

LOCATION:	Matthews Corner Garage, Matthews Corner, Church Road, Windlesham, Surrey, GU20 6BH,
PROPOSAL:	Erection of 6 no. dwellings in the form of 2 no. two storey terraced buildings (comprising 3 no. 2 bed and 3 no. 3 beds), associated parking and landscaping following demolition of the existing buildings on site (Existing dwelling of Shanklin to be retained).
TYPE:	Full Planning Application
APPLICANT:	Cavalier City Ltd
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 Pat Tedder, on the grounds that this application addresses the previous reasons for refusal.

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 six dwellings in the form of two terraced buildings.
- 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, Windlesham Conservation Area. Walnut Tree Farm, a Grade II listed building sits to the north of the application site.

3.0 RELEVANT HISTORY

- 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 for the following five reasons summarised below:
- Reason 1 refers to inappropriate development in the Green Belt which would conflict with the purposes of including land with it and would be detrimental to its openness.*
- Reason 2 refers to character of the area. 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 an urban, regimented and formal appearance and would be incongruous in this rural location which is characterised by spacious low density residential development.*
- Reason 3 refers to direct overlooking from bedroom windows in Plot one to Matthews Corner.*
- Reasons 4 and 5 refer to the proposal's impact on the Thames Basin Heaths 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.
- 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.

- 3.4 19/2309/FFU 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).

This application was presented to Planning Committee on 30 April 2020 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 and 3. There are no very special circumstances that would amount to outweigh the identified harm.

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.

Reason 3 refers to the Thames Basin SPA.

4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of 6 no. dwellings in the form of 2 no. two storey terraced buildings (comprising 3 no. 2 bed and 3 no. 3 beds), associated parking and landscaping following demolition of the existing buildings on site. The existing dwelling of Shanklin would be retained on a reduced curtilage.
- 4.2 Plots 1-3 would face Church Road. The building would have a hipped roof and measure 16.4m in width, 10.7m in depth, 5.3m in height to the eaves and 7.5m in ridge height. The proposed internal layout would be as follows:
- Ground floor: open plan kitchen / living and dining area, WC, hallway
 - First floor, Plots 1 and 2: landing, one bedroom with en-suite, two bedrooms, family bathroom
 - First floor, Plot 3: landing, communal bathroom, two bedrooms.
- 4.3 Plots 4 -6 would face Kennel Lane. The building would have a hipped roof and measure 16.4m in width, 10.7m in depth, 5.3m in height to the eaves and 8.1m in ridge height. The proposed internal layout would be as follows:
- Ground floor: open plan kitchen / living and dining area, WC, hallway
 - First floor, Plot 6: landing, one bedroom with en-suite, two bedrooms, family bathroom
 - First floor, Plots 4 and 5: landing, communal bathroom, two bedrooms.

- 4.4 The development would benefit from a communal parking area located in the central area of the site, with capacity to accommodate 17 no parking spaces, 2 no of which would serve Shanklin. 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 less two residential units and compared to the 2020 refused application (19/2309/FFU) the proposal would provide one less residential unit. The proposed number of residential units on site has therefore been reduced from eight to six. This current scheme does not comprise flats as the previous schemes did. Parking would continue to be provided in the central area of the site. Therefore, this assessment focuses on whether or not this revised scheme has overcome the previous reasons for refusal.

5.0 CONSULTATION RESPONSES

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|-----|---------------------------------|---|
| 5.1 | Surrey County Highway Authority | No objections (See Annex A). |
| 5.2 | Environmental Health | No objections. |
| 5.3 | Joint Waste Solutions | No objections. |
| 5.4 | Windlesham Parish Council | No objections, provided that the proposal does not adversely impact the Green Belt. |
| 5.5 | The Windlesham Society | <p>Objects to the proposal on the following grounds:</p> <ul style="list-style-type: none"> - the proposal would fail to respect the policies of the Windlesham Neighbourhood Plan (notably WNP2.1 and WNP2.2) and of both Conservation Area and Green Belt; - the proposal would result in an increase of over 300% in built volume when compared to the current built volume on site. |
| 5.6 | Conservation Officer | No objections, subject to planning conditions. |
| 5.7 | 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 which raise the following issues:
- Cars are not a permanent structure and therefore should not be included in the calculation of existing footprints;
 - The proposals again fail to meet national and local planning policies & criteria including those in Green Belt legislation, the Church Road Windlesham Conservation Area designation and the 2018-2028 Windlesham Neighbourhood Plan;
 - The housing density is too high for the plot. The proposal would represent overdevelopment of the site and appear cramped;
 - The proposed plot sizes would be modest in size;
 - The proposed quantum of built form would be similar to previous applications and the dwellings would appear over-dominant in the streetscene;
 - The proposed design/style is driven by a level of density suited to a town centre not this semi-rural Green Belt area;

- 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;
- The proposed development comprises two apparently identical terraces of houses which, by their uniformity, would detract from the surrounding informal development that surrounds it;
- The proposal would result in additional vehicles parking on Kennel Lane [*Officer comment: the proposal would be provided with adequate parking in the parking court to the rear. Any inconsiderate parking would be a police matter that falls outside the remit of planning*].

6.2 At the time of preparation of this report 7 no written representations have been received in support of the application as follows:

- The proposal would be a welcome addition to Windlesham and Church Road that would improve the appearance of the area;
- This small attractive development with off road parking can only be an improvement to the old, busy car sales site it is now which is out of keeping with the location;
- The proposal would reduce daily vehicle movements and therefore will make Church Road and it's junction with Kennel Lane safer.

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
- Impact on character and appearance of the surrounding 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 development

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 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 tables indicate these differences in floor space, footprint, volume, height and hardsurfacing, in comparison with the existing situation:

	Existing	19/0489 (refusal)		19/2309/FFU (refusal)	
		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

	Existing	This proposal (20/1114/FFU)	
		Proposed	Difference
Floor space	152m ²	700m ²	+548m ² (361%) increase
Footprint	152m ²	350m ²	+198m ² (130%) increase
Volume	488m ³	2161m ³	+1673m ³ (343%) increase
Maximum height	4.9m	7.5m and 8.1m	+2.6m and +3.2m
Hardstanding	1944m ²	753m ²	-1191m ² (61% 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 tables above compare the various development proposals at the site with the existing situation. The figures show that, despite the reduced footprint, this proposal has been increased in terms of floor space and volume when compared to both previous applications. This current revised scheme would still include a ridge height increase of +3.2m, 361% increase in floor space, 343% 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 61% 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. In comparison it is considered that this revised scheme would be more harmful to the openness of the Green Belt than the previous schemes, as it would introduce a greater amount of built form on site.
- 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. This conflict with the purposes of the Green Belt is consistent with the approach taken with the 2019 refusals. 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. Previously refused 19/2309/FFU contained a block of flats facing this road, which was higher than the adjoining development and had a shallow frontage as it would be placed further forwards than the building line. This, in combination with the building's scale and massing, was considered to result in a dominant development that would fail to integrate into the surrounding area, which is spacious in character. The scheme currently under consideration now sees the block of flats being replaced with Plots 1 to 3. However, the row of terraces is of a similar height to the previous block of flats, would be wider at two storey height and have a similar siting, so it is not considered the revised scheme has addressed these previous objections.
- 7.4.7 Application 19/0489 comprised a row of terraces facing Church Road, which was considered out of keeping with its surroundings as this arrangement is not a feature of the streetscene in the vicinity. This application also considered that 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. This remains the case and, as such, it is considered that this current application has failed to address these matters.
- 7.4.8 Plots 4 to 6 would face towards Kennel Lane, which in this area is characterised by properties with wide frontages. Similar to 19/2309/FFU, this proposal would comprise a row of terraces facing this road. It is noted that the size of the rear gardens has been enlarged, however they remain approximately 2m² short than the recommended 55m² for amenity spaces serving 2/3-bed properties predominantly south facing in line with Principle 8.4 of the RDG. Other than this minor increase in garden size, these plots are virtually identical to those refused under 19/2309/FFU so, similar to the assessment undertaken under that application, it remains that these 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. It remains that 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.
- 7.4.9 The parking arrangements on the central area of the site would be acceptable in character terms, as established by the assessments of the previous applications.

- 7.4.10 The Conservation Officer was consulted on the proposal and supports this current proposal, as the design contains features such as chimney stacks, fenestration sliding sashes, natural slate roofs, brick arches and cills, boundary hedges and gates. 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 summary, whilst the proposal now comprises less residential units when compared to both schemes previously refused, it remains that the development is in many respects similar to the previous ones. The buildings remain in a similar siting, are of significant bulk and massing and the plots remain modest in size, with shallow frontages and in a terrace arrangement. All of this was objected to in the previous applications and, in the absence of material amendments to the proposal, it remains 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.
- 7.4.12 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 set out the criteria regarding amenity space for dwellings.
- 7.5.2 The scale and siting of the proposed buildings would be fairly similar to the previous applications. No objection was raised in these applications regarding residential amenity. The proposal would therefore be considered acceptable in terms of overbearing and overshadowing. In addition, provided that the first floor flank window on the end of terrace Plots (i.e., 1, 3, 4 and 6) 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. Similar to previous applications, the proposed parking arrangements in the central area of the site would not warrant a refusal of the application in terms of noise and disturbance, given the current use of the site as a car sales.
- 7.5.3 All dwellings would be provided with private amenity space, which would be slightly below the standards recommended by Principle 8.4 of the RDG in Plots 3, 4, 5 and 6. However, this would be between 2 to 4m² below, so it is ultimately considered that the space provided would be acceptable. The proposed units would all comply with the recommended national internal space standards.

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-bed dwelling and 3 no vehicles for a 3+bed dwelling. The proposal would provide three 2-bed and three 3-bed dwellings and the proposed site plan shows provision for 15 no

vehicle parking spaces to serve the development, which would be in accordance with the policy requirements. The parking spaces would measure 2.9m by 5.5m, in line with Policy no WNP4.1 of the WNP.

- 7.6.3 The County Highway Authority (see Annex A for this consultation response) has been consulted on the revised layout plan and advises that the proposed dwellings are not 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 proposed development would formalise a single access point and allow for two-way vehicle movements.
- 7.6.4 The proposed cycle parking provision of mountable cycle racks, as shown in the Design and Access Statement, would not meet the County Highway Authority's standards. The Authority notes that it must be possible to lock the frame of the bicycle (rather than a wheel) to a secure 'Sheffield stand' or similar and the cycle parking should be provided in a covered facility. There would be space within the rear garden of each dwelling for a cycle store to be provided and therefore a planning condition has been added requiring these details to be provided.
- 7.6.5 The Highway Authority therefore considers that the proposal is unlikely to have a material impact on highway issues, subject to planning conditions subject to the conditions added to this recommendation.
- 7.6.6 The proposal is therefore in line with 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 Similar to the previous applications, 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 DM9 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 units, 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. Furthermore, it states that no new net residential development will be permitted within 400m of the SPA. Proposals for all new net residential development elsewhere in the Borough should provide or contribute towards the provision of SANGs and shall also contribute toward strategic access management and monitoring (SAMM) measures.
- 7.9.2 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 can be mitigated by providing a financial contribution towards SANGS.
- 7.9.3 The proposed development would lie within the 5km buffer of the Thames Basin Heaths SPA. Provided that sufficient SANG capacity is available in the Borough, it can be allocated to minor development proposals and the financial contribution towards SANG is now collected as a part of CIL. There is currently sufficient SANG available and this development would be CIL liable, so a contribution would be payable on commencement of development.
- 7.9.4 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.
- 7.9.5 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. This proposal is liable for a SAMM payment of £3,711 which has not been paid by the applicant
- 7.9.6 It is therefore considered that the proposal would not comply with Policy CP14B of the CSDMP and with the Thames Basin Heaths 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 applications, the Environmental Health Service 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 and an informative has been added in regards of this.

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. Removal of poor quality buildings and the unsightly display of cars specifically identified as having a negative impact upon the quality of the Church Road Windlesham Conservation Area;
2. Provision of 2-bed and 3-bed dwellings;
3. Reduction in hardstanding;
4. The scheme includes the provision of electric vehicle charging points;
5. The development would make use of renewable energy sources;
6. Reduction in noise and air pollution associated with the existing use;
7. Reduction in vehicle movements;
8. Housing land supply;
9. Provision of construction jobs;
10. Efficient use of brownfield land;
11. Opportunities for biodiversity net gain arising from the significant increase in soft landscaping and garden space.

7.11.2 Under point 1, it is accepted that removing buildings and vehicles from the site would undoubtedly improve the character and appearance of the Conservation Area. Paras 10 and 12 of the Windlesham Church Road Conservation Area Appraisal, 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. In addition, as discussed in Section 7.4 of this report, it is considered that the proposal would be harmful to the character of the area. As such, there would be little benefit in removing these cars in favour of this proposal. Furthermore, any residential scheme would be required to provide high quality accommodation. Similarly, points 2, 4, 5 and 11 would also be expected from any residential scheme. As such, these arguments are given very limited weight.

7.11.3 Under point 3, the reduction in hardstanding would be welcomed. However, as discussed in Section 7.3 above, this would be of limited benefit, as given its nature, it forms a less conspicuous feature. The proposal would result in a significant increase in floor space and volume over and above the existing buildings on site that a reduction in hardstanding would do very little to outweigh. As such, very limited weight is afforded to this argument.

7.11.4 In respect of point 6, 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.

7.11.5 Regarding point 7, 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.

- 7.11.6 In respect of points 8, 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 six additional dwellings, and as such its impact on the 5 year housing land supply position would be limited. Again this reason is given very limited weight.
- 7.11.7 The proposal would be for only 6 dwellings, so in respect of point 9 it is not considered that this minor development would significantly contribute to the creation of construction jobs. As such, no weight is afforded to this argument.
- 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 and guidance. Consequently, it is considered that only limited weight can be afforded to this argument.
- 7.11.9 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. The benefits associated with the proposal would be expected from any new residential development that would occupy the site. As such, 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.
3. 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.