

LOCATION:	St Margarets Cottage And The Ferns, Woodlands Lane, Windlesham, Surrey, GU20 6AS,
PROPOSAL:	Erection of 34 dwelling houses, to comprise 10 No one bed, 6 No two bed, 12 No three bed and 6 No four bed, with associated parking, access and landscaping following demolition of existing dwellings.
TYPE:	Full Planning Application
APPLICANT:	Mr John Whiteman
OFFICER:	Mrs Emma Pearman

This application is being reported to committee because it is a major development.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The application site comprises two adjacent properties, St Margaret's Cottage and The Ferns, which lie on the northern side of Woodlands Lane in Windlesham. The site lies close to the bridge over the M3 to the east, and the proposed development at Heathpark Wood immediately abuts the application site to the west and north. The site lies outside the defined settlement area of Windlesham, but within an area designated as a Housing Reserve Site under saved policy H8 of the Surrey Heath Local Plan 2000, and within the Countryside beyond the Green Belt. The application site does contain a significant number of trees on the boundaries, and to the front and rear of the properties.
- 1.2 The application proposes demolition of the two existing detached homes, and the erection of 34 dwellings, which would be a mixture of 1-bed and 2-bed flats, which are all proposed to be affordable, and 3-bed and 4-bed detached and semi-detached homes. The flats would be arranged in two 3-storey blocks towards the front of the site, with the remaining properties in a U-shape around the sides and rear of the site. There would be a central access road, replacing the existing two separate accesses to the dwellings, and a central grassed amenity area and parking areas serving the flats and some of the dwellings. The remaining dwellings would have their own driveways and garages. Two car ports are also proposed. A total of 93 trees are proposed to be lost as a result of the development, with 85 trees proposed as a replacement.
- 1.3 There is a presumption in favour of sustainable development and this site has the same status in planning policy terms as the adjacent Heathpark Wood, which was granted permission for development on appeal, and the other remaining housing reserve sites designated under Policy H8 in West End have also been released for housing. Policy CP3 regarding housing numbers is out of date, and given that Surrey Heath cannot currently demonstrate five years' worth of deliverable housing land, it is considered that the provision of housing on this site is acceptable in principle. This is in line with the Inspector's conclusions on the adjacent Heathpark Wood site. The provision of 47% affordable housing, over the adopted plan requirement of 40%, also weighs in favour of this proposal.

- 1.4 However, this report identifies adverse impacts with this proposal. This harm includes the current design, density and layout of the site that would result in a form of development incompatible with the character of Windlesham and the surrounding countryside character. The loss of trees would cause further harm and the proposed layout with the existing and proposed trees is likely to harm the future occupiers of the development with pressure to remove trees as a result. The proposal also fails to provide a sufficiently high standard of accommodation for future occupiers of the development and it has not been demonstrated sufficiently that future occupiers would not suffer from unacceptable noise levels. The proposal is also considered to be unacceptable in terms of the proposed housing mix and there is a lack of information on badgers which are a protected species. Given that the proposal is unacceptable, the development has not been allocated SANG and nor has SAMM been requested from the developer, and as such this forms another reason for refusal, although this reason could be overcome in the event of an appeal with payment of the SAMM. The affordable housing has also not been secured via a legal agreement. In the officer's opinion these adverse impacts would demonstrably and significantly outweigh the social and economic benefits. The proposal is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises 0.93 hectares with two neighbouring detached properties known as St Margaret's Cottage and The Ferns, which are located on the northern side of Woodlands Lane in Windlesham. Both properties have large rectangular plots, with the houses situated fairly centrally in the plots, set back from the road, with large front gardens laid to lawn with trees and shrubs. The Ferns is enclosed by a close-boarded fence, with a number of mature trees along the front boundary. St Margarets is enclosed by a low post and rail fence, with a hedgerow and a number of mature and smaller trees along the front boundary. The boundary between the properties comprises a tall hedge and a number of pine trees. Both properties have several outbuildings within the curtilage, and areas of mostly pine woodland with bracken understorey to the rear of the gardens.
- 2.2 The site is located outside the settlement area of Windlesham, within the Countryside beyond the Green Belt, and within an allocated Housing Reserve Site as identified by the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012, and under saved policy H8 of the Surrey Heath Local Plan 2000. The site is adjacent to the proposed Heathpark Wood development on the northern western sides of the site. The Ferns is covered by two TPOs and the front half of St Margarets is also subject to a TPO.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The properties themselves have been subject to various extensions, however these are not relevant to the application under consideration. The most relevant applications relate to the adjoining site Heathpark Wood, as set out below:
- 3.2 15/0590 Outline planning permission for the erection of up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG). (Details of access only to be agreed).
Allowed on appeal 26.7.17
- 3.3 20/0318/RRM Reserved matters application for 116 dwellings and community facilities with associated landscaping, open space, car parking and access from Woodlands Lane and the provision of SANG with associated works (appearance, landscaping, layout and scale being considered) and submission of details to comply with conditions 5 (drainage strategy), 7 (greenfield runoff rates), 9 (programme of archaeological work), 15

(surface materials), 16 (visibility zones), 18 (travel plan), 19 (finished floor levels), 20 (tree reports), 21 (external lighting), 22 (badger method statement), 23 (landscape and ecological management), 25 (SANG management plan), 26 (bat survey), 27 (dormice survey), 28 (cycle and refuse storage areas), 29 (vehicle and cycle parking provisions) and 32 (sound attenuation) all pursuant to outline planning permission 15/0590 allowed on appeal dated 26 July 2017.

Application under consideration (reported elsewhere on this agenda)

4.0 THE PROPOSAL

- 4.1 The application seeks permission for the erection of 34 dwellings, which would comprise 10 x 1-bed, 6 x 2-bed, 12 x 3-bed and 6 x 4-bed units, with associated parking, access and landscaping, following the demolition of the existing dwellings. A new access would be created approximately in the centre of the site's front boundary, approximately where the existing boundary between the two properties lies. At the front of the site there would be two blocks of apartments, with Block A to the eastern side of the central access road and Block B to the west and slightly further forward. All the flats in Block A and Block B are proposed to comprise affordable housing (a total of 16 units). There would be a total of 59 parking spaces, plus two disabled spaces. Two spaces on the plan are marked for visitors.
- 4.2 Block A is proposed to be a part three-storey and part two-storey building, with the central element being three-storey, with two-storey elements to the northern and eastern sides. It would have a hipped roof with a gabled-end feature to the front, and hipped roofs on the two-storey elements, with a maximum height of 11.4m approx. Block A would comprise 7 flats, with 2 x 1-bed units and 1 x 2-bed units on the ground and first floors, and a further 1-bed unit on the second floor. The ground floor units would all have amenity terraces leading from the living areas, with the upper floors having balconies. Block A would have nine parking spaces to the rear along the eastern site boundary, including one accessible space.
- 4.3 Block B would be similar in design to Block A, although larger overall. Block B would again have a three-storey central element with a hipped roof and a front gabled feature, with two-storey side and rear elements which would have hipped roofs. It would have a maximum height of approximately 11.2m. Block B would comprise 9 flats with 2 x 1-bed units and 2 x 2-bed units on the ground and first floors, and a 1-bed unit on the second floor. All the units above ground level would have balconies, with the ground floor units having amenity terraces adjacent to their living areas. Block B would also have nine parking spaces to the rear along the western site boundary, including one accessible space.
- 4.4 The remainder of the dwellings would be located around the central access road and landscaped central area, with six semi-detached dwellings on the eastern and western boundaries, and four semi-detached and two detached dwellings located on the rear (northern) site boundary. All dwellings would have private rear gardens. On the eastern side, four dwellings (House Type 1) would be three-storey, 3-bed dwellings and include an integral garage and two parking spaces to the front. They would have a balcony to the front elevation and maximum height of 11m approx. The remaining two dwellings on the eastern side would be two-storey 3-bed dwellings (House Type 2), and one would have two parking spaces and the other, one space with a visitor space within a car port. These dwellings would have a gabled projection to the front and rear, and a gabled end roof of 8.7m height approx.
- 4.5 On the western side, the dwellings would be 3-bed, two-storey dwellings (House Type 2 and Type 2 "terrace"), with 9 parking spaces to the front of the dwellings adjacent to the access road, and a further two spaces along the western boundary, within a car port. The Type 2 "terrace" dwellings would have a cottage appearance with a gabled end roof of approximately 8.7m, and an open front porch. The two car ports would be wooden in structure, with a dual pitched roof and open to all sides with a low wall/fence to the rear.

- 4.6 To the rear (north) of the site, there would be a detached dwelling in each corner, which would be a 2-storey 4-bedroom dwelling (House Type 3), with a ridge height of 8.5m approx. These dwellings would have a gabled front projection and gabled end roof, with an integral garage and one parking space to the front. Both of these dwellings would have large gardens that extend around the side and front of the house as well as the rear. The remaining four dwellings on the northern boundary would be semi-detached 2-storey 4-bedroom dwellings (House Type 3 “terrace”), with an attached garage to the side, with accommodation above and gabled end roofs of 8.8m maximum height.
- 4.7 The proposed materials for the dwellings would be red/brown brick and tile, with some dwellings having hanging tiled features. The flats would also be built of red/brown brick, with grey roof tiles and with grey/black cladding on some elevations.
- 4.8 A total of 93 trees are proposed to be removed as part of the development. These are situated largely to the rear of The Ferns, on the boundary between the two properties, and to the front of St Margaret’s Cottage. In general, the larger mature trees on the front, eastern and western boundaries of the site would be retained with some exceptions including the loss of an oak where the new access is proposed. The trees are proposed to be replaced with 17 large specimen size trees and 68 standard size.
- 4.9 In support of the application a planning statement, design and access statement, transport assessment, ecology reports (plus bat report), environmental report, noise assessment, affordable housing statement and accommodation report, archaeology report, flood risk assessment and utility statement were submitted. Reference will be made to these reports where applicable within section 7 of this report.
- 4.10 The applicant has also submitted a Statement of Community Engagement. This states that electronic methods have been used for engagement due to Covid-19, and the applicant has joined Windlesham Community and Windlesham Society Facebook groups, with a post directing them to the planning reference and the applicant’s own web page about the development. The Statement advises that feedback can be made via the website, with an opportunity to discuss/comment on the application, as well as telephone/online consultation meetings, though it is unclear if any have taken place. It states that feedback is reviewed to see how it can be incorporated into the scheme and responses are given to consultees on their comments.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objection, subject to conditions for visibility splays, closure of existing accesses, space laid out within the site for parking, cycles and fast charge sockets prior to occupation, and for a Construction Transport Management Plan. See *Annex A for a copy of their comments.*
- 5.1 Council’s Arboricultural Officer Objection for the following summarised reasons:
- the trees collectively are important to the local sylvan environment and the replacement trees are insufficient to adequately replace these;
 - there is likely to be post-development pressure to remove the trees due to the design;
 - current proposals have not considered the off-site trees sufficiently;
 - access road will result in the loss of a mature oak;
 - insufficient information to justify the removal of the trees;

- insufficient information has been provided – need to have Arboricultural Method Statement and utilities information

See Annex B for a copy of these comments.

5.2	Council's Environmental Health Officer	No objection, notes that it is not clear if external areas will meet the required noise standard. Requires conditions regarding the provision of a noise impact assessment and conditions regarding contaminated land
5.3	Council's Urban Design Consultant	<p>Advises that the current design of the development is not acceptable due to, in summary:</p> <ul style="list-style-type: none"> - the scale, height and massing of the three storey flatted blocks and three storey dwellings - the proximity of the three storey elements to Woodlands Lane - the density of the scheme - the design of House Type 1 - poor quality car parking layouts - lack of robust landscaping and open space. <p><i>See Annex C for a copy of these comments.</i></p>
5.5	Highways England	No objection, subject to drainage details being agreed prior to installation to ensure no run-off onto M3
5.6	Joint Waste Solutions	No objection, advised on bin requirements
5.7	Local Lead Flood Authority	No objection, subject to conditions
5.8	Natural England	No objection, as long as appropriate mitigation in respect of the SPA is secured
5.9	Surrey Bat Group	<p>Objected to the original bat surveys as being inadequate, with no mention of cumulative impacts with Heathpark Wood</p> <p><i>[Officer comment: this was prior to the additional bat survey being received]</i></p>
5.10	Surrey County Council – Archaeology	No objection, subject to securing a programme of archaeological work by condition
5.11	Surrey Wildlife Trust	<p>Requested that the badger survey was updated prior to determination, advised that a mitigation licence for bats would be required, that a Landscape and Ecology Management Plan should be requested by condition, advised that sensitive lighting should be used, and that clearance works should be carried out outside the bird nesting season. Also advised that cumulative impacts with the Heathpark Wood development are taken into account.</p>
5.12	Thames Water	No objection
5.13	West Surrey Badger Group	Objection, badger survey is out of date, and there is no mention of biodiversity net gain
5.14	Windlesham Parish Council	<p>Objection for the following summarised reasons:</p> <ul style="list-style-type: none"> - No meaningful community engagement

- Exceeds the accepted % of dwellings to be built in the Windlesham Neighbourhood Plan
- Is not a rural exception site and no guarantees housing would be for local people
- Transport assessment is not adequate and is based on old data, no additional public transport proposed
- Insufficient parking proposed
- Would constitute overdevelopment of the site
- Cumulative ecological impact with Heathpark Woods not taken into account
- Part of it is ancient woodland
- No SANGS proposed
- Insufficient information on drainage

5.15 The Windlesham Society Objection for the following summarised reasons:

- Incorrect housing mix
- Inadequate parking provision
- Rate of new housing development in Windlesham is already unsustainable
- Would be contrary to Windlesham Neighbourhood Plan (WNP) in terms of housing growth rates
- Fails to meet character and amenity guidelines of the WNP
- Existing facilities and transport provision is inadequate to support development
- Will exacerbate traffic and highway safety issues
- Impact on ecology and wildlife is unclear
- No SANG provision
- Concerns about removal of trees and vegetation
- Insufficient engagement with the community
- Status of St Margaret's Cottage site is unclear in terms of Green Belt status
- Should be subject to same conditions as Heathpark Wood if granted

6.0 REPRESENTATION

6.1 The application was advertised in the local press on the 17 and 19 February 2021, a site notice was displayed and a total of 90 letters of notification were sent out on the 7 February 2021. At the time of preparation of this report 62 objections from neighbouring properties have been received which raise the following issues:

Principle of development [*Officer comment: see section 7.2*]

- Site was removed from housing reserve site and as such is inappropriate in the open countryside
- Does not comply with Windlesham Neighbourhood Plan and have not made reference to it in the submission
- Windlesham has already built a substantial number of homes, more than three times the quantity agreed in the neighbourhood plan which is 50 homes up to 2028
- Brownfield sites should be used first for development

- Proposal is unsustainable development

Character and trees [Officer comment: see sections 7.3 and 7.4]

- Density and general arrangement is harmful to the local area
- Neglects woodland setting
- No mechanism to secure tree buffer in perpetuity/retained tree buffer outside the site cannot be relied upon
- Retained trees around the boundary are within residential gardens and as such cannot be relied upon to be retained
- Design is not in keeping with Windlesham and is different to Heathpark Wood site, should be more similar to the design of Heathpark Wood site
- Will appear as a visual intrusion into the established character
- The trees provide a barrier between the village and the M3
- Three storey dwellings and flats are inappropriate
- No detailed landscaping scheme submitted
- Trees are only being removed to facilitate development
- Will result in urban sprawl
- Concern regarding a further loss of trees in addition to those at the Heathpark Wood site
- Neighbouring site Chamness [immediately to the east] is referred to in the documents, Chamness has nothing to do with the application and references to it should be removed. Trees within Chamness cannot be relied upon to support the development proposal.

Amenity [Officer comment: see section 7.6]

- No meaningful recreational space proposed
- Insufficient consideration of air quality and noise
- Insufficient amenity space provided for the dwellings
- Noise and air pollution will be worse due to the loss of trees
- Noise and fumes during construction period

Traffic/parking [Officer comment: see section 7.7]

- Concerned about the level and speed of traffic along Woodlands Lane
- There is a shortfall of 23 parking spaces
- No provision for electric vehicle charging
- Parking space sizes do not meet those set out in the WNP
- No cycleway within the development
- Windlesham is already a rat run
- Concern about sight lines at Heathpark Drive
- Concern about conflict with pedestrians and cyclists and those accessing the school, and the proposed additional junctions for this site and Heathpark Drive
- Will impact on local walks
- Concern about proximity of junction to junction of the Heathpark Wood development and Heathpark Drive, and the proposed Broadley Green development opposite

- The entrance is located within a restricted weight zone *[Officer comment: There are usually exceptions for access. If the application was otherwise acceptable the route for construction vehicles could be addressed as part of the Construction Management Plan.]*
- Railway stations are too far away
- No street lights along Woodlands Lane which makes it dangerous for walkers
- Concern about impact on Chertsey Road and existing queuing times

Ecology *[see section 7.8]*

- No badger foraging surveys provided
- Ecology buffers provided comprise future residents gardens and there will be no future control over these areas
- No proper consideration of impact on wildlife habitats
- Irresponsible to remove established woodland given the current climate situation
- Ecological Impact Assessment required
- Red Kites are nesting in the wood

Flooding *[see section 7.11]*

- There are ongoing drainage problems and the land in question has suffered from flooding
- Will increase likelihood of flooding especially with additional hardstanding and tree removal
- Groundwater monitoring and geotechnical testing necessary to confirm the feasibility of the submitted Drainage Strategy have not been undertaken
- History of poor surface water drainage at this site has not been addressed

Other issues

- No SANG proposed *[Officer comment: see section 7.10]*
- Should concentrate on 2-3 bedroom units, as set out in the WNP *[Officer comment: see section 7.5]*
- Relies on layout in 20/0318/RRM which was withdrawn *[Officer comment: This is incorrect, the application is still current]*
- Contamination assessment not carried out *[Officer comment: see section 7.11]*
- Waste water disposal system depends on connection to existing sewer of which the line and capacity have not been identified *[Officer comment: Thames Water have not objected. The applicant would have to discuss this with Thames Water if the application was approved]*
- No discussions with Openreach regarding broadband connection *[Officer comment: Not a planning consideration]*
- No meaningful community engagement undertaken *[Officer comment: Noted, however this is not a statutory requirement]*
- Proposals for affordable housing should take into account that proposed in other nearby developments *[Officer comment: The Housing Services Manager has been consulted and has identified the types of affordable housing required – see section 7.5]*
- Inadequate fire and rescue cover *[Officer comment: not a planning consideration]*

- Inadequate water and power infrastructure [*Officer comment: Additional infrastructure would have to be built if this is the case*]
- Current level of development puts pressure on services (schools, doctors etc) and there is inadequate village centre parking and public transport [*Officer comment: see section 7.7 and 7.9*]

7.0 PLANNING CONSIDERATION

7.1 The application is considered against the relevant policies, which are Policies CP1, CP2, CP3, CP5, CP6, CP11, CP12, CP14A, CP14B, DM1, DM9, DM10, DM11 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP), saved Policy H8 of the Surrey Heath Local Plan 2000, saved Policy NRM6 of the South East Plan 2009, the Windlesham Neighbourhood Plan 2018-2028, and the National Planning Policy Framework (NPPF). The main issues to be addressed in the consideration of this application are:

- Principle of the development
- Character and design
- Impact on trees
- Affordable housing and housing mix
- Impact on residential amenity
- Traffic and parking issues
- Ecology
- Impact on infrastructure
- Impact on the Thames Basin Heaths SPA
- Other issues – flooding, contaminated land, archaeology

7.2 Principle of the development

7.2.1 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, which includes where there are no relevant development plan policies or they are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This includes applications for housing where the authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.

7.2.2 Paragraph 68 states that planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period. Paragraph 74 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Paragraph 80 states that planning decisions should avoid the development of isolated homes in the countryside.

7.2.3 Policy CP1 of the CSDMP seeks to direct development to sustainable locations, largely in the western part of the borough. Policy CP3 sets out the numbers of houses proposed for each area of the borough, however this policy is considered to be out of date, given the wording of paragraph 74 of the NPPF, set out above. Saved Policy H8 of the Surrey Heath Local Plan 2000 states that the site known as Land East of Heathpark Drive, Windlesham, is reserved to meet possible long-term development needs and is excluded from the Green Belt. It states that during the period covered by the local plan this site (and

others included within the policy) will remain subject to the restrictions set out in Policy RE3 [now superseded by policies CP1 and DM1]. Policy DM1 is not specifically relevant to this application. Policy H8 does not mention any specific housing numbers and as such the reserve designation cannot be “used up” by other applications within the housing reserve site.

- 7.2.4 Policy WNP1.1 of the WNP states that planning applications for new housing development that are consistent with both the rate of development for Windlesham and the policies relating to development within Surrey Heath Borough Council’s Core Strategy and Development Management Policies, and other policies in the neighbourhood plan, shall be supported. Supporting text to this policy notes that the CSDMP includes a figure of 20 dwellings for Windlesham during the plan period 2011-2025, which is a growth figure of 1-2% and that this has already been exceeded with the development of the Old Dairy site and the site at Heathpark Wood. The text states that the community supports sustainable housing growth in the village at an organic rate of 1-2%.
- 7.2.5 The application site is subject to the same designations as that of the adjacent site at Heathpark Wood, in terms of being within the identified housing reserve site under saved Policy H8, and lying within the Countryside beyond the Green Belt. The Heathpark Wood site was granted outline permission for development in July 2017 on appeal, establishing that housing development here was acceptable in principle. In reaching his decision, the Inspector found that the proposal conflicted with saved Policy H8, given that the supporting text to Policy H8 indicated that the site’s release for development would depend on a further review of the Local Plan when it will be necessary to demonstrate that other more appropriate land is not available, and that, more importantly, this approach was consistent with paragraph 85 of the NPPF [2012 version, since updated] which indicated that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review that proposes the development.
- 7.2.6 Paragraph 85 has been replaced by paragraph 143 in the latest version of the NPPF, however the text is very similar and still states that planning permission for permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The CSDMP did update the Local Plan 2000, however did not specifically release the site for development and saved Policy H8 remains extant. The Inspector also found that the Heathpark Wood development conflicted with Policy CP1 which indicates a clear preference for development elsewhere, and with Policy CP3 in terms of the numbers of houses built in Windlesham, which would be exceeded.
- 7.2.7 At the time of granting the outline permission for development at Heathpark Wood, the Council could not demonstrate a five-year housing land supply and the Inspector considered that Policy CP3 of the CSDMP regarding housing numbers was out of date, given the text of paragraph 49 of the NPPF (2012 version). The Inspector concluded therefore that very significant benefits would arise from providing the housing, and that overall these outweighed the harm that would be caused by the conflict with the above policies. It is still the case that Surrey Heath cannot demonstrate five years’ worth of deliverable housing sites based on an up to date need assessment, and given the text of paragraph 74 of the NPPF, set out above, Policy CP3 is still considered to be out of date.
- 7.2.8 Since the decision on Heathpark Wood, Windlesham have adopted a neighbourhood plan, which supports growth of 1-2% within the village, and the accompanying text to the policy refers to supporting the rate of development for Windlesham as outlined within the Core Strategy. However as set out above, Policy CP3 is the only policy setting out housing numbers within the Core Strategy, and is considered to be out of date, and given the Surrey Heath cannot demonstrate a five year housing land supply, Paragraph 11 of the NPPF indicates that proposals for housing which are considered to be sustainable development should be granted, unless adverse impacts significantly and demonstrably outweigh the benefits. It is noted that applications for development in the other housing reserve sites listed in saved Policy H8, in West End, have also been granted permission.

7.2.9 It is considered, therefore, in the current context of Policy CP3 being out of date and not yet replaced, and the Council not being able to demonstrate a five-year housing land supply and as such not having any more preferable alternative sites, that the principle of the release of this land for housing development is acceptable. In the context of this current application whether there are any adverse impacts of releasing this land, that would significantly and demonstrably outweigh the benefits, shall be considered in the remainder of the report.

7.3 Character and design

7.3.1 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning decisions should ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate landscaping. They must also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The National Design Guide puts an increased emphasis on the importance of development schemes to fully understand, respect and comply with local context.

7.3.2 Policy CP2 of the CSDMP states that the Borough Council will require development to ensure that all land is used efficiently within the context of its surroundings, and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.

7.3.3 Policy WNP2.1 of the WNP states that proposals for new housing development shall be supported if they respond positively to and protect the built and natural character features of the setting within Windlesham village. Planning applications will be supported if they maintain the established density, the general scale of development and the style and pattern of separation between buildings and widths of frontages. Policy WNP2.2 states that new developments should respect the separation between buildings and the site boundaries. Policy WNP2.3 states that applications which create viewpoints revealing interesting old and new buildings and gardens and enhance the roadside landscape will be supported. Policy WNP3.1 states that applications will be supported which embody quality design features.

7.3.4 Principle 6.2 of the RDG requires residential developments to create visually interesting streets and strongly active frontages. Principle 6.4 states that housing development should seek to achieve the highest density possible without compromising local character of the appearance of the area. Principle 6.6 requires new development to respond to the size, shape and rhythm of surrounding plot layouts, and Principle 6.7 requires parking layouts that should be softened with generous soft landscaping and no more than 3 parking spaces grouped together without intervening landscaping. Principle 6.8 prefers on plot parking to the side or rear and where front of plot parking is proposed, requires it to be enclosed with soft landscaping. Principle 6.11 requires clear definition of the boundaries of public and private space within housing developments. Principle 7.3 requires building heights to help enclose the street without overwhelming it, with building heights expected to be lower in rural areas. Principle 7.8 requires attractive buildings that positively contribute to the character and quality of an area.

7.3.5 The proposed layout is characterised by a strong gateway entrance created by the three-storey flatted blocks, leading to detached and semi-detached properties arranged in a U-shape around a small green. The Urban Design Consultant has been consulted and raises concerns about the excessive height, scale and massing of the three-storey blocks of flats at the front of the development that will result in a domineering gateway,

and an abrupt change in scale from nearby development along Woodlands Lane, causing an urbanising and overbearing impact on the street scene. This is in contrast to the frontage proposed at the adjoining Heathpark Wood site, which sets the development back from the street scene with a strong edge of trees retained along the front.

- 7.3.6 The proposed density of 36.17 dwellings per hectare (dph) is also considerably higher than the density found elsewhere in Windlesham, and the density in conjunction with the above impacts are considered to result in a development that is incongruous with the small scale of the village, with harm caused to the green and rural character of the area. For comparison, the proposed density at the adjoining Heathpark Wood site is 27dph, excluding the woodland, open space and SANG areas. The Urban Design Consultant advises that the density needs to be reduced and to ensure that robust landscaping is provided and valuable trees are retained.
- 7.3.7 The three storey dwellings (house type 1) are also considered incompatible and out of character with surrounding development. No objections are raised to the traditional design of the buildings or to the proposed materials, although it is considered that the window design of house type 1 is not acceptable, as well as its height. It is considered that at most, two and a half storey dwellings could be provided to the rear of the site.
- 7.3.8 The car parking courts do not meet the requirements of Principles 6.6 and 6.8 of the RDG, as they are proposed with very limited soft landscaping to relieve the large areas of hardstanding. The car parking area for the dwellings on the western side is also considered to affect the sense of place and central green, and it is considered that this needs to be better integrated into the layout without dominating the landscape.
- 7.3.9 It is therefore considered that the proposal is not acceptable in terms of its impact on character for the above reasons, and would cause harm to the character of the area. It therefore conflicts with Policies CP2 and DM9 of the CSDMP, WNP policies 2.1, 2.3 and 3.1, Principles 6.2, 6.4, 6.6, 6.7, 6.8, 7.3 and 7.8 of the RDG, and paragraphs 124, 127 and 130 of the NPPF.

7.4 Impact on trees

- 7.4.1 Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of environments and new streets should be tree lined, with opportunities taken to incorporate trees elsewhere in developments. It states that existing trees should be retained wherever possible, and applicants should work with Officers to ensure the right trees are planted in the right places. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment and that the intrinsic character and beauty of trees and woodland should be recognised. Policy DM9 of the CSDMP requires the protection of trees and other vegetation worthy of retention.
- 7.4.2 The Ferns is covered by TPO/1/2015 and TPO 01/20. The front half of St Margaret's cottage, in front of the dwelling, is covered by TPO 07/10. A total of 93 trees are proposed to be removed to facilitate the development, which are largely to the rear of The Ferns and to the front of St Margaret's Cottage and as such the majority of these are protected trees. A site survey with partial information on tree species and heights has been provided, rather than a full tree survey compliant with the British Standard 5837 and as such a full picture of the species and nature of trees to be removed is not clear. However, they appear to be largely pine trees with some birch, which are mostly Category C, to the rear of The Ferns, and tall semi-mature trees which largely comprise Category B and C beech, pine and oak to the front of St Margaret's. One mature oak would also be lost in the location of the proposed access, to the front of the site.
- 7.4.3 The trees are proposed to be replaced with 17 large specimen size trees and 68 standard size. These are largely proposed along the rear boundary of the site and the side boundaries towards the rear. A small number are proposed on the central green area and around the two blocks of flats to the front of the site.

- 7.4.4 The Council's Arboricultural Officer has been consulted and has raised a number of concerns about the proposals, and considers that as a group, the trees provide significant visual amenity benefits to the character of the area and the replacement trees would take a long time to provide the same environmental and visual amenity benefits as the current trees. Concern has been raised about the location of the proposed new trees, being largely proposed in the rear gardens of the properties which are of limited size, and as such the new trees would quickly cause shade, debris and may overwhelm the gardens. They would also be growing under the canopy of existing offsite trees, compromising their overall quality. There is also likely to be conflict between the apartment blocks and car parking areas and the trees, which may cause shade and debris, leading to pressure to remove these. It is considered that space for trees to the front of properties would be a better solution, as is proposed at the neighbouring Heathpark Wood site, which also retains space between the properties and mature boundary trees.
- 7.4.5 The Council's Arboricultural Officer raises concerns about the access road affecting the long term health of proposed retained trees in the centre of the site, the loss of the oak at the front of the site to the access road, and about the lack of information provided as there is no Arboricultural Method Statement, or full tree survey. The proposals also have not adequately considered the off-site trees, with no information on the crown spread which will have an impact on the properties around the boundaries in terms of overshadowing. The off-site trees are also poorly adapted to deal with the likely wind load, following exposure. Overall, the Council's Arboricultural Officer considers that the development would fail to protect trees worthy of retention and would not respect or enhance the character of the environment, and the density of dwellings should be reduced, which would assist in overcoming the issues raised.
- 7.4.6 It is noted that the proposal at the neighbouring site, Heathpark Wood, will result in the loss of a large number of trees which largely comprise mature plantation conifers, and some younger, native deciduous trees. The loss of these was considered to be acceptable overall, given the benefits provided by the housing, and similarly with this site it is considered that the loss of a number of trees is inevitable and in principle the benefits of providing housing could outweigh this loss, although the loss of mature deciduous specimens which contribute the most to visual amenity should be avoided. However, the current proposed site layout causes unacceptable conflict between the proposed housing and the existing and proposed trees, and the provision of housing in the form currently proposed is not considered to outweigh the impact of the loss of the trees. In addition, insufficient information has been provided to fully justify the trees to be lost and to enable the Local Planning Authority to properly consider the impact of the proposal on the trees.
- 7.4.7 The proposal is therefore considered to be contrary to Policy DM9 and paragraphs 131 and 174 of the NPPF.

7.5 Affordable housing and housing mix

- 7.5.1 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on site unless off-site provision can be robustly justified or the agreed approach contributes to the objective of creating mixed and balanced communities.
- 7.5.2 Policy CP5 of the CSDMP states that developments of 15 or more units should provide 40% on site provision of affordable housing. Policy CP6 states that the borough council will promote a range of housing types and tenures and suggests for market housing the proportions should be 10% 1-bed, 40% 2-bed and 3-bed, and 10% 4+ bed. For affordable housing the percentages depend on the tenure but are 20-35% 1-bed, 30-40% 2-bed, 20-40% 3-bed and up to 15% 4-bed. Policy WNP1.2 of the WNP states that planning applications for new developments which provide a mixture of housing sizes and types and prioritises the development of two and three bedroom dwellings to assist in increasing housing mobility within Windlesham village, shall be supported.

7.5.3 It is noted that Policy CP6 was written some years ago and a more recent Local Housing Needs Assessment was undertaken in 2020, to support the new draft Local Plan. Although this Needs Assessment does not carry any weight in the decision making process, as it is not planning policy, it does give an indication of what the current needs are in terms of housing mix. In terms of affordable rented units, the mix suggested is 30-35% 1-bed, 25-35% 2-bed and 3-bed, and 5-10% 4-bed. In terms of affordable to buy, the suggested mix is 10-15% 1-bed, 45-50% 2-bed, 30-35% 3-bed and 5-10% 4-bed. For market housing the suggested mix is 5-10% 1-bed, 20-25% 2-bed, 40-45% 3-bed and 25-30% 4-bed.

7.5.4 The application proposes that all the flats would be affordable, which would comprise 10 x 1-bed units and 6 x 2-bed units. No information is given on the proposed tenure of these units. This equates to a total percentage of 47% of the units, which is in excess of the amount of affordable dwellings required by Policy CP5. In terms of housing mix, this gives a percentage of 63% 1-bed and 37% 2-bed for the affordable units. The 12 x 3-bed and 6 x 4-bed properties proposed would be market housing, which in terms of mix is 67% 3-bed and 33% 4-bed.

7.5.5 The Council’s Housing Services Manager has been consulted and has stated that the proposed mix of affordable housing is not policy compliant, and should be more akin to the following table:

	1 bed	2 bed	3 bed	4 bed
Affordable	5	5	5	1
Broken down as:				
Intermediate	2	3	3	0
Rented	3	2	2	1

7.5.6 It is also not considered that the market housing is policy compliant, as it should include some 1-bed and 2-bed dwellings and reduce the number of larger dwellings. It is therefore considered that, while the overall amount of affordable housing proposed is acceptable, there needs to be more of a mix of housing types for both affordable and market housing, and the more recent Needs Assessment confirms that a range of housing sizes is still required. The proposal is therefore contrary to Policies CP6 and WNP1.2, and paragraph 63 of the NPPF in this regard. Given that the proposal is not acceptable in other regards, no legal agreement has been entered into in respect of the delivery of the affordable housing, and as such this also forms a reason for refusal, although could be overcome in the event of an appeal by the provision of such an agreement.

7.6 Impact on residential amenity

7.6.1 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy DM9 of the CSDMP states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.

7.6.2 Policy WNP2.2 of the WNP states that planning applications for new developments which respect the separation between buildings and the site boundaries, and the privacy of adjoining owners, will be supported unless it can be demonstrated that they will harm or detract from the local character.

7.6.3 Principle 7.6 of the RDG states that as a minimum, the Council will expect new housing development to comply with the national internal space standards. Principle 8.1 states that new residential development should be provided with a degree of privacy to habitable rooms and sensitive outdoor amenity spaces. Developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted. Principle 8.2

requires habitable rooms in new residential development to maintain an adequate outlook to external spaces. Principle 8.3 requires the occupants of new dwellings to be provided with good quality daylight and sunlight, and should not result in a loss of daylight and sunlight to neighbouring dwellings. Principle 8.4 sets the minimum outdoor amenity space sizes for new dwellings. Principles 8.5 and 8.6 set the standards for outdoor amenity space for flats.

- 7.6.4 The application site located over 80m from the rear boundaries of properties in Heathpark Drive to the west, and to the east, the nearest dwelling is Woodlands, located over 110m away from the site boundary at its nearest point. As such, it is not considered that the development would cause any harm to the amenities of the nearest existing dwellings. With regard to the proposed development at Heathpark Wood, which borders the site immediately to the west and north, the latest proposed scheme under the application 20/0318/RRM shows that there would be 15-17m between the western and northern side boundaries of the application site and the nearest elevations of the proposed dwellings, with a large tree buffer in between. As such, the proposal is not considered to cause any harm to the amenities of the future occupiers of the Heathpark Wood development, based on the current submitted scheme.
- 7.6.5 In terms of the amenities of the future residents of the properties, all of the properties appear to comply with the national internal space standards, except House Type 2 which has an internal area stated on the plans, but one of the pair is smaller than the other and does not appear to be large enough. Two of the 2-bed 4-person units in Block B are also smaller than the minimum of 70m² plus 2m² of storage. As such the units are not sufficiently big enough and are contrary to Principle 7.6 of the RDG.
- 7.6.6 The ground floor flats would have access to an amenity terrace directly adjoining the flat, which is shown as an area of patio on the plans. However, the depths of these terraces are under 2m, rather than the 3m minimum required by Principle 8.6 of the RDG. No boundary treatments or privacy screens are shown, even though some of the terraces front the access road, but it is considered that the detail of boundary treatments could be secured by condition if the application was otherwise acceptable. The flats on the upper floors are all provided with balconies, however again they are smaller than the standard required by Principle 8.6, at 1m depth rather than 1.5m. Some communal space for the flats is provided, of around 520m², though it would be largely overshadowed by trees and as such the private amenity space is even more important. The private gardens provided for the 3-bed and 4-bed houses comply with the size requirements of Principle 8.4 of the RDG, however as set out in section 7.4 above, those on the northern boundary particularly are likely to be overshadowed by existing and proposed trees. In terms of communal recreational space, it is considered that for the overall size of the development, a formal play area would not be required.
- 7.6.7 Concern has been raised over the impacts of noise and air quality, both for the future occupiers of the development given its proximity to the M3, and also for existing nearby residents, due to removal of the trees. The applicant has submitted a noise report with the application and the Environmental Health Officer (EHO) has been consulted. The EHO has stated that the site is likely to require noise mitigation in terms of fencing for external areas, and in elevations in terms of glazing and ventilation measures, to achieve the relevant internal and external standards for the protection from traffic noise for future occupiers. No detail has been provided in terms of how the external amenity areas on the site will be protected from noise and it is considered that this detail is required at this stage, given that the mitigation required could be, for example, tall acoustic fencing and would require assessment in terms of impact on character and amenity. It is also necessary to ensure that all external amenity spaces would be able to meet the relevant standard with mitigation, particularly on the eastern side of the site. It is not considered the removal of some trees would make any noticeable difference in terms of noise levels for existing properties.

- 7.6.8 With regard to air quality, the EHO states that levels of traffic pollution quickly decrease with distance, as confirmed by the Council's monitoring near to this site and along Woodlands Lane, where levels of NO₂ have been well below the target. With regard to dust, the Council's recent modelling also shows that this will remain below air quality objectives on and around the site and that the effect of woodland removal will not cause any exceedance of air quality objectives.
- 7.6.9 It is therefore considered that the proposal would be acceptable in terms of its impact on amenity for existing properties. However, the proposal would not provide an acceptable standard of amenity for future occupiers, due to the sizes of some of the dwellings and amenity areas being smaller than the standards set out in the RDG. It has also not been demonstrated that all the external areas would be able to meet the relevant noise standards, with mitigation that would be appropriate in character and amenity terms. The proposal is therefore contrary to Principles 7.6 and 8.6 of the RDG, Policy DM9 and paragraph 130 of the NPPF.

7.7 Impact on highways and parking

- 7.7.1 Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location; that safe and suitable access to the site can be achieved for all users, and any significant impacts from the development on the transport network or on highway safety can be mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 7.7.2 Policy CP11 of the CSDMP seeks to direct new development to sustainable locations, and states that development that will generate a high number of trips will be required to demonstrate that it can be made sustainable to promote travel by sustainable modes of transport. Policy DM11 of the CSDMP states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. Policy WNP4.2 of the WNP states that new residential developments should, where space permits, provide parking spaces within the boundaries of the development for two vehicles for 1 and 2-bedroom dwellings, and 3 vehicles for 3+ bedroom or larger dwellings. Policy WNP4.1 states that garages should be 3m x 8m with an unobstructed entry width of 2.3m.
- 7.7.3 The two existing dwellings are currently accessed via individual accesses onto Woodlands Road. These would be closed as part of the proposal, and a new central access created onto Woodlands Lane. This access would be approximately 85m east of the proposed new access to the Heathpark Wood development, which is slightly further than the distance between Heathpark Drive and the Heathpark Wood development. Concern has been raised regarding the proximity of these accesses, however no objection has been received from the County Highway Authority, who consider that the development is acceptable, subject to conditions including visibility splays from the access, electric vehicle charging sockets and cycle parking facilities.
- 7.7.4 In terms of parking, the development proposes a total of 59 spaces plus two disabled spaces. Two spaces on the plan are marked for visitors however some other spaces are unmarked so it is not clear if spaces would be allocated to dwellings or available for general use within the development. There are also two spaces marked behind the visitor spaces, however use of these would block in the visitors. The layout shows eight spaces for each of the two blocks of flats, which equates to one space per flat, plus an additional disabled space for each block. For the dwellings, the three storey, 3-bed dwellings would

have three spaces each as they include integral garages. The remaining 3-bed dwellings on the eastern side would have two spaces each. The 3-bed dwellings on the western side would have eleven spaces between six dwellings. The 4-bed houses to the rear of the site would have two spaces each including the garages.

- 7.7.5 The parking provision for some of the 3-bed dwellings is therefore not in line with Surrey County Council's maximum parking guidelines, which suggest in rural areas that 2+ spaces per unit would be the maximum for 3+ bed units. However, these are maximum standards and no objection has been received from the County Highway Authority in terms of parking provision. It is also noted that the development falls short of the parking levels set out in Policy WNP4.2, however with the current site layout and density, there is limited space to include additional parking without impacting on amenity areas and trees. If all spaces in the development are allocated to the units, then there could be overspill of parking onto Woodlands Lane, which should be avoided. If the application was acceptable in other regards, further information could be requested on this point from the applicant in terms of parking allocation.
- 7.7.6 The depths of the garages are 6.25m rather than 7m as set out in Policy WNP4.1, and the parking spaces are also smaller than the measurement of 2.9m x 5.5m as set out in this policy. Given, however, that no objection has been received from County Highways, any overspill of parking is not likely to cause a highway safety issue, nor a serious amenity issue on Woodlands Lane. It is not considered that this should form a reason for refusal. However, an informative will be added to the decision regarding future applications avoiding any overspill of parking onto Woodlands Lane and having more regard to Policies WNP4.1 and WNP4.2 in terms of the numbers, design and layout of parking spaces and garages.
- 7.7.7 In terms of sustainability and proximity to public transport, it is noted that there are limited bus services within Windlesham. However, additional dwellings along the route and as such increased demand for services, is more likely to make increased frequency commercially viable. This would be a matter for the bus companies/Surrey County Council to consider. It is noted improvements to bus stops and the footway/cycleway along part of Woodlands Lane is required as part of the Heathpark Wood development. Given the site's allocation as a housing reserve site, it is considered to be in a relatively sustainable location given that it would be walking distance to the centre of Windlesham and some public transport services. Further details of cycle parking and electric vehicle charging would be required by condition if it were acceptable in other regards to encourage more sustainable forms of travel. It is noted that concerns have been raised about the impact on walkers with an additional access and the lack of street lighting, however, no objection has been raised by County Highways in terms of safety and the provision of street lighting is a matter for the County to consider.

7.8 Impact on ecology

- 7.8.1 Paragraph 170 of the NPPF states that planning decisions should minimise impacts on, and provide net gains for, biodiversity. Paragraph 175 states that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.
- 7.8.2 Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath, and that development that results in harm to or loss of features of interest for biodiversity will not be permitted.
- 7.8.3 The applicant has submitted a Preliminary Ecological Appraisal, a Bat Report and updated Technical Note for bats. Surrey Wildlife Trust (SWT) have noted that the report confirms the presence of active bat roosts within the development site, and as such a licence from Natural England would be required prior to any works commencing which affect bats. SWT have also noted that the Ecological Appraisal identified the likely absence of active badger setts within the development site, but given the age of the

survey, both SWT and the WSBG advised that a new survey was required before determination, given the mobility of the species. This has been requested from the applicant but not received.

- 7.8.4 Surrey Wildlife Trust also recommends that any tree felling is conducted outside the bird nesting season, otherwise an ecologist would have to inspect trees for active nests prior to felling. Sensitive lighting should also be used and a Landscape and Ecology Management Plan would be required by condition if the development was acceptable in other respects.
- 7.8.5 The applicant has not provided any information on biodiversity net gain and as such it has not been demonstrated that net gain would result from the proposals. However, the requirement for net gain is not yet planning policy and as such an informative will be added in this regard for any future applications on this site. It is also noted that some objections mention red kites nesting on the site and while additional bird surveys have not been requested by SWT, again an informative will be added in this regard for future applications.
- 7.8.6 It is therefore considered that the Local Planning Authority does not have sufficient information to ensure that badgers would not be harmed as a result of the proposals, and the proposal is therefore contrary to Policy CP14A and paragraphs 170 and 175 of the NPPF.

7.9 Impact on infrastructure

- 7.9.1 Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery. Policy CP12 of the CSDMP states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.9.2 Details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself.
- 7.9.3 Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This development would be CIL liable and the final figure would need to be agreed following the submission of the necessary forms. An informative will be added to the decision advising the applicant of the CIL requirements in the event of an appeal. In terms of pressure on existing services, such as schools and doctors, it would be a matter for Surrey County Council and the NHS to include additional provision as necessary.

7.10 Impact on the Thames Basin Heaths SPA

- 7.10.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the 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 Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).

- 7.10.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 1.2km from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available to be allocated to this development if it was being granted permission, and this development would be CIL liable, so a contribution would be payable on commencement of development.
- 7.10.3 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and depends on the sizes of the units proposed. SAMM is payable prior to a decision being made on the application, or a legal agreement is required to be completed to ensure payment of SAMM at a later date. Given that this application is not acceptable in other regards, the SAMM payment has not been requested from the applicant and as such it forms a reason for refusal. However, in the event of an appeal, this reason could be overcome by payment of the SAMM charge.

7.11 Other matters

Flooding

- 7.11.1 Paragraph 167 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policy DM10 states that the borough council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development.
- 7.11.2 The application site is located within Flood Zone 1 and is less than 1 ha in size, and as such no Flood Risk Assessment was required, albeit an FRA has been submitted. Parts of the front of the site are at risk from surface water flooding. The LLFA has not objected, subject to conditions for details of a surface water drainage scheme to be submitted and agreed prior to commencement of development. Highways England have also requested a condition to ensure surface water drainage details are agreed with them prior to their installation, to prevent any run off from the development onto the M3. It is considered therefore that the issues of surface water drainage would be satisfactorily dealt with by condition, if the application was acceptable in other regards.

Contaminated land

- 7.11.3 Paragraph 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use, taking into account ground conditions and risks arising from contamination. The applicant has submitted a Contaminated Land study with the application, which suggests further investigation would be required prior to development commencing. The EHO has therefore recommended conditions in this regard which would require further investigation and risk assessment, and any necessary remediation taking place, prior to development commencing. The development is therefore considered to be in line with paragraph 183, subject to the proposed conditions.

Archaeology

- 7.11.4 Paragraph 194 of the NPPF states that in determining applications, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. Policy

DM17 states that sites of 0.4ha or greater need to submit a desk based archaeological assessment and where this suggests the likelihood of archaeological remains, the Planning Authority will require the results of an archaeological evaluation in order to inform the determination of the application.

- 7.11.5 The applicant has submitted an Archaeological Assessment with the application and the County's Heritage Advisor has been consulted, who has advised that although the site has low archaeological potential, there has been little previous investigation in this area previously. The Advisor recommends a future programme of archaeological work is therefore secured by condition, if the application is to be granted.

Sustainability credentials

- 7.11.6 Paragraph 8 of the NPPF states that achieving sustainable development includes minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy. Policy DM7 of the CSDMP encourages more sustainable building materials to be used. The applicant proposes some measures to improve the sustainability of the development which include orientating the buildings to maximise passive solar gain, and using good insulation, high performance windows and doors, as well as careful detailing to avoid air leakage and thermal bridging. If the application were acceptable in other regards, further information would be required by condition regarding the materials and energy efficiency of the proposed dwellings.

8.0 POSITIVE/PROACTIVE WORKING & PUBLIC SECTOR EQUALITY DUTY

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraph 38 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.
- 8.2 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

9.0 CONCLUSION

- 9.1 There is a presumption in favour of sustainable development and the provision of additional housing in this location is considered to be acceptable in principle, given the site's designation as a Housing Reserve Site under saved Policy H8 of the Surrey Heath Local Plan 2000 and the fact that Policy CP3 is out of date and Surrey Heath cannot currently demonstrate five years' worth of deliverable housing land. The provision of 47% affordable housing also weighs in favour of the proposal although has not been secured with a legal agreement. However, the proposal's layout and quantum of built form is not considered acceptable in terms of its significant impact on the countryside character of the area and upon trees. The housing mix, the amenity of future occupiers, ecology and its impact on the Thames Basin Heaths SPA would also result in significant harm. In the officer's opinion these adverse impacts would demonstrably and significantly outweigh the social and economic benefits. The proposal is therefore recommended for refusal.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposal by reason of the excessive height, scale and unrelieved massing of the three-storey blocks of flats, and their proximity to the front of the site would result in a visually domineering urban gateway along Woodlands Lane. Together with the height and design of the three-storey dwellings; the overall density of the development; and, the layout of the car parking courts unrelieved by soft landscaping, the overall development would be harmful to the rural and woodland setting and the Windlesham vernacular. The development would therefore fail to respect the character and quality of the area and would not promote local distinctiveness, contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policies 2.1, 2.3 and 3.1 of the Windlesham Neighbourhood Plan 2018-2028, Principles 6.2, 6.4, 6.6, 6.7, 6.8, 7.3 and 7.8 of the Surrey Heath Residential Design Guide 2017 and the National Planning Policy Framework
2. Insufficient information has been provided to justify the removal of the trees proposed, and for the Local Planning Authority to be able to fully assess the impact of the development upon the trees both within and immediately adjacent to the site. The location of the proposed dwellings and car parking areas in relation to existing and proposed trees is likely to cause conflict and harm to the living conditions of future occupiers and therefore compromise the future health and longevity of the trees. The trees as a group provide significant visual amenity and environmental benefits to the area and the proposal would not outweigh this harm. The proposal is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
3. The proposed housing mix of the affordable and market housing would not meet the current need in Surrey Heath for a range of dwelling sizes. The proposal is therefore contrary to Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy 1.2 of the Windlesham Neighbourhood Plan 2018-2028 and the National Planning Policy Framework
4. The proposal would not provide a sufficiently high standard of amenity for future occupiers, due to insufficient overall internal floor areas for some of the proposed dwellings and flats, insufficient sizes of private amenity space for the proposed flats and overshadowing of private rear gardens by trees. It has also not been demonstrated to satisfaction of Local Planning Authority that the background traffic noise would be mitigated to an acceptable level within the proposed private external amenity spaces, and that any mitigation required would be acceptable in character and amenity terms. The proposal would therefore be contrary to Principles 7.6 and 8.6 of the Surrey Heath Residential Design Guide 2017, Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
5. Insufficient up to date survey information has been received by the Local Planning Authority to enable them to fully assess the impact of the proposals on badgers, which are a protected species. The proposal is therefore contrary to Policy CP14A, ODPM Circular 06/2005 and the National Planning Policy Framework.
6. In the absence of a payment or completed legal agreement in respect of strategic access management and monitoring (SAMM) measures, the impact of the proposal on the Thames Basin Heaths Special Protection Area has not been sufficiently mitigated and significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area. The proposal also has not been allocated any Suitable

Alternative Natural Greenspace (SANG) capacity. The proposal is therefore contrary to Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012, the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019, saved Policy NRM6 of the South East Plan 2009 and the National Planning Policy Framework.

7. In the absence of a legal agreement to secure the required provision of affordable housing, the proposal is contrary to Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. The developer is reminded that it is necessary to consider the requirements of Policies WNP4.1 and 4.2 of the Windlesham Neighbourhood Plan 2018-2028 with regard to future parking provision, in terms of numbers and sizes of spaces and garages, to avoid overspill of parking onto Woodlands Lane.
2. The developer is advised that information demonstrating an overall net gain in biodiversity of at least 10% is likely to be a requirement for future applications on this site.
3. The developer is advised that red kites may be present on the site which are a protected species under Schedule 1 of the 1981 Wildlife and Countryside Act, and that any future application will be required to demonstrate that no harm would come to these species as a result of the proposal.
4. 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.
5. This decision was based on the following plans submitted with the application all received 22.12.20 unless otherwise stated:
 - Location Plan Rev 02 drawing no 20.15.100
 - Block Plan Rev 02 drawing no 20.15.101
 - Site Survey Rev 02 drawing no 20.15.102
 - Existing tree survey Rev 02 drawing no 20.15.103
 - Existing site sections Rev 02 drawing no 20.15.104
 - Woodlands Masterplan Rev 02 drawing no 20.15.200
 - Woodlands Masterplan Level 0 Rev 02 drawing no 20.15.201
 - Woodlands Masterplan Level 1 Rev 02 drawing no 20.15.202
 - Woodlands Masterplan Level 2 Rev 02 drawing no 20.15.203
 - Roof plan Rev 02 drawing no 20.15.204
 - Affordable Plan Rev 02 drawing no 20.15.205
 - Woodlands Masterplan Levels Rev 03 drawing no 20.15.206 received 4.2.21
 - House Type 1 floorplans Rev 02 drawing no 20.15.210
 - House Type 1 elevations Rev 02 drawing no 20.15.211
 - House Type 2 floorplans Rev 02 drawing no 20.15.212
 - House Type 2 elevations Rev 02 drawing no 20.15.213
 - House Type 2 terrace Rev 02 floorplans drawing no 20.15.214
 - House Type 2 terrace elevations Rev 02 drawing no 20.15.215
 - House Type 3 floorplans Rev 02 drawing no 20.15.216
 - House Type 3 elevations Rev 02 drawing no 20.15.217
 - House Type 3 terrace floorplans Rev 02 drawing no 20.15.218
 - House Type 3 terrace elevations Rev 02 drawing no 20.15.219

- Apartment Block A Ground floor plans Rev 02 drawing no 20.15.220
- Apartment Block A First floor plans Rev 02 drawing no 20.15.221
- Apartment Block A Second floor plans Rev 02 drawing no 20.15.222
- Apartment Block A Roof Plan Rev 02 drawing no 20.15.223
- Apartment Block A Front Elevations Rev 02 drawing no 20.15.224
- Apartment Block A Side Elevations Rev 02 drawing no 20.15.225
- Apartment Block A Rear Elevations Rev 02 drawing no 20.15.226
- Apartment Block A Side Elevations Rev 02 drawing no 20.15.227
- Apartment Block B Ground floor plans Rev 02 drawing no 20.15.228
- Apartment Block B First floor plans Rev 02 drawing no 20.15.229
- Apartment Block B Second floor plans Rev 02 drawing no 20.15.230
- Apartment Block B Roof Plan Rev 02 drawing no 20.15.231
- Apartment Block B Side Elevations Rev 02 drawing no 20.15.232
- Apartment Block B Front Elevations Rev 02 drawing no 20.15.233
- Apartment Block B Side Elevations Rev 02 drawing no 20.15.234
- Apartment Block B Rear Elevations Rev 02 drawing no 20.15.235
- Proposed Site Layout Plan Drawing no DPA-9023-04 Rev C
- Proposed Car Ports Rev 02 Drawing no 20.15.236
- Proposed Street Scenes Rev 02 Drawing no 20.15.237 received 22.1.21
- Proposed Site Sections Rev 02 Drawing no 20.15.238 received 22.1.21