
Application under section 73 of the Town and Country Planning Act 1990 (as amended) for the removal of conditions 2,5 and 7] from application 15/P/00519 dated 24th March 2015 approved on 19th May 2015

1. Introduction

This Planning Statement has been prepared on behalf of our Clients, the Applicants, Mr and Mrs Yielding of 61 Calvert Road KT24 5SF

The following sections of this statement set out our Client's justification for the proposed removal of the following conditions:

Condition 2 - The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, CR/PL/01, CR/PL/03, CR/PL/06 received on 24/03/2015 and CR/PL/07 received 18/5/2015.

Condition 5 - The hard and soft landscaping scheme, including boundary treatments, as shown on drawing CR/PL/07 (with the exception of planting, seeding and turfing) shall be implemented in full prior to the occupation of the development hereby approved. Any changes from the approved scheme shall be approved in writing by the local planning authority prior to implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Condition 7 - The existing bungalow and two mobile homes currently on the site, and as shown on the block plan (ref. 2188/5) of permission 08/P/02046, shall be removed from

the site permanently within one month of the occupation of any of dwellings hereby approved.

2. Applicable Decision Notice

Approval of planning permission: 15/P/00519

Date of Decision: 19/05/2015

Proposal: Erection of three chalet bungalows (revision to 11/P/00776 approved 27/06/11).

Location: Land adjacent to, 61 Calvert Road, Effingham, Leatherhead, KT24 For: Mr & Mrs Yielding
The application is hereby approved subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, CR/PL/01, CR/PL/03, CR/PL/06 received on 24/03/2015 and CR/PL/07 received 18/5/2015.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. No part of the development shall start be occupied until an energy assessment has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site / development and show the on-site measure(s) to be taken and feasible renewable energy equipment to produce a minimum of 10% of the total energy requirements of the new dwelling by means of renewable energy sources above and beyond the current Building Regulations. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To optimise renewable energy and its conservation.

4. The external facing, roofing materials and driveway surface used for the development hereby approved shall be as listed below, unless otherwise agreed in writing.
 - o Roof tiles - Sandtoft 20/20, Tuscan
 - o Elevations - Ibstock Cissbury Red Multistock with flint panels
 - o Driveway - Tar and chip surface

Reason: To ensure that the external appearance of the building is satisfactory.

5. The hard and soft landscaping scheme, including boundary treatments, as shown on drawing CR/PL/07 (with the exception of planting, seeding and turfing) shall be implemented in full prior to the occupation of the development hereby approved. Any changes from the approved scheme shall be approved in writing by the local planning authority prior to implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

6. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 6 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period.

7. The existing bungalow and two mobile homes currently on the site, and as shown on the block plan (ref. 2188/5) of permission 08/P/02046, shall be removed from the site permanently within one month of the occupation of any of dwellings hereby approved.

Reason: To ensure that the site retains only three residential units of accommodation and accords with adopted Green Belt policy.

8. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no buildings, extensions or alterations permitted by Classes A, B, D and E of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

Reason: To safeguard the visual amenity and rural character of the Green Belt and the residential and visual amenities of adjoining properties.

3. Background

The applicants in 2015 were granted the above planning permission for the erection of three chalet bungalows. The development was implemented in 2015 and occupation took place in 2016.

During the same year 2016 the LPA approved under planning permission 16/P/00428 a development of 6 new traveller pitches on two separate blocks. In light of this My clients had an informal meeting with duty officer to enquire about the condition number 7 as they were very concerned about what impact the now approved traveller sites would have of the neighbourhood and in particular the significant drop in value of their property.

The Bungalow and mobiles homes that condition 7 relates have been for between 53 and 90] Years with my clients providing affordable housing for over 40 years

My client have provided much needed local affordable for local and sometimes vulnerable residents on these properties for over 40 years

By way of example the current residents are:

Over 60 years and a local green keeper

A project support worker for a homeless Hostel living there over 5 years.

Husband and Wife in their 60s both suffer with Asthma and Diabetes and mobility issues, and the husband is a carer for his wife. Both have lived there for over 12 years.

It is clear that the bungalow and mobiles homes are providing housing that would not otherwise be available. In addition, the rent that the tenants are currently paying monthly is much less than £1,000 and there is simply nothing locally that compares to this.

4. Policy Background

Guildfords Local Plan Policy H3 below

POLICY H3: Rural exception homes

(1) Small scale affordable housing developments in the Green Belt, which can include pitches for Gypsies and Travellers not meeting the Planning Policy for Traveller Sites definition of a gypsy or traveller¹⁶, will be permitted to meet identified local affordable housing needs provided that:

- a) the site adjoins or is closely related to, and in safe and reasonable walking distance of a rural settlement, and
- b) the number, size and tenure of homes would be appropriate to meet, or to contribute to meeting, the identified affordable housing needs of the local community , and
- c) the affordable homes are all secured in perpetuity.

(2) The minimum number of market homes to make a rural exception scheme viable will be permitted where:

- (a) a developer demonstrates that the scheme would be unviable without the inclusion of market housing, and ¹⁷
- (b) it does not inflate the threshold land value , and
- (c) it is suitably integrated into the rural exception development.

The National Planning policy Framework has the following policy for the Green Belt

Proposals affecting the Green Belt

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the

Green Belt than the existing development; or

- – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5. Commentary

The local plan Policy H3 Relating to Rural Exceptions states that small scale affordable housing can be permitted provided that a) the site adjoins or is closely related to, and in safe and reasonable walking distance of a rural settlement, and b) the number, size and tenure of homes would be appropriate to meet, or to contribute to meeting, the identified affordable housing needs of the local community, and c) the affordable homes are all secured in perpetuity.

Further that it is suitably integrated into the rural exception development.

The National Planning Policy Framework allows for limited exceptions within the greenbelt

- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6. Concluding Comments

We believe that in this case both the Local Plan Policy H3 and the National Planning Policy Framework guidance for exceptions within the Green Belt allow the local authority to remove the aforementioned conditions on the basis that the properties are small scale.

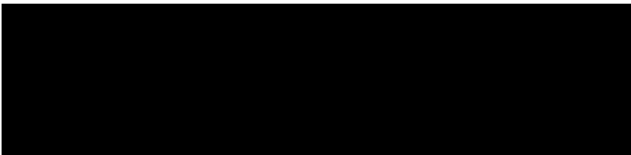
The current rents fall within the description of affordable housing. Further the properties have been in situ for over 90 years providing much needed accessible and affordable housing for local residents.

These properties do not have any impact to the openness of the Green Belt and therefore do not create any harm.

The current occupants of the new built chalet bungalows have all confirmed in writing that they are in full support of the proposal to keep the bungalow and 2 mobile homes in place and therefore not see the current vulnerable tenants made homeless providing more pressure on the already limited affordable housing

The potential loss of the homes for the existing tenants is a significant worry for them all and is causing them major anxiety as there are absolutely no options of similar size and in particular cost locally.

In summary we believe the local authority have the policy base to be able to approve this application for the removal of the conditions.



3rd January 20