction in vehicle movements;
 - 5 Reduction in hardstanding;
 - 6 Sustain local services and facilities;
 - 7 Provision of construction jobs;
 - 8 Reduction in noise and air pollution associated with the existing use;
 - 9 Provision of residential accommodation specifically needed in the Windlesham Parish;
 - 10 Efficient use of brownfield land.
- 7.11.2 Under point 1, the applicant quotes paras 10 and 12 of the Appraisal, which advise that the site would benefit from enhancement. However para 12 highlights that this is subject to other policy controls, especially the Green Belt. The proposal would be considered inappropriate development in the Green Belt that would harm its openness. As such, this argument would not carry any weight in favour of the proposal.
- 7.11.3 In respect of point 2, the applicant's Planning Statement does not refer to the most up to date 5 Year Housing Land Supply Paper and position, which is the October 2019 5YLS Addendum. The Addendum demonstrates a supply position of 5.52 years against the standard method figure for Surrey Heath (332 dwelling per annum). The Five Year Housing Land Supply was tested at a recent appeal hearing (PINS ref APP/D3640/W/19/3235041) and, as discussed on this Decision Notice, the Council upheld its 5YLS.
- 7.11.4 In addition, the Council scored 121% in the government's most recent Housing Delivery Test (HDT) published on 13 February 2020, which means it delivered 21% greater than the housing need figure required by the Test. The HDT found that the Council delivered 406 units in the monitoring year 2018-2019, which is significantly above the standard methodology figure for Surrey Heath, which is 332 dpa. The Applicant's Planning Statement advises the Council's delivery figure for the year 2017-18 was 224 dwellings, however, the HDT takes account of the delivery of C2 units at a discounted rate, meaning the government records SHBC's housing delivery figure as 321 units for 2017-18, as shown in the HDT results. No weight is therefore given to the applicant's argument.
- 7.11.5 Points 3 to 7 were addressed on Section 7.11 of the officer's report for the previous application and, similarly, limited weight is afforded to these arguments.
- 7.11.6 In respect of Point 8, the Planning Statement advises that the removal of the car business on the site and the associated vehicle fumes arising from manoeuvring, delivering and

receiving up to 100 vehicles (as can be stored on the site at any one time) would improve air quality. However, the applicant has not submitted any Air Quality Report or Noise Report to demonstrate this and, in the absence of such reports, very limited weight is afforded to this argument.

- 7.11.7 Turning into Point 9, the Applicant contends that the size of the units proposed would be in line with Policy no WNP1.2 of the WNP. However, this requirement would be expected with any residential development and, as such, this argument would be given very limited weight.
- 7.11.8 Regarding Point 10, it is acknowledged that the proposal would constitute redevelopment of previously developed land. However, this does not automatically enable development and, as explained throughout this report, the proposal would fail to comply with a number of planning policies. Consequently, it is considered that only limited weight can be afforded to this argument.
- 7.11.9 For the reasons explained above, it is not considered that the arguments put forward by the applicant would amount to VSC that would clearly outweigh the identified harm to Green Belt, character of the area and Thames Basin Heaths SPA associated with this proposal.

8.0 POSITIVE/PROACTIVE WORKING

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included 1 or more of 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
 - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The proposal is considered to be acceptable in terms of its impact on residential amenity, highways, biodiversity and infrastructure. However, the proposal represents inappropriate development in the Green Belt not meeting any of the exceptions under paragraph 145 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, it is considered that the development would cause harm to the character of the area 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.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposal constitutes inappropriate and harmful development in the Green Belt not meeting any of the exceptions under paragraph 145 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 and 3. 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 proposed development, by virtue of its layout, plot size, scale, massing and building height would result in an excessive quantum of development that would appear over dominant and visually cramped in this rural location, which is characterised by spacious low density residential development. The proposal is therefore contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principles 6.6, 7.1, 7.3, and 7.4 of the Surrey Heath Residential Design Guide Supplementary Planning Document 2017, Policy WNP2.1 of the Windlesham Neighbourhood Plan and the National Planning Policy Framework.
3. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2019).

Informative(s)

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.