

2016/1048

Reg Date 11/11/2016

Windlesham

LOCATION: LAND SOUTH OF BEACH HOUSE, WOODLANDS LANE,
WINDLESHAM, GU20 6AP

PROPOSAL: Outline application for the erection of 15 dwellings comprising houses for the over 55s (Class C3) and houses for the Windlesham Trust Community Home (Class C2) with access off Broadley Green. Access only with all other matters reserved.

TYPE: Outline

APPLICANT: Windlesham Community Homes Trust Lavignac Securities

OFFICER: Ross Cahalane

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application seeks outline planning permission for the erection of 15 dwellings comprising houses for the over 55s (Class C3) and houses for the Windlesham Trust Community Home (Class Cc) with access off Broadley Green. Outline approval is only being sought in respect of establishing the principle of the proposed development and the means of access, with all other matters in respect of appearance, landscaping, layout and scale being reserved.
- 1.2 The proposal is presented as a rural exception site and the applicant claims that the development meets the definition of affordable housing and, therefore is not inappropriate development in the Green Belt. However, as detailed in this report in the officer's opinion the proposal does not meet the Annex 2, NPPF definition of affordable housing and cannot be considered to constitute a rural exception site under Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies (CSDMP). The proposal is therefore inappropriate and harmful development in the Green Belt.
- 1.3 By virtue of the built form and spread of development the proposal causes further harm to the openness of the Green Belt and, by association, would conflict with the purposes of including land within it. In addition, harm would arise from the development upon ecology and the Thames Basin Heath SPA. Notwithstanding the Council's lack of a five year housing land supply, there are no very special circumstances that amount to outweigh the harm. The application is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises of approximately 0.9 ha area of open undeveloped land to the south of Woodlands Lane and its junction with Broadley Green. The land currently contains a mobile field shelter used to keep one horse on site, with part of the application site being the rear garden of Anfield House, Woodlands Lane. The site has an even gradient and falls 1m from north to south and is virtually level from west to east. It is enclosed by wooden access gates with closeboard fencing at

either side utilising an existing dropped kerb off Broadley Green, and post and rail fencing along the other site boundaries.

- 2.2 The site is almost entirely within the Green Belt but adjacent to the defined settlement of Windlesham, with the proposed vehicular access junction with Broadley Green located within the garden curtilage of 'Anfield House', Woodlands Lane - which is within the settlement boundary. The adjacent settlement area along Broadley Green and Woodlands Lane comprises a number of semi-detached and detached two storey and bungalow properties of varying age and architectural style, with open land to the south, east and west.

3.0 RELEVANT PLANNING HISTORY

- 3.1 13/0092 Change of Use of Anfield House, Woodlands Lane from (C3) dwelling house to mixed use with Veterinary Practice (*Sui Generis*) at ground floor and residential (C3) above following the erection of a single storey side and rear extension and raising of the roof to provide accommodation in the roof space.

Granted 10 May 2013 (not implemented – permission now expired)

4.0 THE PROPOSAL

- 4.1 Outline planning permission is sought for the erection of 15 dwellings comprising houses for the over 55s (Class C3) and houses for the Windlesham Trust Community Home (Class Cc) with access off Broadley Green. Outline approval is only being sought in respect of establishing the principle of the proposed development and the means of access, with all other matters in respect of appearance, landscaping, layout and scale being reserved.
- 4.2 The proposed site plan and site layout plan indicates that the dwellings would all be detached and single storey, consisting of two bedrooms with their own private rear amenity areas, and some with their own off-street parking areas. However, one of the two floorplans included as part of the indicative site plan provided contains three bedrooms. An area of public amenity space would appear to be provided within the centre of the site, with a further area of open land along the west of the entrance road adjacent to No. 1 Broadley Green. Vehicular access would be off Broadley Green, between No. 1 and the rear of Anfield House, where an existing field gate leads to the application site.
- 4.3 The applicant's Planning Statement (PS) initially states that the proposal should allow for a 100% affordable on site housing provision, but then states in paragraph 1.11 that following local consultation (further details of which have not been included) the proposal seeks to provide each unit for the housing needs of local residents over the age of 55, including two Class Cc units for Windlesham Community Home Trust at cost, to secure the Trust's ambitions and needs.

The other 13 proposed units would be made available in the first place to local residents. The PS advises that this form of housing can be secured by way of a Section 106 agreement.

- 4.4 The PS outlines that Windlesham Community Home Trust was formed and registered as a charity in 1993, and was originally conceived because some people in the village became concerned that when elderly residents could no longer look after themselves in their own homes, there was nowhere in the village where they could move. Over the years the Trust has looked at over 40 sites and made preliminary planning enquiries on a number. It is stated that it has not been easy to find a site with access to the village centre and public transport that is affordable and where planning could be granted.
- 4.5 In support of the application the following documents have also been submitted:
 - Design and Access Statement
 - Access Statement
 - Sustainability and Energy Statement
 - Tree Report
 - Landscape Appraisal
 - Ecology Report.

5.0 CONSULTATION RESPONSES

5.1 County Highways Authority	No objections raised on safety, capacity or policy grounds, subject to conditions <i>[See Section 7.4 below]</i> .
5.2 Surrey Wildlife Trust	Comments <i>[See Section 7.6]</i> .
5.3 Surrey County Council (Lead Local Flood Authority)	Awaiting comments <i>[See Para 7.9.3 for flood risk considerations]</i> .
5.4 Windlesham Parish Council	Comments <i>[The Committee did not object in principle but commented that the location is green belt land]</i> .
5.5 Surrey Police Crime Prevention Design Advisor	Comments - raised concern regarding the car parking layouts for some of the Plots and therefore recommends a planning condition requiring the development to achieve the full Secured by Design (SbD) award. <i>[This matter can be considered at reserved matters stage in determining appearance, landscaping, layout and scale]</i> .
5.6 Council Arboricultural Officer	No objection, subject to condition <i>[See Para 7.9.2]</i> .

6.0 REPRESENTATION

6.1 At the time of preparation of this report, one letter of support has been received, commenting that there is a severe shortage of adequate housing and will add huge value to the fabric of Windlesham's community. 27 objections have been received from 23 residences, raising the following concerns:

- Allocation site for Class C3 and Cc housing would be contrary to local and national Green Belt policy
- New buildings represent inappropriate development within the Green Belt and would cause significant harm to its openness
- Applicant has failed to demonstrate very special circumstances to outweigh the harm to the Green Belt
- Plenty of brownfield sites to achieve same accommodation
- Fail to respect and enhance the undeveloped rural character of the area

[Officer comment: Refer to Sections 7.2, 7.3 and 7.10]

- Several proposed parking spaces back onto residential gardens leading to safety concerns
- Vehicular access is neither safe nor practical. Traffic would also increase
- Existing parking provision is at a premium

[Officer comment: Refer to Section 7.4]

- Increased pollution from traffic detrimental to residents
- High noise and air pollution for future residents due to close proximity to motorway
- Land acts as buffer between Woodlands Lane houses and motorway

[Officer comment: Future occupier and neighbouring amenity considerations cannot be considered as part of the current outline application.]

- Local Plan review and Windlesham Neighbourhood Plan should be completed before any further housing projects are approved

[Officer comment: Refer to Para 7.1]

- The model of Cc care lacks sufficient detail
- No demonstrable need for additional Class Cc/over 55's units in Windlesham rather than any other housing – Almshouses and several care homes in vicinity
- Provision of just two homes for the Trust will not be financially viable
- Proposal is commercial enterprise for financial gain and should not be connected to the Trust

- Final plans for proposed care home on Chertsey Road yet to be approved
- Windlesham has more than met its quota for new houses

[Officer comment: Refer to Sections 7.2 and 7.3 for the relevant in-principle considerations]

- Destruction of natural habitat for wildlife including legally protected species. Nesting kestrels, deer and a range of bird species (including those considered at risk the RSPB) have been spotted on the land

[Officer comment: Refer to Section 7.6]

- Concerns regarding drainage and adverse effects on water table

[Officer comment: Refer to Para 7.9.3]

- Surrounding infrastructure cannot support additional housing along with Heathpark Wood proposal

- Village facilities hard to access for proposed residents and no GP surgery in village

[Officer comment: The site is considered to be within a sustainable location adjoining the settlement boundary of Windlesham and in close proximity to its village amenities]

- Field is a site of historical importance having seen the crash of an RAF plane during WWII, killing seven people.

[Officer comment: The application site is not listed under the National Heritage List for England as an historic war site, and does not fall under any other heritage designation]

- Would set precedent for development of other Green Belt sites

[Officer comment: Each application is considered on its own site-specific planning merits.]

7.0 PLANNING CONSIDERATION

- 7.1 This outline application, seeks to establish the principle of the proposed development and the means of access only. Policies CPA, CP2, CP5, CP6, CP12, CP14, DM5 and DM11 within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) are relevant. The National Planning Policy Framework (NPPF) is also a material consideration. The Windlesham Neighbourhood Plan is still under early preparation and therefore no weight can be given to its initial emerging evidence base at this point in time. The main issues to be considered in this outline application are:

- Principle and appropriateness of development in the Green Belt;
- Impact on the openness of the Green Belt and its purposes, and upon the character of the area;

- Means of access and highway impacts;
- Impact on residential amenities;
- Impact on ecology;
- Impact on the Thames Basin Heaths SPA;
- Impact on infrastructure and financial considerations;
- Other matters; and
- Very Special Circumstances.

7.2 Principle and appropriateness of development in the Green Belt

7.2.1 The Government attaches great importance to Green Belts, stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence (Paragraph 79 of the NPPF refers). Paragraph 89 of the NPPF also states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but lists exceptions to this. The applicant contends that this proposal falls under one of the listed exceptions i.e. *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.*

7.2.3 Policy DM5 (Rural Exception Sites) of the CSDMP sets out the approach to affordable housing in the Green Belt and states:

Development consisting of 100% affordable housing within the countryside or Green Belt will be permitted where:

- (i) *There is a proven local need for affordable housing for people with a local connection to the area; and*
- (ii) *The need cannot be met within the settlement boundary; and*
- (iii) *The development will provide affordable housing for local people in perpetuity; and*
- (iv) *The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents.*

7.2.4 Paragraphs 4.3 and 4.4 of this report summarise the PS. The applicant contends that the proposed development complies with Policy DM5 as the enabling function of this scheme is to deliver houses for the Windlesham Community Home Trust, at cost, is a form of local community affordable housing; and, a rural exception site, providing homes for people with a local connection to the area. The applicant states that making available the remaining homes in the first place to local residents also ensures that the scheme is being responsive to local circumstances and local needs. However, the applicant does not propose 100% affordable housing arguing that this would not have responded to the local community need.

7.2.5 On the basis of this submission, it is considered that the proposed scheme could not be considered a rural exception site as it does not deliver 100% affordable housing. This is because the proposed accommodation does not meet the definition for Affordable Housing as outlined in Annex 2 of the NPPF, as it does not constitute either social rented, affordable rented or intermediate housing provided to eligible households whose needs are not met by the market. Intermediate housing is defined as homes for sale and rent provided at a cost above social rent,

but below market levels subject to the criteria in the affordable housing definition, which includes provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. Therefore, criteria (i) - (iv) of Policy DM5 do not apply.

- 7.2.6 Even if this proposal was 100% affordable housing then officers do not consider that the proposal satisfies all the criteria of DM5. It is accepted that there is a need for housing in the Borough and that the site is sustainable. However, no alternative site assessment has been submitted, which could have demonstrated that another, more suitable non-Green Belt site or previously developed site cannot be found locally for such accommodation. Additionally, there is no evidence provided to suggest that Windlesham residents are not able to find appropriate local places in existing local care homes. There is also no guarantee that this development would provide a local need in perpetuity. It is considered that the proposed priority offering of market housing to local residents of Windlesham would be unenforceable in practice by the Local Planning Authority under any reasonable terms of a Section 106 agreement and therefore, such an agreement cannot be relied upon.
- 7.2.7 Given the above, and given that the proposal meets none of the other exceptions under paragraph 89 of the NPPF, this development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The following paragraphs consider whether any other harm arises and then Section 7.10 considers whether very special circumstances exist. This includes further consideration of the applicant's arguments in respect of housing supply matters.

7.3 Impact on the openness of the Green Belt and its purposes, and upon the character of the area

- 7.3.1 Although no elevation plans have been provided, the supporting Design and Access Statement (DAS) outlines that the proposed dwellings would be entirely single storey and the site layout plan indicates that they would each consist of two or three bedrooms. However, by virtue of the quantum of built form on open and undeveloped land, the development would be harmful to openness. In addition, by spreading development to the south outside the settlement area of Windlesham and further towards neighbouring settlements, by association this would conflict with the following purposes of the Green Belt as outlined in Para 80 of the NPPF:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another; and
 - to assist in safeguarding the countryside from encroachment.

The proposal would therefore be contrary to the purposes of including land in the Green Belt as outlined in Chapter 9 of the NPPF. Very Special Circumstances would then be required to justify its development (See Section 7.10 below).

- 7.3.2 Aside from the above Green Belt matters, it is considered that the indicative layout would integrate into its context. The proposed single storey form of the buildings,

including landscaping provision along the three site boundaries facing neighbouring open land, would assist in integration within its rural context. As such, it is not envisaged that the proposed form of development would be out of character with the surrounding area.

7.4 Means of access and highway impacts

- 7.4.1 Policy DM11 (Traffic Management and Highway Safety) 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 and mitigate such impacts to acceptable levels can be implemented.
- 7.4.2 An Access Statement Technical Note has been provided by the applicant, supported by car track swept path analysis plans, which explains how the site can be safely accessed by all road users and pedestrians, and that there is sufficient space to accommodate all the necessary vehicle and cycle parking required to meet standards. The supporting plans indicate that a total of 33 vehicle parking spaces would be provided, including 6 visitor spaces.
- 7.4.3 The County Highway Authority has been consulted and raises no objections on safety, capacity or policy grounds, subject to compliance with conditions relating to the provision of sufficient visibility zones; an uncontrolled pedestrian crossing including tactile paving across Broadley Green; securing parking layout; and, a construction transport management plan. It is therefore considered that subject to conditions the proposed development would not prejudice highway safety nor cause inconvenience to other highway users, in compliance with Policy DM11.

7.5 Impact on residential amenities

- 7.5.1 The applicant has chosen not to formally consider appearance, layout and scale matters under this outline application, and such matters may affect residential amenity. However, given the significant separation distances to neighbouring boundaries and private amenity areas as indicated on the submitted site plan, it is considered that the proposed accommodation could be designed in such a manner so as to provide sufficient light, outlook and private amenity space for future occupiers, whilst sufficiently respecting the amenities of neighbours in terms of loss of light, outlook, privacy or overbearing effects. It is not considered that the proposed vehicular access off Broadley Green would lead to adverse impact upon the amenity of surrounding neighbours in terms of additional noise and disturbance.

7.6 Impact on ecology

- 7.6.1 A Phase 1 Ecological Survey has been provided, which found a low probability of badgers being present on site, bats roosting on site or any other protected species. Surrey Wildlife Trust has been consulted and has commented that this report appears to have been prepared for a different development proposal for this site and consequently, the applicant's ecologist's recommendations are likely to have been based on a development scheme which appears to have left much of the site undeveloped, unlike the current application. The Ecology Report is also over two and a half years old. The Wildlife Trust has therefore advised that the Local Authority does not have up to date and relevant information concerning the

possibility of this development's impact on legally protected and biodiversity important species and habitats to be able to properly consider this material concern.

- 7.6.2 Policy CP14A of the CSDMP states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath. Para 109 of the NPPF requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. Furthermore, the Natural Environment and Rural Communities (NERC) Act (2006)(Section 40) states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Section 40(3) also states that, "conserving biodiversity includes, in relation to a living organism, or type of habitat, restoring or enhancing a population or habitat".
- 7.6.3 In light of the above policy considerations and legislative requirements, it is considered that the lack of up-to-date ecology information submitted required to assess the impact of the proposed development on legally protected species and the biodiversity value of the site would lead to unacceptable conflict with Policy CP14A of the CSDMP.

7.7 Impact on the Thames Basin Heaths SPA

- 7.7.1 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 SHCS 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).
- 7.7.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths 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 and it has been confirmed that existing capacity from the Station Road, Chobham SANG site has been allocated to the proposal.
- 7.7.3 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SAMM (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SAMM is required. In this instance a payment of £8,666.00 would be needed. In order to comply with Policy CP14B and

Policy NRM6 and the Thames Basin Heaths SPD, this would have to be paid by the applicant before full planning permission can be granted, if the scheme is considered acceptable regarding all other relevant planning merits. This has not been paid by the applicant. The lack of financial contribution towards SAMM would be contrary to Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.

7.8 Impact on infrastructure and financial considerations

- 7.8.1 As the proposal includes new Class C3 dwellings, the development would be CIL liable. However, CIL is a land charge that is only payable at commencement of works should full permission be granted following a successful appeal to the Planning Inspectorate. An advisory informative would be added accordingly.
- 7.8.2 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development, if it were approved, would result in a local financial benefit, for reasons as already outlined it has been concluded that this proposal does not accord with the Development Plan as it would give rise to significant harm.

7.9 Other matters

- 7.9.1 As already outlined, the proposal is not considered to constitute affordable housing for planning purposes. As such, the proposed development would also fail to meet the affordable housing provision requirements outlined under Policy CP5 of the CSMP, which states that for development comprising of between 10-14 Class C3 units, the Council would aim for a 30% on-site provision of affordable housing, and no information has been provided by the applicant to assess any site-specific viability issues arising from the development.
- 7.9.2 There are no Tree Preservation Orders within or adjacent to the proposal site. A Tree Report by MJC Tree Services Ltd has been provided, which concludes that up to six mature trees are proposed to be removed to facilitate the development, subject to future monitoring of their condition. However, all of these are rated as being of low amenity value. Although the applicant has chosen not to formally consider landscape matters under this outline application, the Council's Arboricultural Officer has been consulted and has raised no objection, subject to planning conditions in respect of tree protection and a landscape management plan outlining mitigation of the proposed tree loss.
- 7.9.3 The site is located within Flood Zone 1 and an area of low risk from surface water flooding. A Sustainability & Energy Statement has been provided and indicates that surface water run-off will be dealt with on site and will discharge to infiltration trenches or soakaways. Additionally, water efficiency measures are proposed and it is also recommended to rainwater butts to store rainwater for use with landscaping maintenance. As such, subject to no objection raised by, Surrey County Council as the Lead Local Flood Authority, no in-principle objections are raised at this stage in terms of flood risk impacts.

7.10 Very Special Circumstances

7.10.1 On the basis of the identified harm in paragraphs 7.2 – 7.9 above namely the inappropriateness and harm to the Green Belt including its openness; the lack of provision of affordable housing; the potential harm to legally protected species and biodiversity value of the site; and, the lack of financial contribution towards SAMM measures, it is therefore necessary to consider whether alone or in combination, there are very special circumstances (VSC) to outweigh this combined harm.

7.10.2 It is noted that the applicants have not put forward any VSC as it is argued that the proposal is not inappropriate development. Section 6 of the PS more specifically argues that owing to the extent and nature of the Council's lack of a five year housing supply, a case for demonstrating VSC is unnecessary. The applicant states that:

If it did the shortage of housing in Surrey Heath would be a material consideration in balancing harm to the Green Belt by reason of being inappropriate development. The existence of the shortage of housing land adds to the benefit and need for the appropriate development in the Green Belt. [Para 6.21]

The applicant also argues that releasing these units would have the added benefit of releasing existing larger housing stock in Windlesham itself.

7.10.3 It is acknowledged that the Council has a significant housing need for an ageing population and currently falls short of having a 5 year housing land supply. In such an instance, the Local Plan policies relating to the supply of housing (CPA & CP3) cannot be considered up-to-date as outlined in Paragraph 49 of the NPPF. It is also accepted that a shortage of housing land when compared to the needs of an area is capable of amounting to VSC, although the Courts have held that a lack of a five year supply does not automatically lead to a case of VSC. However, Policy CP3 of the CSDMP states that the Council will make provision for additional dwellings by promoting the use of previously developed land in settlement areas and after 2025, if insufficient sites have come forward within settlement areas, then consider release of sustainable sites in Countryside beyond the Green Belt. The vast majority of the application site is not previously developed, or in a settlement area, and is in the Green Belt and not within the Countryside beyond the Green Belt or a Housing Reserve Site.

7.10.4 Therefore, in this instance it is not considered that the current circumstances leading to the Council's lack of five year supply provision would, in itself, outweigh the substantial and demonstrable harm arising from the proposed residential units and associated access and parking areas within undeveloped land in the Green Belt.

7.10.5 It is accepted that the application site is identified as a developable site within the Council's Strategic Land Availability Assessment (SLAA) 2016. However, this assessment notes that it is within the Green Belt but adjoining the settlement area of Windlesham and therefore, taking regard of the NPPF the site is considered suitable as a possible rural exception site. Furthermore, it must be noted that although the SLAA is an important source of evidence to inform plan making, it

does not make decisions about the future of sites. The SLAA provides background evidence on the potential availability of land for development. It is the development plan (CSDMP 2012) which will determine which of those sites in the SLAA are the most suitable to meet the Borough's future needs. Accordingly, the SLAA is a policy neutral document and inclusion of a site in it does not mean that it will necessarily be allocated in the Development Plan, or gain planning permission.

8.0 CONCLUSION

- 8.1 The proposal would represent inappropriate development which is, by definition, harmful to the Green Belt. In addition, the development by virtue of the additional footprint, bulk, mass and spread of urban development within undeveloped open land would impact on its openness and conflict with the purposes of the Green Belt. In addition, it has not been demonstrated that the proposed development would not result in harm or loss to legally protected and biodiversity important species and habitats and in the absence of a payment or a completed legal agreement, the applicant has failed to contribute towards strategic access management and monitoring (SAMM) measures. There are no very special circumstances, alone or in combination, to outweigh the significant harm identified above. The application is therefore recommended for refusal.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

- 9.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:
- 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.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal does not meet the definition of Affordable Housing, as outlined in Annex 2 of the National Planning Policy Framework (NPPF) and is not a Rural Exception Site. Even if accepted as a Rural Exception Site the applicant has failed to demonstrate to the satisfaction of the Planning Authority that there is a proven local need for people with a local connection to the area; that the need cannot be met within the settlement boundary; and, that this development would deliver affordable housing for local people

in perpetuity. As such the proposal represents inappropriate and harmful development in the Green Belt. Furthermore, by reason of its footprint, floor area, bulk, mass and spread of urban development within undeveloped open land, would result in a quantum of built form that would cause significant harm to the openness of the Green Belt and the purposes for including land within it. The development is therefore contrary to Policies CP1, CP2 and DM5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.

2. The proposed accommodation does not meet the definition of Affordable Housing as outlined in Annex 2 of the NPPF. Therefore, the proposal fails to contribute toward the provision of affordable housing. The proposal would not deliver a development which would meet the housing requirement of all sectors of the community, and as it comprises between 10-14 Class C3 units and in the absence of site-specific viability information, is therefore contrary to the aims and objectives of policies CP5, CP6 and DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.
3. It has not been demonstrated that the proposed development would not result in harm to or loss of legally protected and biodiversity important species and habitats. The proposal therefore fails to demonstrate compliance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.
4. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).
5. There are no very special circumstances which either alone, or in combination, outweigh the harm to Green Belt, and other harm, identified in reasons 1-4 above. The proposal is therefore considered to be contrary to the objectives of Chapter 9 of the National Planning Policy Framework 2012.

Informative(s)

1. Decision Notice to be kept DS1
2. Advise CIL Liable on Appeal CIL3