

2019/0489

Reg Date 17/06/2019

Windlesham &
Chobham

LOCATION: MATTHEWS CORNER GARAGE, MATTHEWS CORNER, CHURCH ROAD, WINDLESHAM, GU20 6BH

PROPOSAL: Erection of a terrace of 3 two storey dwellings and one detached building to accommodate 5 flats with associated bin store, parking and landscaping following demolition of existing buildings on site.

TYPE: Full Planning Application

APPLICANT: Cavalier City LTD

OFFICER: 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 Wheeler, on the grounds that it may be inappropriate for the conservation area and is not reflective of the guidelines in the Windlesham Neighbourhood Plan.

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 5 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. Concerns are also raised about the impact of the proposal on the Conservation Area and rural character with this proposal introducing a denser, suburban form of development. In addition, the proposal would provide insufficient parking spaces within the plot. 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 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. To the opposite side of the road there is open land.
- 2.3 The application site lies within Green Belt land and forms part of the Church Road, Windlesham Conservation Area. Walnut Tree Farm, a Grade II listed building sits to the north of the application site.

3.0 RELEVANT PLANNING 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.

[Reasons for refusal:

1 - The development proposed comprises an inappropriate form of development in the Green Belt which would conflict with the purposes of including land with the Green Belt and would be detrimental to its openness. Whilst the development would represent some benefit to the character and appearance of the Conservation Area it is not considered that this represents very special circumstance sufficient to outweigh the presumption against development and the harm to the Green Belt which would be caused by allowing the development.

2 - The development proposed, by virtue of the scale, siting and massing of the proposed houses would result in a visually cramped form of development which would have a urban, regimented and formal appearance and would be incongruous in this rural location which is characterised by spacious low density residential development. According the development would fail to respect the form and the pattern of the existing development in the area and would be detrimental to the rural character of the area.

3 - The development proposed would give rise to direct overlook from bedroom windows in Plot 1 to the primary habitable windows contained in the first floor of Matthews Corner. This would result in a significant reduction in the privacy the occupants of these properties currently enjoy and would be to the detriment of the residential amenities of these properties.

Reasons 4 and 5 refer to the 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.

Calgary, Church Road (immediately to the south):

- 3.3 17/0788 Erection of 4 x 4-bed dwellings, with associated garages, parking and garden areas and revised access following demolition of the existing dwelling and outbuildings. Refused and subsequently dismissed at Appeal (2017).

4.0 THE PROPOSAL

- 4.1 Full planning application is sought for the 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.
- 4.2 The flatted building would face towards Kennel Lane and have a shallow frontage. It would accommodate plots 1-5, which would be 1-bedroom flats. It would have a hipped roof with gabled elements of 8.2m in ridge height with an eaves height of 5.4, and measure 13.6m in depth and 18.3m in width, including the single storey feature.
- 4.3 Plots 6-8 would form the row of terraces, which would comprise 3-bedroom properties facing towards Church Road. The building would have a hipped roof design and measure 16.6m in width, 10.7m 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 11 no parking spaces. This would be accessed off Church Road, through a long driveway adjacent to the site's southern boundary. All plots would have garden areas to the rear and the block of flats would benefit from a second amenity area, sited to the south of the car park.
- 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 The dwellings proposed under refused application 10/0556 would have also been sited to front Church Road and Kennel Lane and there would have been a central parking and garaging area. Although the type of dwellings would be different, the overall site layout would be similar with this proposal.

5.0 CONSULTATION RESPONSES

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| 5.1 | Surrey County Highway Authority | No objections, subject to planning conditions. |
| 5.2 | Conservation Officer | No objections, subject to planning conditions. |
| 5.3 | Windlesham Parish Council | No objections. |

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| 5.4 | Scientific Officer | No objections, subject to planning conditions. |
| 5.5 | Surrey Wildlife Trust | No objections, subject to planning conditions. |

6.0 REPRESENTATION

6.1 At the time of preparation of this report, 9 no written representations have been received objecting to the proposal on the following grounds:

- The proposal would not meet current planning policy;
- The proposal would fail to provide very special circumstances to outweigh the harm to Green Belt *[see Section 7.3]*;
- The resulting plots would appear out of keeping with its surroundings and the proposal would result in a loss of space within both streetscenes, compromising the openness of the area *[see Section 7.4]*;
- The proposal would impact on the irregularity of building lines on Kennel Lane and result in the loss of the existing boundary hedging on Kennel Lane *[see Section 7.4]*;
- The proposal would fail to provide private garden space for the block of flats *[see Sections 7.4 and 7.5]*;
- The application site is not able to accommodate the density, size and scale of the proposed development; it would fail to respect the existing buildings *[see Section 7.4]*;
- The proposal would not preserve or enhance the Conservation area *[see Section 7.4]*;
- The proposal would fail to provide sufficient on-site vehicle parking spaces *[see Section 7.6]*;
- The main entrance to the block of flats would be off Kennel, which would be dangerous for both residents and drivers *[see Section 7.6]*;
- The proposal would provide 1-bedroom flats, which is against Windlesham Neighbourhood Plan.

6.2 At the time of preparation of this report, 6 no written representations have been received supporting the proposal on the following grounds:

- The development would be sympathetic to the area, as it would replace a car garage which detracts from the character of the Conservation Area;
- The proposal would provide additional housing;
- The proposal would result in a reduction in traffic.

7.0 PLANNING CONSIDERATIONS

7.1 The application site is located in Green Belt land, 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
- 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 re-development 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 site is located outside of any village boundary, at approximately 500m from the two principal settlement areas of Windlesham, which are located to the north and to the south of the application site. These areas are approximately 1km apart and consist of development of a higher density, which strongly contrasts with the low density and sporadic development that is located between them. As a result, these two principal built up areas are not continuous and this low density area (where the application site is located) contributes to prevent urban sprawl and merging of these built up areas. For these reasons, the Green Belt role in this area is considered of particular significance.
- 7.3.5 The above approach is supported by a recent Appeal Decision for a refused scheme at Calgary (See section 3), where the Inspector concluded that this property, adjacent to the site's southern boundary, would not be within the built confines of the village. This Appeal Decision dates December 2017 and given that there are no known material changes since this date, significant weight is afforded to this. As such, the proposal is not limited infilling in a village and therefore bullet point e) of para 145 of the NPPF does not apply.
- 7.3.6 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 development 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 area, footprint, volume, height and hardsurfacing, in comparison with the existing situation:

	Existing	Proposed development	Difference
Floor space	152m ²	698m ²	+546m ² (359%) increase
Footprint	152m ²	379m ²	+227m ² (149%) increase
Volume	488m ³	2137m ³	+1649m ³ (338%) increase
Maximum height	4.9m	8.2m	+3.3m
Hardstanding	2023m ²	550m ²	-1473m ² (73%) decrease

- 7.3.7 The table above clearly indicates that the proposed footprint and floorspace of the buildings would be considerably larger than the existing development. In addition, the existing buildings are single storey and, as such, replacing these with two storey buildings would also result in a considerable increase in volume and height. Although the existing development on site, including the presence of parked cars

for sale has some impact on openness, it is considered that, by virtue of the number and the scale of the proposed dwellings, along with the proposed ancillary structures and means of enclosure, the proposal would result in a significant quantum of development that would have a greater impact on the openness of the Green Belt. Although the amount of hardstanding would be reduced, only limited weight can be attached to this, as hardstanding is less conspicuous than buildings and thus has less of an impact upon the openness of the Green Belt.

- 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 Sections 7.4 below, with VSC considered at the end of the report.

7.4 Impact on the character of area, including Conservation 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.
- 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 empathises that this should be subject to policy control, especially Green Belt.

- 7.4.5 The proposed development would include an access between Plot 8 and Shanklin to an internal courtyard comprising a car park, bin store, bike store and a communal amenity space. Whilst rear parking is not typical of the surrounding area as such (albeit the Post House contains rear parking) it is not considered that this on itself would harm the character of the area.
- 7.4.6 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 pattern of the 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.
- 7.4.7 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 proposed row of terraces would face towards Church Road and would appear out of keeping with its surroundings as this arrangement is not a feature of this area. In addition, the building would retain a modest separation distance to its side boundaries and consequently little space would be left around it, to the detriment of the spacious character of the area. The proposed plots would have small frontages and be noticeably narrower and shallower than the immediate properties, disrupting the rhythm of existing plots and appearing out of context with the surrounding character.
- 7.4.8 The terrace would be seen against Matthew's Corner (two storey) and Shanklin, a fairly modest bungalow. The proposal would be of considerable bulk and massing and also higher than both adjacent buildings. As such, the development would appear out of context with the surrounding built form in terms of height and scale, ultimately creating an overly dominating, unsatisfactory relationship with both neighbours, particularly with Shanklin.
- 7.4.9 The proposed block of flats would face towards Kennel Lane and, by virtue of its design, the building would in fact be read in the streetscene as a detached dwelling. While this building would be higher than Matthews Corner, its single storey projection would aid in integrating the building with its surrounding context. The block would, however, be fairly large in size and virtually occupy the full width of the plot, with little space being retained towards its side boundaries. Furthermore, the plot would be shallow and stepped in to the rear, a layout that would fail to respond to the spacious character of Kennel Lane. The proposal would result in the loss of a high hedge that currently positively contributes to the soft, green character of this road, although replacement planting could be secured by way of planning condition.
- 7.4.10 The Conservation Officer has been consulted on the proposal and notes that design features, such as chimney stacks, lean to hood porches and materials would enhance and preserve the character and appearance of the conservation area and setting of the Listing Building. 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.

7.4.11 In light of the above, the proposal is therefore contrary to Policies CP2, DM9 and DM17 of the CSDMP, Principles 6.6, 7.3 and 7.4 of the RDG, Policy WNP2.1 of the Windlesham Neighbourhood Plan and the Church Road Conservation Area Appraisal March 2000.

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 To the north the application site adjoins Matthews Corner, a detached two-storey building which includes a commercial use on the ground floor and 2 flats on the first floor. While the development would be at a sufficient distance (approx. 7.2m) from these properties for it not to be unduly overbearing or overshadow, it is noted that the Plot 6 contains one first floor flank window facing towards these flats. However, this would serve an en-suite and, as such, could be secured by way of planning permission to remain obscure glazed and fix shut below an 1.7m internal height, in order to protect these neighbours privacy.

7.5.3 To the south, the row of terraces would project towards the common boundary with Shanklin. At its closest point, a separation distance of approximately 8.6m would be retained between Plot 8 and this bungalow and it is therefore not considered the proposal would be unduly overbearing or detrimentally overshadow these neighbours. The first floor flank window on Plot 8 serving an en-suite could be subject to the same planning condition as noted above. Turning into the parking layout, this would comprise parking spaces adjacent to Shanklin's side boundary and, in addition, the bungalow would be adjacent to the development's access drive. However, given that the site is currently use by a car sales business, it is not considered that the proposal would be materially worse than the existing situation in terms of noise and disturbance.

7.5.4 The proposed block of flats would not contain any flank windows and, given the relationship and separation distance towards both adjoining properties, it is not considered this would give rise to any concerns regarding overlooking, overbearing or overshadowing.

7.5.5 Turning into the residential amenities of the future occupiers, it is noted that all habitable rooms would maintain at least one main window with an adequate outlook and all residential units would comply with the national internal space standards. The row of terraces would also be provided with an appropriate amenity space in terms of size, privacy and sunlight. Concerns are however raised regarding the rear boundary of Plots 7 and 8, which is directly adjacent to the parking area. The side boundary of Plot 8 is adjacent to the driveway that provides access to the car park and this would give rise to concerns regarding noise and disturbance.

- 7.5.6 The proposed flatted development would provide a communal open space to the rear. This would be shallow and irregular shaped and in addition, would be adjacent to the parking area. However, the proposed design does not make provision to 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. In fact, only one ground floor flat would contain an access door leading to this area. A further amenity area has been provided directly adjacent to the car park; however, this does not appear to contain any form of screening from the parking spaces and although this could be secured by way of planning condition, this area is disconnected from any residential unit and therefore would likely have low usability.
- 7.5.7 Although the proposed layout would give rise to concerns regarding noise and disturbance due to the car park, the boundary screens would provide some mitigation to this and, in addition, the number of vehicular trips would likely be limited. The amenity area to the south is not linked to any residential unit (and therefore unlikely to be used) and it is acknowledged that the first floor flats would not contain private amenity space. However, boundary treatments to provide private amenity space for the ground floor flats could be secured by way of planning condition. Consideration is further 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.
- 7.5.8 Given the angled relationship between the buildings and separation distances it is not considered the residential units would overlook, overshadow or overbear each other.
- 7.5.9 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 The proposed development is not located in a sustainable location and is therefore likely that residents would be reliant on their private car. 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 and this would be considered of benefit.
- 7.6.3 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 1-bedroomed dwelling and 3 no vehicles for a 3+ bedroomed dwelling.

The proposal would provide five 1-bed and three 3-bed dwellings and the proposed site plan shows provision for 11 no vehicle parking spaces, which would fall short of the 19 no required by this Policy. It is noted that there are double yellow lines alongside Church Road, restricting on-street parking.

7.6.4 The proposal would therefore be considered contrary to Policy WNP4.2 of the Windlesham Neighbourhood Plan and to Policy DM11 of the CSDMP.

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 The Surrey Wildlife Trust has been consulted on the proposal and raised no objection, subject to a number of planning conditions regarding lighting, precautionary working methods and biodiversity enhancements. The Trust further recommends that any works on site should be undertaken in accordance with the 'Protected Species Walkover Survey' submitted by the applicant in support of this application.

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 (estimated £135,960), 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 (2012) 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 proposal is liable for a SAMM payment, which has not been received from the applicant.
- 7.9.3 It is therefore considered that the proposal would not comply with Policy CP14B of the CSDMP and with the SPD.

7.10 Other matters: housing mix, contaminated land

- 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 1- and 3-bed properties with a limited number of 1-bed units and therefore ultimately would be considered acceptable.
- 7.10.2 The Scientific Officer has been consulted on the proposal and notes that the Site Investigation Report submitted in support of this application identifies that investigations have discovered contamination of the site that will require remediation to ensure the proposed development is made suitable for use. This will mean that a Remediation Action Plan and material/waste management plan (MMP) will need to be submitted and agreed prior to development by way of planning condition, in the event of permission being granted for this development.

7.11 Very Special Circumstances (VSC)

- 7.11.1 The above paragraphs have concluded that the proposal would cause harm to the Green Belt, harm to the character of the area (including Conservation Area), harm to highway safety 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;
 - enhancement of the conservation area;

- reduction in vehicle movements;
- removal of the display of cars;
- reduction in hardstanding;
- sustainable location;
- provision of construction jobs;
- sustain local services and facilities;
- high quality residential accommodation, increasing home ownership.

7.11.2 With regards to the scheme providing high quality accommodation and enhancing the conservation area, this would be a requirement that would be expected with any residential development. The reduction in hardstanding would be of limited benefit, as given its nature, it forms a less conspicuous feature. As such, these arguments 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 eight 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 The applicant contends that the proposal would result in a reduction in vehicular movements and this is acknowledged to weigh in favour of the proposal. However, the site is not considered to be in a sustainable location and therefore this benefit would be limited.

7.11.5 The applicant contends that the entire site area is permanently used for the display of 80-100 cars, these themselves contain a volume present on site at all times which should be used to justify the proposal's increase in built form on site. However, cars by their nature are mobile units that only have temporary stationing on land at a given time and, in addition, do not fall under the definition of 'development' under Section 55 (1) of the Town and Country Planning Act 1990. As such, this would not be considered as a valid argument to justify permanent development. Moreover, whereas removing the vehicles from the site would undoubtedly improve the character and appearance of the Conservation Area, this current proposal would fail to integrate well with its surroundings and would harm the Green Belt, so there would be very little benefit in removing these cars in favour of this proposal. Therefore very little weight is afforded to this.

7.11.6 In summary, it is considered that the benefits identified by the applicant would largely be secured simply by the removal of the car sales business other than deriving from the buildings proposed. As such, it is not considered that either alone or in combination there are any very special circumstances that would clearly outweigh the identified harm.

8.0 POSITIVE/PROACTIVE WORKING

In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38 to 41 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 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 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, including the Church Road Conservation 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.

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 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 would be harmful to the character of Church

Road Conservation Area and fail to respect and enhance the streetscene and sufficiently integrate with 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, 7.3, 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.
4. 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. Decision Notice to be kept DS1
2. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.