

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

PROPOSAL: 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. (Additional information rec'd 16/6/17, 27/09/17 & 06/10/17).

TYPE: Outline

APPLICANT: Lavignac Securities

OFFICER: Ross Cahalane

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application seeks outline planning permission for the erection of 15 affordable dwellings (six managed by the Windlesham Community Homes Trust (WCHT) and nine intermediate 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.
- 1.2 The proposal is presented as a rural exception site and the applicant claims that the proposed social rented affordable housing for the WCHT and intermediate affordable housing (for sale below market levels, but above social rent costs) meets the definition of affordable housing as outlined in the National Planning Policy Framework and, therefore is not inappropriate development in the Green Belt. However, as detailed in this report it has not been demonstrated that there is a proven local need within the Parish of Windlesham for the proposed intermediate housing for sale to people with a local connection to the area. Therefore, the proposal including the intermediate housing as outlined cannot be considered to constitute a Green Belt 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 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. Notwithstanding the Council's lack of a five year housing land supply, there are no very special circumstances that arise 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)*
- 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

4.0 THE PROPOSAL

- 4.1 Outline planning permission is sought for the erection of 15 dwellings comprising six houses for the Windlesham Trust Community Home and nine intermediate 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.

- 4.3 The current proposal is identical to the withdrawn 16/1048 proposal in terms of its access, indicative layout, scale and amount. Six two bed dwellings are still proposed for the Windlesham Community Home Trust (WCHT). The planning statement advises that the WCHT 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.
- 4.4 It was initially proposed that the other nine dwellings (six three-bed and three two-bed) would be offered as private market dwellings for the over 65s. However, the applicant was advised by the case officer that an enabling argument for the private market dwellings could not be supported and as outlined in the Council's Housing Register figures (see Para 7.4.5 below), there was also insufficient demand for over 65s housing to support the proposal as a Rural Exception Site.
- 4.5 The applicant now proposes no formal age restriction including for the proposed six dwellings for the WCHT, and to offer the remaining nine dwellings as intermediate affordable housing (for sale provided at a cost above social rent, but below market levels), subject to the criteria in the NPPF Affordable Housing definition. The applicant is willing to offer the dwellings for sale to those within the Parish of Windlesham (including Bagshot and Lightwater) initially for say 12 months and then if the properties are not sold, would widen the catchment area to the rest of Surrey Heath Borough.
- 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 and Bat Survey.

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 | Natural England | No objection, subject to financial contribution to mitigate the impact upon the Thames Basin Heaths SPA <i>[See Section 7.9]</i> . |
| 5.3 | Surrey Wildlife Trust | Awaiting comments following submission of additional ecological information <i>[See Section 7.8]</i> . |
| 5.4 | Surrey County Council (Lead Local Flood Authority) | No objection, subject to conditions <i>[See Para 7.11.2]</i> . |
| 5.5 | Windlesham Parish Council | Comments <i>[The Committee had no objections to the access and also commented that the emerging Windlesham Neighbourhood Plan demonstrated support from residents for retirement dwellings/bungalows.]</i> . |

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, letters of support have been received from 88 addresses (including the applicant) along with two petitions of support containing a total of 18 signatures. Objections have been received from 74 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
 - Need for over 65 housing and supported by planning guidance – will provide right balance of housing in village
 - Will provide independence and a greater standard of living
 - No such suitable bungalows near village – has led people to leave
 - Will allow elderly people to downsize and free up larger homes for younger people
 - Will allow homebuyers to locate closer to family

- Will increase commerce to local shops
[Officer comment: See Section 7.4]
- Traffic increase will be negligible as homes will be for over 65s
[Officer comment: See Section 7.6]
- 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

- Application is same as 16/1048 which was recommended for refusal
- No evidence of need for over 65s housing
- Involvement of WCHT does not appear to be well-founded on the intention of the Trust as originally intended
- Village is currently struggling to fill its almshouses
- Surrounding public transport and other infrastructure cannot support affordable housing or housing for over 65's along with Heathpark Wood and other nearby development
- Inappropriate development in the Green Belt
- Applicant has failed to demonstrate very special circumstances to outweigh the harm to the Green Belt
- 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

[Officer comment: See Sections 7.4 and 7.6]

- Proposal is commercial enterprise for financial gain

[Officer comment: Refer to Section 7.4 for the relevant in-principle considerations]

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
- Impact on existing parking along Broadley Green, including marked disabled bay
- How will construction traffic access site?

[Officer comment: Refer to Section 7.6]

Amenity

- Loss of privacy

[Officer comment: See Sections 7.5 and 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.]

- Windlesham Care Home Trust's (WCHT) efforts to develop in the Green Belt have been refused in the past

- 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.]

- Doubt as to whether WCHT has enough money to run the proposed housing

[Officer comment: A Section 106 legal agreement can secure the use of the dwellings as affordable housing in perpetuity]

- Applicant has created existing site access over land he does not own

[Officer comment: The existing access appears to be immune from enforcement action under the four year rule.]

- Planning department should not advise applicant how to amend application

[Officer comment: The Government advises Local Planning Authorities to work proactively with applicants seek solutions where possible]

- Majority of support letters from outside Windlesham

[Officer comment: There are no locational restrictions applicable].

- 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 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.

7.4 Principle and appropriateness of development in the Green Belt

7.4.1 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.*

7.4.2 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.*

7.4.3 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 The applicant contends that the proposed development complies with Policy DM5 as it will deliver six social rented houses to be managed by the Windlesham Community Home Trust and provided for people with a local connection to the area. The applicant now wishes to provide the remaining nine homes as intermediate housing (for sale below market levels, but above social rent costs) to meet the definition as outlined in Annex 2 to the National Planning Policy Framework:

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 above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

The intention is that the houses would remain as Intermediate Housing, in perpetuity and that the discount to market value would also be maintained in perpetuity. No age restriction will now apply to any of the proposed dwellings. The above, and other issues, would be addressed under an Affordable Housing Strategy as part of a Section 106 Agreement.

7.4.5 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.
- 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.
- In terms of the proposed six homes for the WCHT, demand on the Housing Register is as follows:

| | 1 bed | 2 bed | 3 bed |
|----------------------|---------------|--------------|-------------|
| Over 55 years of age | 16 households | 2 households | 1 household |
| Over 65 years of age | 11 households | 1 household | 1 household |

7.4.6 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 proposed six social dwellings managed by the WCHT will meet the identified specific need for five two or three bed dwellings for the over 55s as outlined above,

in compliance with DM5 (i). A review of the Council's most recent Five Year Housing Land Supply Paper (2017-2022) does not indicate that there any other sites which are available and or deliverable to meet this need and on this basis, criterion (ii) is also met. Concern has been raised as to whether the WCHT is able to provide and deliver this affordable housing. As outlined in the concurrent 17/0526 application, a S106 agreement 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 Although 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, this is on the basis of a full 40% on-site provision and no further reserved matter details have been received at the time of preparation of this report. The timescale and scale of affordable housing delivery at this site is therefore unclear at present. Additionally, 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.

7.4.8 As already outlined, it is now proposed to offer the remaining nine dwellings as intermediate affordable housing for sale provided at a cost above social rent, but below market levels, subject to the criteria in the NPPF Affordable Housing definition. The applicant has expressed willingness to offer shared ownership if required as part of an Affordable Housing Strategy to be agreed with the Council before any development commences and secured by a S106 agreement, to include the following items:

- A tenure split of the affordable housing units;
- Ensure that the provision of the affordable housing units is made in such a way
- Timescales for the construction, completion, sale and eventual occupation of
- The occupancy criteria to be used for determining the identity of initial and subsequent occupiers of the affordable housing units and the means by which it occupancy shall be enforced.

7.4.9 The applicant is also willing to offer the dwellings for sale to those within the Parish of Windlesham (including Bagshot and Lightwater). However, if after a period of 12 months the properties are not sold, the applicant wishes to widen the catchment area to the rest of Surrey Heath Borough. Should this occur, the identified local need of Windlesham Parish would not be addressed and suggests that the applicant cannot demonstrate a need for the sale of intermediate housing within the Parish of Windlesham, contrary to Policy DM5 (i). The Council holds no housing

data that suggests such a specific need for intermediate housing within Windlesham Parish. Additionally, intermediate housing is typically accepted as part of a mix of affordable housing tenure to make a development viable. However, no enabling argument has been put forward by the applicant.

- 7.4.10 Although there is undoubtedly a wider need across the Borough for affordable housing, as outlined in 7.4.7 above the 15/0590 Heathpark Wood scheme nearby and adjoining the settlement area of Windlesham permits up to 56 affordable dwellings and without a local restriction to Windlesham Parish. Although this has not been implemented and may be subject to viability review, there is no reason to believe that affordable housing for the wider Borough cannot be provided at Heathpark Wood.

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

- 7.4.11 As already outlined in the DM5 (i) and (ii) assessment above, as a local need within Windlesham Parish for the proposed intermediate housing for sale has not been demonstrated it is therefore considered that the proposal would also be contrary to criterion DM5 (iii).

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

- 7.4.12 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

- 7.4.13 The proposal is considered contrary to Policy DM5(i) and (iii) of the CSDMP as the applicant has failed to demonstrate to the satisfaction of the Planning Authority that there is a proven local need for the proposed intermediate housing for sale to people with a local connection to the area. The proposal would therefore represent inappropriate development which 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.

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

- 7.5.1 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. 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).
- 7.5.2 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.

7.6 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 Although this proposal now has no age restriction, the CHA was consulted under the concurrent 17/0526 scheme of the same scale and with no age restriction and raised 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. 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.

7.12 Very Special Circumstances

7.12.1 On the basis of the identified harm in paragraphs 7.2 – 7.11 above, namely the lack of proven need for intermediate affordable housing within the Parish of Windlesham and resultant inappropriateness and harm to the Green Belt including its openness, 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.

7.12.2 It is noted that the applicants argue in the PS that the proposal is not inappropriate development. Section 6 of the PS more specifically outlines the Council's lack of a five year housing supply and in Paras 6.18-6.19, makes reference to case law that held that in principle, a shortage of housing land when compared to the needs of an area is capable of amounting to VSC.

7.12.3 It is acknowledged that the Council has a housing need 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 (CP1 & 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.

- 7.12.4 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.

8.0 CONCLUSION

- 8.1 The applicant has failed to demonstrate to the satisfaction of the Planning Authority that there is a proven local need for the proposed intermediate housing for sale to people with a local connection to the area. The proposal would therefore represent inappropriate development which is, by definition, harmful to the Green Belt. In addition, 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.
 - c) Have negotiated and accepted amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
 - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The applicant has failed to demonstrate to the satisfaction of the Planning Authority that there is a proven local need within the Parish of Windlesham for the proposed intermediate housing, for sale below market levels but above social rent costs, to people with a local connection to the area. As such the proposal represents inappropriate and harmful development in the Green Belt. By association, the proposal would cause significant harm to the openness of the Green Belt and the purposes for including land within it. There are no very special circumstances which either alone, or in combination, outweigh the harm to the Green Belt. The proposed development is therefore contrary to Policies CPA, CP2 and DM5 (i) and (ii) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Chapter 9 of the National Planning Policy Framework.
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).