

Planning, Design and Access Statement

**Cedars Garden Nursery, Church
Road, Windlesham, GU20 6BL**

Prepared For
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**9542
December**

Including an FRA



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CHARTERED TOWN PLANNERS

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1 INTRODUCTION

- 1.1 This Statement supports a Planning application following pre application discussions, for the erection of a dwelling following demolition of all buildings onsite and associated access and landscaping at Cedars Garden Nursery (Windlesham Plant Centre), Church Road, Windlesham.
- 1.2 The remainder of this section will set out the character of the site and surrounding area and the relevant planning history
- 1.3 Section 3 sets out the development plan and Section 4 provides the justification for the principle of the residential development and the continued need and support for housing. This section also considers the development plan as the starting point for consideration and then other material considerations of weight to justify the proposal.
- 1.4 Documentation accompanying this Statement includes:
- Application forms
 - Design and Access Statement
 - Heritage Statement
 - Ecology Survey
 - Arboricultural Impact Assessment
 - Environmental Desk Study and Preliminary Risk Assessment
 - Drawings

SITE AND SURROUNDINGS

- 1.5 The site, known as the Windlesham Plant Centre or Cedars Garden Nursery is located within the countryside, Green Belt and within the Windlesham Conservation Area on the north side of Church Road, east of Cedars Coach House and south east of Cedars Court.
- 1.6 The Application Site is generally open to the north and east with Garbolisham Cottage, East Garbolisham Cottage and open fields on the opposite side of Church Road opposite the site measuring 0.4ha in total. The Application Site is on higher ground than the adjoining highway with a hedge demarking the boundary.
- 1.7 The site includes a greenhouse, a polytunnel and a shed. There is an open-air sales area on the site's western area and another one on the site's central area.



- 1.8 The site is also located in proximity to Cedars House and Cedars Court (formerly listed as the Cedars) and Birch Hall, which are Grade II listed buildings. There are no structures of local significance adjacent to the proposed development site. The character and significance of these identified heritage assets described and considered further in the accompanying are Heritage Statement.

RELEVANT AVAILABLE PLANNING HISTORY

- 1.9 Planning permission 92/0845 approved the erection of a glasshouse on site and condition 2 prevents any retail sales from the site.
- 1.10 Planning permission 93/0030 varied condition 2 of the above planning permission in respect of retail sales. This application allowed retail sales on site, these were limited to the produce grown on the land, so the site remained in horticultural use. This glasshouse was demolished and replaced by the development allowed under permission 13/0865. However, the conditions attached to permissions 92/0845 and 93/0030 refer to the site and therefore still stand.
- 1.11 Planning permission 06/1114 approved the construction of a new timber shed (to accommodate office space and changing facilities for staff). Condition 2 restricted the use of the building for the purposes of an office or changing facilities ancillary to the nursery use of the site. Condition 3 required removing of the shed and the land to be reinstated should the site cease to operate as a garden nursery.
- 1.12 Planning permission 13/0865 approved the erection of one polytunnel, following demolition of the existing greenhouse. Condition 4 restricted retail sales at the application site to produce grown on the land only.
- 1.13 Planning permission 17/1032 varied condition 2 of planning permission 06/1114 (relating to the erection of a shed), to allow the use of the shed to include retail sales of items grown on the land and imported goods (items are specified on condition 2). As such, this application introduced a retail use on site albeit this was limited to the shed.
- 1.14 Planning permission 17/1034 varied condition 4 of planning permission 13/0865, which relates to the erection of the polytunnel. The description of development reads as ‘...to allow increased retail sales at the application to include items...’, and therefore a word was missing.



Para 6.1 of the Officer's report describes the proposal as '... to allow increased retail sales at the application site to include items...'. Para 7.2.2 goes on to say that 'subject to limitations on retail sales from the site to garden/planting based sales...'. As such, it was reasonable to conclude that the missing word is 'site' and that the application was assessed on the basis of selling imported goods from the red line of the site.

- 1.15 The varied condition 4 reads as 'the retail sales shall be limited to....' and, in light of the above paragraph, it is reasonable to conclude that this condition would relate to the selling of items (both imported goods and produce grown on the application site) from the application site.
- 1.16 In summary, the above planning history shows that retail sales on the application site were first agreed by planning permission 93/0030, however they were restricted to produce grown on the land. Planning permission 17/1032 expanded the range of goods, by allowing the retail sales of both items grown on the land and imported items, however these sales were restricted to the shed only. Planning permission 17/1034 allowed retail sales of both items grown on the land and imported goods from the whole application site, as this was not restricted to a particular part of the site.
- 1.17 Accordingly, the LPA concluded in application 19/0759/CES that retail sales from both imported items and produce grown on the land (as listed in condition 2 of planning permission 17/1034) can take place from the whole application site, as shown on the site location plan (received 13 November 2017) submitted with application 17/1034 which. It is acknowledged however that the sale of greeting cards can only take place solely from the shed as shown drawing no 2006/965/01 'proposed timber cabin for changing facilities' (received 27 May 2013).



2 PLANNING POLICY

- 2.1 The adopted development plan for Surrey Heath Borough Council is the Adopted Local Plan 2032 saved policy from the South East Plan and the Windlesham Neighbourhood Plan. The main material consideration is the recently adopted Revised National Planning Policy Framework.

DEVELOPMENT PLAN

- 2.2 The relevant development Plan for Surrey Heath Borough Council consists of the 2000 Local Plan, the Core Strategy and Development Management Policies Development Plan Document 2012, the South East Plan 2009 (as saved) and the Windlesham Neighbourhood Plan.
- 2.3 Surrey Heath Borough Council is in the process of preparing a new Local Plan albeit it is in its early stages (Issues Options/Preferred Options) holding extremely limited weight at present.
- 2.4 The Local Plan Policies that are directly relevant in the determination of this application are:
- None
- 2.5 The Core Strategy and Development Management Policies that are directly relevant in the determination of this application are:
- CP1 – Spatial Strategy
 - CP2 -Sustainable Development and Design
 - CP3 – Scale and Distribution of New Housing)
 - CP6 – Dwelling size and Type
 - CP9 – Hierarchy and Role of Centres
 - DM9 - Design Principles
 - DM11 – Traffic Management and Highway Safety
 - DM17 – Heritage
- 2.6 The South East Plan policies that are directly relevant in the determination of this application are:
- NRM6
- 2.7 The Windlesham Neighbourhood Plan policies of relevance are as follows:
- Policy No WNP1.1 – Sustainable Housing Growth
 - Policy No WNP2.1 – New Housing Development Features and Compatibility



- Policy No WNP2.2 - Spacing and Privacy
- Policy No. WNP2.3 Roadside Landscapes
- Policy No WNP3.1 - Design Quality
- Policy No WNP3.2 - Design Boundaries
- Policy No. WNP3.3 - Garden Space
- Policy No WNP4.1 – New Residential Developments Parking Space Design
- Policy No WNP4.2 – New Residential Developments Parking Space Standards

Supplementary Planning Documents & Guidance

2.8 Surrey Heath Borough Council has a number of Supplementary Planning Documents & Guidance that are relevant to this application, including:

- Community Infrastructure Levy SPD
- Development Contributions SPD
- Infrastructure Delivery SPD
- Residential Design Guide SPD
- Thames Basin Heaths SPA SPD
- Affordable Housing Guidance
- Church Road, Windlesham Conservation Area Statement

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

2.9 When making a decision on all listed building consent applications or in this case any decision on a planning application for development that could affect a listed building or its setting, Surrey Heath planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

2.10 This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.

PRINCIPLE OF DEVELOPMENT

2.11 Planning law requires that applications for planning permission must have regard to Section 36 (6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan for the area is the Surrey Heath Borough Council Local Plan. At a national level, the National Planning Policy Framework (NPPF) constitutes



guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

Housing land supply

- 2.12 The NPPF requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. In addition, and in line with the Housing Delivery Test published in February 2019, a 20% buffer should be added to the borough's supply. At the current time the council is unable to demonstrate that it has 5 years' worth of deliverable sites. This means that policies relating to housing delivery in the borough's adopted Local Plan and made Neighbourhood Plans (subject to consideration against paragraph 14 of the NPPF) are currently considered to be out of date and are afforded limited weight in the decision-taking process.
- 2.13 Planning applications will therefore be considered in line with paragraph 11d) of the NPPF which states:
- ‘where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’
- 2.14 The footnote to this statement is clear that the policies referred to are those in the NPPF relating to: habitats sites and/or designated as Sites of Special Scientific Interest; Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change.
- 2.15 This site falls within the Green Belt and Windlesham Conservation Area, a designated heritage asset.



- 2.16 This statement will evaluate the application against the relevant Development Plan Policies and an assessment of the development in light of the above, and the balance required by paragraph 11(d) of the NPPF will be given in the 'Planning Balance and Conclusion' section of this report.
- 2.17 The NPPF is a material consideration in the decision-taking process. The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These objectives seek to balance growth and local community needs against protection of the natural, built and historic environment.
- 2.18 For rural housing, paragraphs 77-79 of the NPPF are the most relevant to the consideration of this proposal for a new dwelling. Paragraph 77 relates to rural exception sites to deliver affordable housing to meet identified local need and allowing some market housing to facilitate this. This is not relevant to this application.
- 2.19 Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. Furthermore, Paragraph 79 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is a need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling;
- or
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help raise standards of



design more generally in rural area; and - would significantly enhance its immediate setting, and be sensitive to defining characteristics of the local area'.

- 2.20 In addressing the proposed development, the first consideration is whether the site is in an isolated location. The NPPF does not provide a definition of what constitutes 'isolated' development. In considering whether or not the current application site is isolated in light of the paragraph 79, reference has been given to case law and recent planning appeal decisions, beyond the definition within the Local Plan.
- 2.21 The Braintree case referenced above forms a material consideration in the assessment of isolation. The term 'isolated' was considered by the Court of Appeal who upheld a High Court decision that concluded the word 'isolated' should be given its ordinary meaning as being 'far away from other places, buildings and people; remote'. Lindblom LJ held that, in the context of paragraph 55 of the previous NPPF (2012) (now paragraph 79 in the NPPF 2019), 'isolated' simply connotes a dwelling that is physically separate or remote from a settlement. Whether, in a particular case, a group of dwellings constitutes a settlement, or a 'village', for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. The Court rejected the argument that the word 'isolated' as set out within the NPPF could have a dual meaning, being physically isolated or functionally isolated (isolated from services and facilities).
- 2.22 What constitutes a settlement is also left undefined in the NPPF. In the Braintree case, LJ Lindblom held that a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example a shop or post officer of its own, or a school or community hall or public house nearby, or public transport within easy reach.
- 2.23 The application site comprises built form and is located off Church Lane. Church Lane has a number of dwellings. The site is considered to be located within an area of low density dwellings. On this basis, it is considered that the application site is not physically isolated in terms of built form. Windlesham is a village, which has a number of services such as public houses, a Church, commercial uses, village shop, post office, pharmacy, hairdressers, pre-school and Day Nursery, infants school and the site is located only 120m from the nearest settlement boundary with a bus stop opposite the site (bus 500) from Staines to Frimley Park Hospital via Egham, Sunningdale, Lightwater, Bagshot and Camberley. With ongoing travel via their associated train stations.



Greenbelt

- 2.24 As set out above, the site is located within the Green Belt as identified in the Local Plan. The NPPF continues to protect against inappropriate development. Inappropriate will not be permitted unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm is clearly outweighed by other considerations. This is in accordance with Paragraphs 143 and 144 of the NPPF.
- 2.25 In respect of the construction of new built form in the Green Belt such as this it will constitute inappropriate development unless it falls within the list of exceptions identified in the NPPF (2019). This includes Para 145 (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority
- 2.26 In this case the LDC 19/0759/CES confirms **that retail sales from both imported items** and produce grown on the land (as listed in condition 2 of planning permission 17/1034) can take place from the **whole application site**. It is important to note that such goods sold on site have taken place for a number of years and applications 17/1032 and 17/304 were retrospective in this regard.
- 2.27 The NPPF defines previously developed land as:
- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens,***



parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 2.28 In light of the change in planning history it is evident that the use is no longer horticultural in nature and is in fact more akin with retail under Class E of the Use Classes Order or a mixed use due to the extent of goods sold and imported to the site which is the majority of goods. The buildings/structures and identified curtilage is therefore previously developed land.
- 2.29 No affordable housing provision is proposed, thereby the test applied in this case is whether the proposal would have a greater impact on the openness of the Green belt than the existing development.
- 2.30 To make this assessment we set out below the associated floorspace, footprint and volume associated with built form on site:

Title	Footprint		Volume	
Store 1	108	m2	292	m3
Shop	22	m2	60	m3
Greenhouse	130	m2	482	m3
Store 2	24	m2	58	m3
Hardstanding at rear	778	m2		
Hardstanding car park, drive and access	951	m2		
hardstanding along driveway	217	m2		
Total	2,230	m2	892	m3

- 2.31 In comparison the proposal provides for the following:

Title	Footprint (sq m)	Floorspace (sq m)	Volume (Cubic metres)
Proposed dwelling	164.5	291.2	866.6
Hardstanding (patios and paths)	126.6		
Hardstanding (permeable driveway)	1087		
Total	1378.1	291.2	866.6



- 2.32 In summary, there is an overall reduction in volume by -2.85% and footprint of built form by -38.2%. In addition, the lawful use of the site is a significant material consideration which allows the retail sales of goods across the entire site with no restriction on where or how much can be sold or hours of use. The retail sales across the site includes goods associated with gardens, gardening and wildlife products; horticultural products, trees, plants, shrubs, house plants and flowers; garden equipment, machinery and tools; garden ornaments; fencing, trellis and landscaping materials; and produce grown on the land.
- 2.33 The goods are therefore far-reaching, and the storage and external display areas associated with these goods will have an impact on the openness of the greenbelt and one that would be far greater than the proposed curtilage associated with the dwelling. The proposal seeks to cease the use on the application site, remove all buildings/structures and reduce the extent of hardstanding and areas that are and capable of being external storage and display areas to be replaced with a dwelling consolidated in a single area on the site.
- 2.34 In conclusion the proposal is previously developed land that would have a lesser impact on the openness of the Green Belt and is thereby not inappropriate development as set out in accordance with NPPF and the development plan.

Purposes of the Green Belt

- 2.35 Paragraph 134 of the NPPF sets out the five purposes of the Green Belt:
- To check unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 2.36 Of the purposes set out above, the key purpose that is relevant to this planning application is to assist in safeguarding the countryside from encroachment. As the footprint, floor space and



volume of the development would be less than the existing development combined with that permitted, the proposal would not be contrary to any of the Green Belt's purposes.

- 2.37 In terms of the impact on the openness of the Green Belt, the development in terms of footprint, location, floorspace and three-dimensional appearance and layout would amount to a lesser harm to the openness of the Green Belt than the existing and potential intensification of the use on site.

Very Special Circumstances

- 2.38 In this case Very Special Circumstances (VSC) are not required but are detailed in the event the LPA do not concur with our findings on the appropriateness of the development. If VSC are required, they would outweigh any alleged defined harm to the Green Belt and any other harm associated with the development.
- 2.39 In coming to a view as to whether very special circumstances exist, a number of Court judgements are of particular significance.
- 2.40 In the Court of Appeal decision *Wychavon District Council v Secretary of State for Communities & Local Government & Ors* [2008] EWCA Civ 692 (2008) it was held that the words 'very special' should not be interpreted as being the converse of 'common place'. Whilst a rarity factor may contribute to the special quality of a particular factor, the decision maker must undertake a qualitative assessment as to the weight to be afforded to a particular factor. The Judge (Carnworth LJ) noted that it was incorrect to look for the unusual or uncommon when weighing considerations as a prerequisite for finding that very special circumstances exist.
- 2.41 This is consistent with a judgement of Sullivan J in *Basildon District Council, R (on the application of) v Temple* (2004) who stated that in planning judgements, as in ordinary life, a number of ordinary factors which in themselves were not 'very special' may when combined together amount to very special circumstances. Whether a particular combination of other considerations amounted to very special circumstances is a matter of planning judgement for the decision maker.
- 2.42 In *Herba Foods Limited v Secretary of State for Communities and Local Government and Anor* (2008) EWHC 3046 (Admin), Sir George Newman outlined that whether very special circumstances exist is the ultimate issue to be determined, the final part of the process of



decision making, and the critical question on the path to that determination is whether other considerations clearly outweigh the harm by reason of inappropriateness and any other harm. He further stated that the decision maker is obliged to give adequate consideration to circumstances, either individually or cumulatively, and to determine whether or not they clearly outweigh the harm and in so doing has to exercise a judgement and assess the quality of factors according to planning principles and considerations.

- 2.43 A consistent theme of the above is that, whilst what can constitute very special circumstances is a matter for the Courts, ultimately the determination as to whether very special circumstances exist is a matter of planning judgement by the decision maker. The weight to give to the various elements identified which either individually or cumulatively are considered to constitute very special circumstances is a matter of planning judgement and must be weighed against the Green Belt harm of inappropriateness, and any other harm that may exist. It is also, of course, of particular relevance that in national and local policy significant weight is to be afforded to the protection of the Green Belt.
- 2.44 In this case, those elements already set out would in fact amount to VSC if considered necessary, such as the reduced extent and consolidation built floor space on site and removal of the lawful retail use itself and associated activity.
- 2.45 This in combination with other factors show, that any alleged harm to the Green Belt can be adequately mitigated, if necessary, and that the design and circumstances surrounding this scheme would evidently outweigh any alleged harm to the Green Belt.
- 2.46 The application proposal does not offend the purposes of the Green Belt set out in paragraph 134 of the NPPF, considered in this Planning Statement. The proposal in relation to 'other harm' do not conflict with any other Local Plan Policy.
- 2.47 In accordance with paragraph 144 of the NPPF, the design, location, permanence and scale of the development has been prepared with a view to minimising the impact to the openness and visual impact on the Green Belt and any other harm.
- 2.48 On this basis, although we are of the view that there would be no defined harm to the Green Belt and other harm in relation to NPPF paragraph 134, if the LPA consider the development to be inappropriate such harm is very low and justified via VSC.



2.49 In summary VSC would amount to the following:

- Reduction in hard surfacing and external storage sales areas
- Reduction in volume and footprint of built form
- Consolidation of built form and control over the spread of development
- Less intensive use of the site and traffic reduction
- Enhancement to Conservation Area and setting of listed buildings

Sustainable development

2.50 In having regard to the three objectives of sustainable development, the application site is located within the village of Windlesham albeit just outside the settlement policy boundary and has good access to services as set out in this statement. It is considered that the future occupiers do not necessarily have to rely on the private car. Even if this were to be contested by the LPA this in itself would not be in conflict with the NPPF whereby paragraph 103 notes that the fact that sustainable transports solutions will vary between urban and rural areas should be taken into account in decision making.

Economic

2.51 Whilst it is acknowledged that the site would not provide any form of long-term economic development, there would be limited economic benefits generated through the construction period with spin offs from wage spending of construction workers and supplier sourcing and following this, consumer spending on goods and services by the occupants of the dwelling within the local economy. The loss of the existing use would not have a significant loss in employment as it is operated only by the applicant and his wife.

Social

2.52 In terms of the social aspects of sustainable development, the development would contribute to the local housing stock. Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. The application site is not physically isolated where it is located.



As such, it is considered that the development would contribute to the enhancement or maintenance of a viable rural community.

Environmental

- 2.53 With regard to the environmental objective of this development, the proposals could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards. There would also be an ability to impose conditions securing biodiversity enhancements to the site, as well as new/additional landscaping and whether these are reasonable will be considered in the assessment below under the relevant section.

Conclusions on the principle of development

- 2.54 The site is not inappropriate development in the Green Belt and therefore not harmful by definition. Added supported is provided by the fact that the council do not have a five year HLS, the tilted balance of paragraph 11 d) of the NPPF could therefore be applied if necessary; whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The statement above has concluded that the site is not isolated. Therefore, the next part of this report is to evaluate the impacts of the proposed development.

AFFORDABLE HOUSING

- 2.55 In accordance with Policy CP5 no affordable housing is required for a development of a single dwelling.

HERITAGE/DESIGN

Design Principles for new Dwelling at Cedar Garden Nursery

- To provide a family home that enhances the site and its immediate setting and reflects the vernacular Architecture within the Conservation Area.
- To provide a building which promotes future-proofed, inspirational and sustainable living.
- To provide an energy efficient home by way of controlling heat loss through the use of a highly insulated encapsulation system to the walling and roofing elements of the structure, above that required under current Building Regulation requirements.
- To provide a living environment which creates a sense of well-being for the occupiers.
- To use local materials and traditional design details wherever possible, to best integrate the new building into the existing environment.

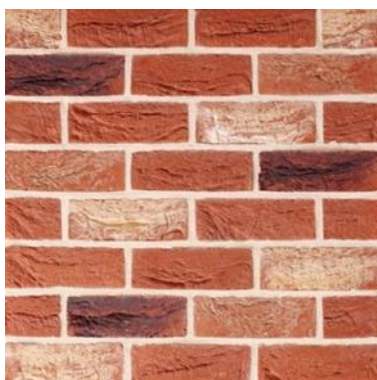


- To provide appropriate landscape planting to integrate the new building into the overall landscape and enhance the biodiversity of the site.
- To provide sufficient shading to sections of glazing to control levels of solar gain and, minimise the amount of light pollution by way of extended verge and eave projections and, sections of recessed walling.

Aesthetics

- The proposed dwelling takes on a traditional build form but with a fresh, contemporary twist.
- The walling element is to be an eclectic mix of faced brickwork, exposed oak framing with brick infill panels. The roof is to be covered in a plain clay tile, with sufficient cross camber built in to give the desired undulation within the roofscape.
- The introduction of stepped ridge and eaves levels and projecting and recessed sections to the elevations will further enhance the well-articulated detailing.

Material samples



Stock Faced Brick



Clay Plain Tile



Oak Framing with Herringbone Pattern, Brick Infill Panels

- 2.56 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that the council should ‘determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desired to preserve or enhance’. Regarding listed buildings, Section 66(1) of the same Act sets out that ‘in considering when to grant planning permission which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the buildings or its setting ...’. Section 72(1) of the same Act then goes on to state that, ‘in the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 2.57 Paragraph 192 of the NPPF sets out that in determining planning applications, local planning authorities should take account of:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 2.58 In considering the potential impacts, paragraph 193 states that, ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the



weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

- 2.59 The NPPF then goes on to set out the tests for substantial harm and less than substantial harm (paragraphs 194, 195, and 196). Relating to this proposal, the development could not reasonably result in substantial harm to the heritage assets (in terms of listed buildings, this is generally reserved for partial or complete demolition), therefore any harm could only be considered as ‘less than substantial harm’, if there is any harm identified. Paragraph 196 sets out that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.
- 2.60 Policy DM9 and Policy WNP2.1, WNP3.1 and WNP3.2 of the Neighbourhood Plan are policies of general application relating to the assessment of the proposal against its impact.
- 2.61 Policy DM17 requires 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.
- 2.62 Accompanying this application is a Heritage Statement describing the significance of identified heritage assets and the impact of the proposal upon these.
- 2.63 This assessment concludes that the 20th century glasshouse at Windlesham Plant Centre is of low significance and that the impact of the proposed demolition would be low. The demolition of the glasshouse would better reveal the historic garden wall and represents a heritage benefit.
- 2.64 With regards to the proposed dwelling, it is considered that the scale, form, position, orientation and use of materials are sympathetic to the character and appearance of the conservation area. The setting of the Grade II listed The Cedars and Birch Hall would not be impacted due to negligible inter-visibility between these heritage assets and the site and the limited legibility of the site in views that include these listed buildings.
- 2.65



- 2.66 The conclusion of this assessment is that the glasshouse can be considered as a non-designated heritage asset, although of very low significance. The heritage interest of the glasshouse mainly lies in its historic associations with The Cedars and the historic function of this part of the conservation area as a kitchen garden. The structure itself is of relatively recent date and is not considered to be of architectural interest.
- 2.67 The proposed development would result in the loss of the glasshouse in its entirety and, as a result, the significance in the fabric of the building would be lost. Accordingly, the harm to the significance of the building would therefore be high. As set out in paragraph 197 of the NPPF, the level of harm should be weighed against the significance of the heritage asset. It is considered that the level of harm would be low due to the low significance of the glasshouse.
- 2.68 The removal of the 20th century glasshouse would better reveal the historic boundary wall that has historic associations with The Cedars. Historic map regression demonstrates that the demolished glasshouse in this location was free-standing rather than a lean-to. The opening up of the brick garden wall represents a heritage benefit.
- 2.69 As such, it is considered that the proposed development would be sympathetic to the Windlesham Conservation Area and associated heritage assets in accordance with paragraph 193 of the NPPF and Surrey Heath Core Strategy & Development Management Policies.

AMENITY

- 2.70 Policy DM9 states that the amenities of the occupiers of the neighbouring properties and uses should be respected by proposed development. The thrust of one of the core planning principles within the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy WNP2.2 of the NP. Policy WNP3.3 also required the provision of sufficient private garden space to meet household recreation needs.
- 2.71 As a result of the site layout for the proposed dwelling, sited a considerable distance from other neighbouring properties, there is suitable distance between these to ensure that no adverse impact arises to the amenity of neighbouring properties or future occupiers.

TRANSPORT



- 2.72 Policy DM11 states that all development should ensure safe and well-designed vehicular access and egress and any development which adversely impacts on the safety and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.
- 2.73 Policy No WNP4.2 of the Neighbourhood Plan permit development which has adequate arrangements on site for access, servicing or the parking of vehicles and requires 3 vehicle spaces for 3 plus bedrooms with a desire for 4 spaces of which this application provides for as demonstrated in the proposed site plan.
- 2.74 Cycle storage for the house can be accommodated within a shed, within the rear or side garden adjacent to the bin store.

BIODIVERSITY

- 2.75 Policy CP14A seeks to conserve and enhance biodiversity within Surrey Heath, and states that development that results in harm or loss of features of interest for biodiversity will not be permitted. An ecological report has been undertaken for this site which concludes that no protected species were found but care should be taken in terms of any external lighting near hedgerows and that the hedgerow along the norther and southern boundaries are HPI and therefore must be retained. The orchard area may also be an HPI so any plans would ideally retain this area within the design. All of these features have been retained as part of this proposal.

CONTAMINATION

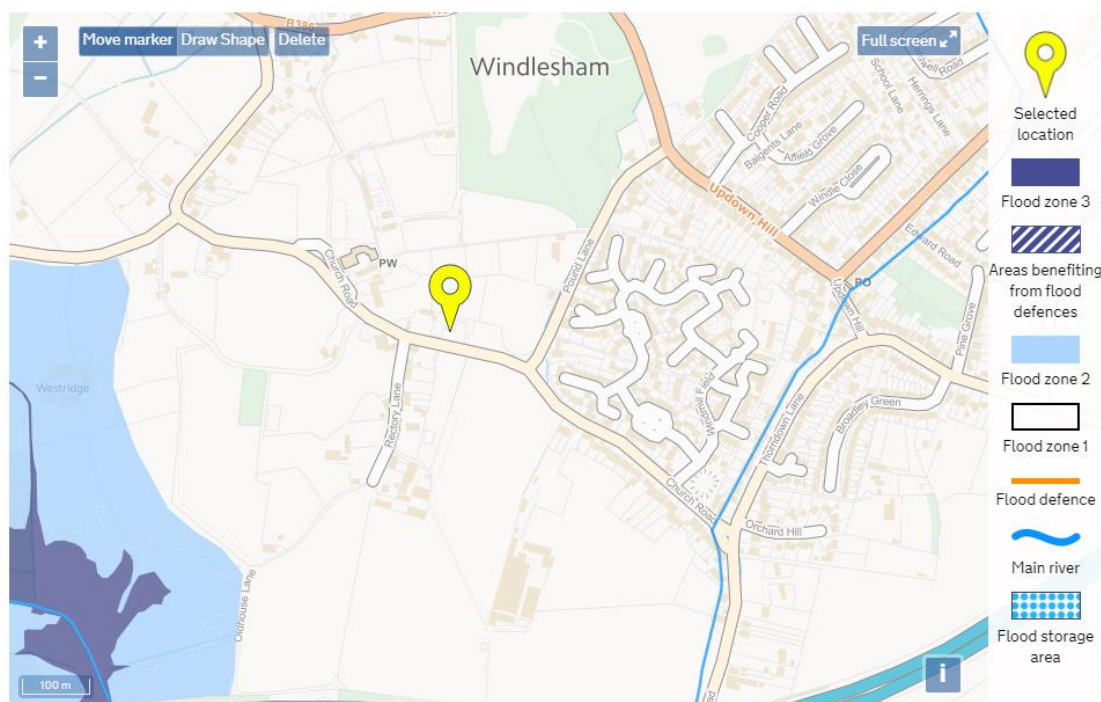
- 2.76 An Environmental Desk Study and Preliminary Risk Assessment has been undertaken.
- 2.77 Despite the possibility of ground contamination, the proposed site characteristics are such that there would not seem to be any need for an intrusive investigation.
- 2.78 More specifically, in the absence of any new soft landscaped areas, it is believed that the greatest risk would be associated with the construction phase of the development.
- 2.79 With this in mind, it is expected that any soil contamination could be adequately managed during the construction phase by means of a robust site risk assessment, and the use of appropriate PPE; on the basis that exposure would presumably be short-term only and



standard conditions attached to a planning permission would address all potential contamination matters.

FLOOD RISK AND DRAINAGE

- 2.80 Policy DM10 seeks to manage flood risk. The site is not located within Flood Zone 2 or 3 and is within Flood Zone 1 and the site is over 0.4ha. A FRA is therefore not required.



- 2.81 The Council's SFRA does not identify the site has being subject to historical Fluvial flooding or from surface water flooding with probable capability for infiltration SuDs with limited potential for ground water flooding.
- 2.82 Through the significant reduction in hardstanding on the site as set out in this statement, the proposal will be able to reduce the volume and rate of surface water run-off compared to the existing through more permeable surface and a suitable drainage strategy to be conditioned.

INFRASTRUCTURE/DRAFT HEADS OF TERMS

- 2.83 Surrey Heath BC do have CIL in place and this was adopted on 16th July 2014 and came into effect on the 1st December 2014.



- 2.84 The Borough Council's CIL charge is levied on different geographic areas and forms of residential development, which takes into account the various exemptions around CIL, in line with national guidance.
- 2.85 The site falls within the Eastern Charging Zone and the proposed form of development is one that does not provide its own open space in the form of Suitable Accessible Natural Greenspace (SANG) as avoidance for European Sites. The proposal is intended for the applicants and therefore a self-build exception is to be applied but the applicant is prepared to pay the required SANG contribution. The client is also content with the additional SPA mitigation known as SAMM.
- 2.86 No affordable housing is triggered in light of the NPPF (2019) paragraph 63 whereby it states that affordable housing should not be sought for residential developments that are not major development. During pre-application no such contribution was requested.



3 CONCLUSIONS

- 3.1 The proposal relates to a development for the erection of a dwelling following demolition of all buildings onsite and associated access and landscaping at Cedars Garden Nursery (Windlesham Plant Centre), Church Road, Windlesham.
- 3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development has been carefully considered in the context of all the relevant policy requirements. It is fully in keeping with all local plan policies.
- 3.3 The proposed development would meet the housing needs of the local area, without compromising future generations to meet their own needs, respecting the character and setting of heritage assets and the openness of the Green Belt and is therefore sustainable development consistent with the NPPF.
- 3.4 Accordingly, we conclude that that this planning application should be approved.