

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

**PROPOSAL:** Outline Application for the erection of 15 affordable dwellings with access off Broadley Green. Access only with all other matters reserved. (Additional information recv'd 16/6/17). (Additional Information - Rec'd 27/09/2017.)

**TYPE:** Outline

**APPLICANT:** Lavignac Securities  
Lavignac Securities

**OFFICER:** Ross Cahalane

**RECOMMENDATION: GRANT subject to a legal agreement and conditions**

**1.0 SUMMARY**

- 1.1 This application seeks outline planning permission for the erection of 15 affordable dwellings (all social rented) 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 Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies (CSDMP) permits 100% affordable housing within the Green Belt provided that there is a local need. The proposal is for 100% affordable housing and is presented as a rural exception site for development in the Green Belt. It is considered there is a local need for affordable housing to justify the grant of planning permission for 15 dwellings in the Green Belt adjoining the settlement area of Windlesham.
- 1.3 The County Highway Authority has raised 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 turning space; 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.
- 1.3 Surrey Wildlife Trust has recommended that the LPA secure a Landscape and Ecology Management Plan (LEMP) and a Sensitive Lighting Management Plan. These mitigation measures can be secured by planning conditions. The proposal is therefore recommended for approval.

## **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)*
- 3.2 16/1048 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 Cc) with access off Broadley Green. Access only with all other matters reserved.  
*Application withdrawn*
- 3.3 17/0533 Outline application for the erection of 15 affordable dwellings (six managed by the Windlesham Community Homes Trust and nine intermediate affordable dwellings) with access off Broadley Green. Access only with all other matters reserved.  
*This application is also on the Committee Agenda for determination*

## **4.0 THE PROPOSAL**

- 4.1 Outline planning permission is sought for the erection of 15 affordable dwellings 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 nine two bedrooms units and six three bed units, all with their own private rear amenity areas and some with their own off-street parking areas. 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, but would require the removal of the existing vehicular access to No. 1.
- 4.3 The current proposal is identical to the withdrawn 16/1048 proposal in terms of its access, indicative layout, scale and amount. However, it is now proposed to provide 100% on-site affordable housing provision as social rented housing. Annex 2 to the NPPF defines social rented housing as housing:
- owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*
- 4.4 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 and Bat Survey.

## **5.0 CONSULTATION RESPONSES**

- |     |                           |  |
|-----|---------------------------|--|
| 5.1 | County Highways Authority | No objections raised on safety, capacity or policy grounds, subject to conditions [See Section 7.6 below]. |
| 5.2 | Natural England           | No objection, subject to financial contribution to mitigate the impact upon the Thames Basin Heaths SPA.   |
| 5.3 | Surrey Wildlife Trust     | Awaiting comments following submission of additional ecological information [See Section 7.8].             |

- |     |  |   |
|-----|--|---|
| 5.4 | Surrey County Council (Lead Local Flood Authority) | No objection, subject to conditions [See Para 7.11.2].          |
| 5.5 | Council Arboricultural Officer                     | No objection, subject to condition [See Para 7.11.1].           |
| 5.6 | Windlesham Parish Council                          | Comment - <i>The Committee had no objections to the access.</i> |

## 6.0 REPRESENTATION

6.1 At the time of preparation of this report, letters of support have been received from 74 addresses (including the applicant) along with two petitions of support containing a total of 18 signatures. Objections have been received from 73 addresses.

6.2 The issues raised in support of the application are as follows:

- Site has been allocated as a rural exception site

*[Officer comment: See Para 7.2]*

- Village is very constrained in terms of developable land and site will deliver much needed affordable housing
- Site is in sustainable location
- Will allow homebuyers to locate closer to family

*[Officer comment: See Section 7.4]*

- Proposed landscaping will increase biodiversity

*[Officer comment: See Section 7.8]*

- No adverse impact on amenity or character

*[Officer comment: See Sections 7.5 and 7.7]*

6.3 The objections raise the following concerns:

### Green Belt

- Inappropriate development in the Green Belt
- Applicant has failed to demonstrate very special circumstances to outweigh the harm to the Green Belt
- Surrounding public transport and other infrastructure cannot support affordable housing or additional housing along with Heathpark Wood and other nearby development
- Plenty of brownfield sites to achieve same accommodation – no alternatives have been discussed

- Site has not been defined as part of Surrey Heath's five year housing land supply 2016-2021
- Core Strategy housing figures for Windlesham already exceeded. Windlesham has more than met its quota for new houses
- Proposal is commercial enterprise for financial gain

*[Officer comment: Refer to Sections 7.4 and 7.6]*

#### Character

- Harm to rural character of the area

*[Officer comment: Refer to Section 7.5]*

#### Highway safety

- Vehicular access is unsafe
- Traffic increase – Windlesham already used as a rat-run
- Existing parking provision is at a premium and restricts emergency access along Broadley Green

*[Officer comment: Refer to Section 7.6]*

#### Amenity

- Loss of privacy

*[Officer comment: Refer to Section 7.7]*

- Affordable housing may lead to antisocial behaviour
- Personal safety/security of property and children right next to proposed development

*[Officer comment: No evidence to suggest that there would be any anti-social behaviour or threat to personal safety/security]*

- Increased pollution from traffic detrimental to residents
- Land acts as buffer between Woodlands Lane houses and motorway

*[Officer comment: Detailed neighbouring amenity considerations cannot be considered as part of the current outline application.]*

### Ecology

- Destruction of natural habitat for wildlife including legally protected species. Site is interconnected with surrounding fields, hedges and woodland
- Important habitat for many species of bird
- Ecology information is inadequate – incomplete and inaccurate survey

*[Officer comment: Refer to Section 7.8]*

### Drainage/flood risk

- Concerns regarding drainage and adverse effects on water table

*[Officer comment: Refer to Para 7.11.2]*

### Other matters

- Application site red line is incorrect as it includes land in third party ownership

*[Officer comment: The applicant has completed Certificate B on the application form to confirm that third party owners have been notified in respect of the proposed access. The rest of the red line site appears to be accurate. Boundary dispute would be a private civil matter outside the remit of the Planning Acts.]*

- Trees have been cut down on south west side of the land

*[Officer comment: During site visit in October 2017 no evidence was found of tree removal. No trees within the site are protected under TPO and a landscaping scheme is proposed.]*

- Would set precedent for development of other Green Belt sites and inevitable development of adjacent land

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

- 6.4 While a significant number of representations have been received in respect of this application from within and outside of Windlesham, it should be noted that the number of representations, either in support or against the proposal, is not a reason in itself to grant or withhold planning permission.

## **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 CP1, 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.

7.2 It is accepted that the application site is identified as a developable site within the Council's Strategic Land Availability Assessment (SLAA) 2016. 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. It must, however, 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.

7.3 The main issues to be considered in this outline application are:

- Principle and appropriateness of development in the Green Belt;
- Impact upon the character of the area;
- Means of access and highway impacts;
- Impact on residential amenities
- Impact on ecology;
- Impact on the Thames Basin Heath SPA;
- Impact on infrastructure and financial considerations; and
- Other matters.

#### **7.4 Principle and appropriateness of development in the Green Belt**

7.4.1 The application site lies in the Green Belt and abuts the settlement boundary of Windlesham to its north and west. 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. However, Para 89 lists exceptions including the provision of limited affordable housing for local community needs under policies set out in the local plan.

7.4.2 Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 seeks to deliver 100% affordable housing as defined by Annex 2 of the NPPF and the proposal's in-principle acceptability is dependent on whether it complies with this rural exception policy which states that:

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.

7.4.3 The subtext to this policy (para 6.32) advises that the intention of the policy is to help provide accommodation for local people, who often have a local connection through employment or from growing up in the area and still have family who reside in the locality. Para 6.33 adds that the Council recognises there is limited opportunities to provide housing within these settlements at a scale which will deliver significant levels of affordable housing. It is therefore necessary to consider the Policy DM5 criteria in turn:

(i) Whether there is a proven local need and (ii) Whether this need can be met within the settlement boundary

7.4.4 In assessing whether the proposal would meet a truly local need, the Council's Housing Manager provides the following comments and figures:

- If the site is being looked at as a rural exception site then the need in Windlesham parish (including Bagshot and Lightwater) needs to be assessed rather than just Windlesham village. On the basis there is a needs argument if there is no age restriction on households
- Demand on the Housing Register from people living in Windlesham parish requiring rented housing is as follows:

One bedroom	27 households
Two bedroom	16 households
Three bedroom	6 households
Four bedroom	1 household

- There have been no new affordable units delivered in Windlesham parish since 2011/12 - this means that all social housing lettings come from turnover in the existing stock. In 2016/17 this equated to:

One bedroom	3 units
Two bedroom	7 units
Three bedroom	3 units
Sheltered housing	3 bedsits



- In the last three years 20 households have made homeless applications to the Council from Windlesham parish.

7.4.5 In light of the above, it is considered that there is a need for affordable housing in Windlesham Parish that has not been met within the settlement boundary and that the proposal will go some way to meeting this need in compliance with DM5 (i) and (ii). A review of the Council's most recent Five Year Housing Land Supply Paper (2017-2022) does not indicate that there are any other sites which are available and or deliverable to meet this need. The applicant is willing to provide the social rented housing subject to a Local Lettings Policy secured by a S106 agreement, to ensure that the dwellings are let to eligible persons with a local connection to Windlesham and retained as such in perpetuity.

7.4.6 Although six social rented dwellings are proposed for the Windlesham Community Homes Trust (WCHT) has part of the concurrent 17/0533 application recommended for refusal, the WCHT could be accommodated as part of this application as it proposes full social rented affordable housing. In any event, a S106 would have to cover the eventuality that the WCHT does not have the means to manage the housing by also tying in a Registered Provider to take over.

7.4.7 It is also noted that an outline scheme for 140 dwellings adjacent the Windlesham settlement was recently allowed on appeal (Heathpark Wood - ref: 15/0590) and could provide up to 56 affordable dwellings. Although there is no reason to believe that affordable housing will not be delivered here, the precise timescale and final scale of affordable housing delivery at this site is unclear at present. In any event, in allowing the appeal the Inspector made reference to over 500 people overall on the Council's register for affordable housing as justification for the securing of affordable housing, rather than solely relying on a local need within the Windlesham Parish. Therefore, in the event that the local need of Windlesham parish is met, the Heathpark Wood scheme could still make a valuable provision of affordable housing to address the wider need throughout the borough.

(iii) Whether the development will provide affordable housing for local people in perpetuity

7.4.8 It is accepted that the DM5 (iii) requirement could be met by a s106 agreement retaining the affordable housing in perpetuity as suggested in Paras 7.4.5-7.4.6 above.

(iv) Whether the development site immediately adjoins an existing settlement and is accessible to services sufficient to support the daily needs of new residents

7.4.9 The application site lies in the Green Belt and abuts the settlement boundary of Windlesham to its north and west. However, concern has been raised in respect of Windlesham village not having sufficient amenities and services to support future residents of the proposed affordable housing. Windlesham village has been designated as a settlement area under the CSDMP and therefore a sustainable location. Furthermore, in allowing the 15/0590 Heathpark Wood appeal, although the Inspector accepted that Windlesham offers only very limited employment opportunities and other facilities including schools, larger shops and supermarkets, doctors' and dentists', and leisure and entertainment venues too far away for most people to walk or cycle, with public transport only a realistic option for some journey

purposes, relative to many other rural settlements it was considered that Windlesham has a reasonably good range of local facilities which an increase in its population is likely to help to sustain. The Inspector thus felt able to attach sufficient weight to the benefits of the appeal scheme, including up to 56 affordable homes, to allow the proposal. Having regard to the Inspector's comments, the application site, adjoining the settlement boundary of Windlesham and within 0.8km by foot from the village shops, is considered to be within a sustainable location.

### Conclusion

- 7.4.10 There is an identified local need within the Parish of Windlesham for the proposed 15 affordable social rented dwellings and the proposal is therefore considered to not be inappropriate development in the Green Belt, and acceptable in terms of para 89 of the NPPF and Policy DM5 of the Core Strategy and Development Management Policies 2012. As such, no additional assessment of impact on Green Belt openness is necessary. However, due to the Green Belt location and the fact the proposal is only acceptable in Green Belt terms because it is considered to be a rural exception site, it is considered that further development should be strictly controlled through a condition removing permitted development rights.

## **7.5 Impact upon the character of the area**

- 7.5.1 The NPPF has a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. However, the NPPF rejects poor design that fails to take the opportunity to improve the character and quality of an area. Paragraph 59 of the NPPF requires design policies to concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area generally. Policy DM9 (Design Principles) of CSDMP 2012 also promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.5.2 Although no elevation plans have been provided as the applicant has chosen not to formally consider appearance, layout and scale matters under this outline application, 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. Although there would be significant spread of built form on open and undeveloped land, 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.
- 7.5.3 As such, it is not envisaged that the proposed form of development would be out of character with the surrounding area and is therefore considered to comply with the design Policy DM9 of the CSDMP and the NPPF.

## **7.6 Means of access and highway impacts**

- 7.6.1 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.
- 7.6.2 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 within the site to utilise the proposed on-site parking. The supporting plans indicate that a total of 32 vehicle parking spaces would be provided including two visitor spaces. This is on the basis that the singular accesses to Plots 5, 6 and 9 marked with three spaces are counted as two spaces for practical reasons, although it is accepted that visitor parking may be achievable here. This provision would meet Surrey County Highway Authority's (CHA) Recommended Guidance for Residential Parking in which for rural locations, recommends a maximum of 1.5 spaces per two bedroom dwelling and 2 spaces per three bedroom dwelling - giving a total recommended provision of 27 off-street spaces for the proposal.
- 7.6.3 Concern has been raised in respect of the impact upon the existing off-street parking along Broadley Green, including a marked disabled parking bay towards the Woodlands Lane junction. The proposed access point is on a bend with a grass verge between this bend and the footpath, where it has been observed that cars park on the northern side. However, it is considered undesirable for vehicles to park on this part of Broadley Green to assist with passage and visibility around the bend. It is noted that the supported bungalows of 16, 18, 20, 22 and 24 Woodlands Lane adjacent the Broadley Green entrance have no off-street parking. However, it appears that space for three off-street spaces would still be achievable, including the existing marked disabled space. Although the existing vehicular access to No. 1 Broadley Green would be lost to facilitate the proposed access, it has a paved area further across the front and a replacement vehicular access could be installed without planning permission under permitted development.
- 7.6.4 The CHA 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; parking layout and turning space within the site; a Construction Transport Management Plan, and; an uncontrolled pedestrian crossing including tactile paving across Broadley Green - this could be located in an agreed position to minimise impact upon existing off-street parking provision. 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.

## **7.7 Impact on residential amenities**

- 7.7.1 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.

## **7.8 Impact on ecology**

- 7.8.1 An extended Phase 1 Ecological Survey, updated in March 2017, has been provided, which found a low-moderate probability of birds nesting on the current proposal site during the nesting season (1st March to 31st July). It is therefore advised that before clearing any scrub on site in the nesting season the scrub should be checked first for nests. The survey found a negligible-low probability of any other protected species present on site. Surrey Wildlife Trust has been consulted and commented that no bat activity information was supplied for this site and therefore, without appropriate survey work to help determine the status of bat species on site and to inform any required mitigation/compensation proposals to help avoid the proposed development adversely affecting legally protected bat species, the Local Authority does not have sufficient information to consider this material concern. Concern was also raised by the Trust regarding badger displacement arising from the Heathpark Wood development that was also not addressed.
- 7.8.2 Following this consultation response, a bat activity survey and supporting letter have been provided to seek to address the concerns raised by the Trust. The Trust has been re-consulted and has recommended that the LPA secure a Landscape and Ecology Management Plan (LEMP) for this development, to include appropriate detail relating to how badger access to foraging areas and resource are to be maintained as a result of development, including provision of measures to ensure permeability for badgers across the site and habitat planting and management measures to ensure foraging opportunities are maintained. The LEMP should also include details of how bat foraging resource and commuting flightlines are to be maintained and enhanced as a result of development, in line with the recommendations of Section 7.2 of the submitted bat activity report. Finally, the Trust has recommended that any external lighting installed on this development should comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and The Built Environment Series", to be secured through a Sensitive Lighting Management Plan. The above mitigation measures can be secured by planning conditions requiring the abovementioned details to be submitted to the Council for approval prior to commencement of development.
- 7.8.3 It is noted that the Trust also state that their comments within their initial response dated 10th August 2017 with regards to breeding birds, reptiles and dormice, remain unaddressed. However, the Phase 1 Ecological Survey outlines that although there is a low-moderate potential for presence of breeding birds and reptiles, no nests or evidence of reptile presence were identified. The Survey outlined a negligible potential for the presence of dormice. It is considered that the recommended LEMP could also provide mitigation measures should the abovementioned species be identified. On this basis, it is considered that the

proposal would not adversely impact upon biodiversity or legally protected species, thereby complying with Policy CP14 of the CSDMP.

## **7.9 Impact on the Thames Basin Heaths SPA**

- 7.9.1 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).
- 7.9.2 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.
- 7.9.3 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. Based on the proposed tenure, a payment of £8,331.00 would be needed and can be secured as part of the S106 agreement.

## **7.10 Impact on infrastructure and financial considerations**

- 7.10.1 As the proposal includes new Class C3 dwellings, the development would be CIL liable. This development would be CIL liable. However, the exact contribution is based on floorspace so the final precise amount can only be determined at the reserved matters stage. While the proposal is for C3 residential development, it is exempt from CIL as it would deliver 100% affordable housing which is not CIL liable (subject to the completion of the necessary CIL forms).
- 7.10.2 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. . It has however been concluded this proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

## **7.11 Other matters**

- 7.11.1 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. This report is identical to that to that provided under the withdrawn 16/1048 application – however the current proposal is identical to 16/1048 in terms of its access, indicative layout, scale and amount. Although the applicant has chosen not to formally consider landscape matters under this outline application, the Council's Arboricultural Officer raised no objection under the 16/1048 scheme, subject to planning conditions in respect of tree protection and a landscape management plan outlining mitigation of the proposed tree loss.
- 7.11.2 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. Surrey County Council as the Lead Local Flood Authority has been consulted and has raised no objection, subject to conditions requiring further detailed drawings and calculations of all the SuDS/Drainage elements and layout, results from the undertaken infiltration testing and details of construction phasing, post-development maintenance regime and provision of a post construction verification report by an engineer setting out that the elements have been installed as agreed. On this basis, it is considered that the proposed development would not give rise to a material increase in flood risk within or around the site.

## **8.0 CONCLUSION**

- 8.1 The proposal is presented as a rural exception site and it is considered there is a local need for affordable housing to justify the grant of planning permission for 15 dwellings in the Green Belt adjoining the settlement area of Windlesham. The County Highway Authority has raised no objections on safety, capacity or policy grounds, subject to conditions. The impact on character and residential amenity will have to be fully considered at the reserved matters stage but no concerns are raised at this stage. Subject to no objection raised from Surrey Wildlife Trust in respect of the revised ecological details, the proposal is therefore recommended for approval.

## **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**

The Executive Head of Regulatory to be authorised to GRANT permission subject a legal agreement to secure the following:

- All units to be retained as social rented housing in perpetuity;
- All units to be occupied in accordance with a Local Lettings Policy to ensure the units are let to eligible persons with a local connection to Windlesham;
- Timescales for the construction, completion, sale and eventual occupation of the social
- the financial contribution towards SAMM

and subject to the following conditions:

GRANT subject to the following conditions:-

1. Approval of the details of the scale appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.

(b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and the Compulsory Purchase Act 2004.

2. The development hereby approved shall not be occupied unless and until the proposed vehicular access to Broadley Green has been constructed and provided with visibility zones in accordance with the approved plans

and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05 m highway.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

3. The development hereby approved shall not be first occupied unless and until an uncontrolled pedestrian crossing including tactile paving across Broadley Green has been provided as part of the construction of the vehicular access in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

4. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning area shall be retained and maintained for their designated purpose.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the aims and objectives of the National Planning Policy Framework.

5. No development shall commence until a Construction Transport Management Plan, to include details of:
  - a. parking for vehicles of site personnel, operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials
  - d. measures to prevent the deposit of materials on the highway

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Policies Document (2012) and to meet the



aims and objectives of the National Planning Policy Framework.

6. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by MJC Tree Services [Mark Carter] and dated 05 October 2016. No development shall commence until photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of tree and ground protection measures having been implemented in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.
  1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out to mitigate the tree loss within the site, and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
  2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**
  3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9. No development shall take place until details of the following SuDS/Drainage matters have been submitted to and agreed upon in writing by the Local Planning Authority:

- a) Detailed drawings of all the SuDS/Drainage elements and layout
- b) Full drainage calculations showing that all storm events up to the 1 in 30 year storm event are contained within the drainage system and that the 1 in 100 year + CC storm event is suitably managed on site.
- c) Confirmation of the proposed storage on site and details of what the base line water level will be within the pond and how much storage volume will remain.
- d) Results from the undertaken infiltration testing.
- e) Details of where any exceedance flows (ie rainfall greater than design or flows following blockages) would run to avoiding risks to people and property
- f) Details of construction phasing, ie how drainage will be dealt with during works including pollution prevention
- g) Details of the required maintenance regime for the SuDS elements and who will be responsible for maintenance
- h) Details of how the applicant will prevent the outlet from blocking

Reason: To ensure the drainage design meets the technical standards and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the drainage design meets the technical standards and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no further extensions to the dwellings hereby approved or additions to their roofs shall be erected under Schedule 2, Part 1, Class A or Class B of that Order; and no buildings, enclosures, pools or containers incidental to the enjoyment of a dwelling house shall be erected under Schedule 2, Part 1, Class E of that order; without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual and residential amenity and to preserve the openness of the Green Belt, to accord with Policies CP1, DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

#### Informative(s)

1. The applicant is reminded that the Community Infrastructure Levy (CIL) Form 2: Claiming Exemption or Relief will need to be submitted as part of any future reserved matters application.
2. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

3. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.

4. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
7. The applicant is advised that under the Control of Pollution Act 1974 construction work which will be audible at the site boundary will be restricted to the following hours: 8am to 6 pm Monday to Friday; 8am to 1pm Saturday; and, not at all on Sundays and Public Holidays. For the avoidance of doubt 'Public Holidays' include New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.

**In the event that a satisfactory legal agreement has not been completed by 30 November 2017, the Executive Head of Regulatory be authorised to REFUSE for the following reason:**

1. The proposal fails to provide a satisfactory legal agreement to secure the dwellinghouses as affordable housing (social rented units). The proposal would therefore constitute inappropriate development in the Green Belt which would undermine the purposes of including land in and would result in countryside encroachment, and would significantly harm its openness and otherwise undeveloped and rural character. The proposal does not satisfactorily address the requirements of Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and cannot be considered to be a rural exception site or as an exception to para 89 of the NPPF.
2. 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).