

13 December 2006

Mr I Gilbey
Shoosmiths
7th Floor
125 Colmore Road
Birmingham
B3 3SH

Our Ref: APP/Q3630/A/05/1198326

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY LOVE LANE INVESTMENTS LTD AND RESPOND
LAND AT FRANKLANDS DRIVE, ADDLESTONE, SURREY
APPLICATION REF: RU.05/0818**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, S E Gibbs MA MSocSC MRTPI, who held a public inquiry between 23 May 2006 and 17 July 2006 into your clients' appeal against the refusal of Runnymede Borough Council for outline planning permission for residential development on land at Franklands Drive, Addlestone. The development proposed is the erection of 350 dwellings comprising affordable and accessible housing, access roads and public open space and demolition of 3 dwellings, in accordance with application number RU.05/0818, dated 4 August 2005.
2. On 27 April 2006, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's Recommendation and Summary of the Decision

3. The Inspector, whose conclusions are reproduced in Annex A to this letter, recommended that the appeal be allowed and planning permission granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation to grant planning permission subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. The Inquiry into this appeal was held jointly with a planning application which was called in for determination by the Secretary of State under Section 77 of the Town

and Country Planning Act 1990 (IR0.1). The called in planning application concerned another proposal for residential redevelopment within the Borough of Runnymede at 10 sites on Wapshott Road, Bowes Road and Cornwall Way, Egham, Surrey. For the reasons given in IR0.2, the Secretary of State agrees with the Inspector that, although the Inquiry was held jointly and much of the broader planning context is common to both schemes, the key points at issue for the two schemes are identifiably different. That application was the subject of a separate report and recommendation to the Secretary of State, who issued her decision to grant planning permission, subject to conditions, on 6 November 2006.

Policy Considerations

5. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Regional Spatial Strategy (RSS) for the area in the form of Regional Planning Guidance Note 9 (RPG9), approved in March 2001; the Runnymede Borough Local Plan Second Alteration, adopted in 2001; and the Surrey Structure Plan 2004, adopted in 2004.
6. The Secretary of State has also had regard to the emerging RSS for the South East (South East Plan 2006-2026). However, since this is currently being subjected to independent examination, she affords it limited weight as it may be subject to change.
7. Other material considerations that the Secretary of State has taken into account include Planning Policy Statement 1 (PPS1): *Delivering Sustainable Development*; Planning Policy Guidance note 2: *Green Belts*; Planning Policy Guidance note 3 (PPG3): *Housing*; Planning Policy Statement 9: *Biodiversity and Geological Conservation*; Planning Policy Guidance note 13 (PPG13): *Transport*; Circular 11/95: *The Use of Conditions in Planning Permission*; Circular 05/2005: *Planning Obligations*; and Circular 6/05 (DEFRA 1/05): *Biodiversity and Geological Conservation: Statutory Obligations and Their Impact Within The Planning System*.
8. Planning Policy Statement 3: Housing (PPS3) was published on 29 November 2006. The Secretary of State acknowledges that local planning authorities are not required to have regard to PPS3 as a material consideration when making decisions on planning applications until 1 April 2007 although there may be circumstances when PPS3 should be taken into account as such prior to this date. The Secretary of State has given this matter careful thought but she considers that, in this particular case, PPS3 is not material to her decision because it does not affect her conclusions on the main issues as set out below. For these reasons, she also concludes that its publication does not constitute a material change in circumstances in the matters relevant to this application that would affect her decision, or require her to refer back to the parties for further representations prior to reaching her decision.

9. In deciding the appeal, the Secretary of State has had regard to the site's location within 5km of Horsell Common, which is part of the Thames Basin Heaths Special Protection Area (the Special Protection Area). In accordance with the Conservation (Natural Habitats, &c) Regulations 1994, which transpose the provision of the EU Habitats Directive (1992), the Secretary of State has paid special regard to representations made by Natural England (formerly English Nature). This is considered further in paragraphs 17 and 18 below.

Main Issues

The relationship of the proposal to the development plan

10. As summarised by the Inspector (IR1.12), the development plan includes policies for the provision of housing and its implementation on a phased basis in accordance with a plan, monitor and manage approach, set against a background of policies designed to secure sustainable development and the long term protection of the Metropolitan Green Belt.
11. For the reasons given in IR7.3(1) and (2), the Secretary of State agrees with the Inspector that the site is allocated for the future development of housing under policy HO7 of the adopted Local Plan and that previous decisions to refuse planning permission for residential development have been based on arguments relating to the timing of the release of the site for housing, with no inference that the site would not be suitable for housing development at some future time.
12. Like the Inspector, the Secretary of State has taken account of the fact that previous decisions have given major weight to the identification of the site in the Local Plan as a "reserve site", and to the argument that maintaining a future supply of building land helps to safeguard the Green Belt (IR7.3(2)). However, the Secretary of State agrees with the Inspector (IR7.22) that arguments relating to the release of land in pace with the requirements of the development plan should be given less weight in the context of a scheme that is contributing wholly and directly to addressing issues of affordable housing. She also agrees that the release of this "reserve" site in the present circumstances would not have any significant consequences for arguments over the release of Green Belt land for general housing or for the potential to consider returning other "reserve" sites to the Green Belt through the LDF process.
13. Hence, the Secretary of State agrees with the Inspector (IR7.26) that, given the emphasis placed on the importance of meeting affordable housing targets in the Structure Plan and the fact that the site is identified as a housing "reserve" site in the adopted Local Plan, the current proposal presents a form and type of development that is substantially in accordance with relevant policies and proposals in the development plan.

Sustainability

14. For the reasons given in IR7.23, the Secretary of State agrees with the Inspector that the use of the site for housing would be an acceptable form of development in terms of sustainability criteria (IR7.24), especially with the support of the transport initiatives secured by the Section 106 Agreement with Surrey County

Council (IR 7.24 and 7.68). She therefore agrees with the Inspector that the current proposal would be in line with the aims and objectives of PPG13.

Affordable Housing

15. For the reasons given in IR7.7-IR7.10, the Secretary of State agrees with the Inspector that the provision of a scheme for 100% affordable housing on this site should be seen as being in accordance with the development plan. She also agrees with the Inspector (IR7.14) that, for the reasons given in IR7.11-IR7.13, the whole development would come forward as affordable housing and that its planning merits should therefore be assessed on that basis.
16. The Secretary of State agrees that it was appropriate for the Inspector to consider whether a scheme for 100% affordable housing would provide an acceptable mix of development (IR7.15). For the reasons given in IR7.16, she agrees with him that the development would involve a mixture of house types; and, for the reasons given in IR7.17-7.19, that the intended tenure mix is likely to accommodate a range and variety of households. She also agrees with the Inspector (IR7.19) that, if the mix of tenures being made available by the operation of the cascade mechanism secured in the Unilateral Undertaking were to alter the balance of the proposed tenure groups, the result would be to increase the proportion of equity sharing households. She therefore agrees with the Inspector that there is no reason to anticipate that the proposed scheme would result in any unusual concentration of socially disadvantaged households.

The Thames Basin Heaths Special Protection Area

17. As the site is located within 5km of Horsell Common, which forms a part of the Thames Basin Heaths Special Protection Area (IR4.1), the Secretary of State has taken account of the representations made by Natural England (formerly English Nature) on the effect of the proposed development on the features of the Special Protection Area that are of conservation interest, namely Dartford Warbler, nightjar and woodlark. In particular, she has taken account of the fact that Natural England have indicated (IR4.3) that they are satisfied that the proposal to provide "suitable accessible natural green space" (SANGS) (IR4.2) would mean that the proposed development would not be likely to have an effect on the Special Protection Area, and that they therefore present no objection to it. The Secretary of State has also taken account of the fact that Natural England consider that, as the competent authority in relation to the application of the Conservation (Natural Habitats &c) Regulations 1994, she can proceed to grant planning permission without having to undertake an Appropriate Assessment (IR4.4).
18. Given the view of Natural England that, in this particular case, she can proceed to grant planning permission without having to undertake an Appropriate Assessment, the Secretary of State sees no need to consider further the Inspector's deliberations in IR7.39-IR7.60 on the effect of the current proposals on the integrity of the habitat. She agrees with the Inspector that the uncertainty inhibiting residential development within 5km of the Special Protection Area is itself an argument that weighs in favour of this proposal given that it includes arrangements for the provision of suitable accessible natural green space which

Natural England have already indicated that they consider adequate (IR7.61-7.63).

Conditions and Obligations

19. The Secretary of State has considered the proposed conditions and national policy as set out in Circular 11/95, along with the Inspector's comments as set out at IR7.64-7.67 of his report. She concludes that, with two exceptions, the conditions as amended by the Inspector following discussion at the inquiry (IR6.1) are necessary, relevant to planning and the development permitted, and are enforceable, precise and reasonable in all other respects. However, she considers that conditions 19 and 29 require some modification as considered in the following two paragraphs in order to ensure that they comply with relevant statutory procedures. The conditions to which the planning permission granted by this letter will be subject are attached at Annex B to this letter.
20. In considering condition 19 as proposed by the Inspector (IR page 85), the Secretary of State agrees that a further programme of investigation by an appropriate person to determine the existence of badgers, bats, reptiles and amphibians on the site should be required as a condition of granting planning permission. However, the Secretary of State is aware of the need to ensure that the appellants and the local planning authority fulfil their statutory duties with regard to safeguarding any protected species and she proposes to vary and amplify the condition proposed by the Inspector to take account of that. In particular, Regulation 3(4) of the Habitats Regulations requires local planning authorities to have regard to the Habitats Directive in the exercise of their functions; and where protected species are found on a site this may involve obtaining a licence from the Department of Environment, Food and Rural Affairs. Similarly, the Protection of Badgers Act 1982 requires an applicant to obtain a licence from Natural England in order to interfere with badger setts.
21. The Secretary of State also considers that condition 29 as proposed by the Inspector (IR page 87) is potentially incapable of implementation as it takes no account of the need to secure any statutory orders which may be required to facilitate restricting the use of Caxton Avenue to pedestrian and cycle access, nor does it specify the extent of the road to which such restrictions are to apply. The Secretary of State has therefore amended this condition.
22. The Secretary of State is satisfied that the signed and dated Section 106 Agreement with Surrey County Council and the signed and dated Unilateral Undertaking to Runnymede Borough Council, which were submitted to the inquiry, are necessary and relevant to the proposed development and meet the policy tests of Circular 05/05.

Overall Conclusion

23. The Secretary of State concludes that the proposed development of 100% affordable housing is substantially in accordance with relevant policies in the development plan and would increase the supply of affordable housing. She is satisfied that the range of housing types, sizes and tenure types to be provided within the scheme would provide a mixed development, accommodating

households of different sizes and with a variety of socio-economic characteristics. The Secretary of State therefore considers that, with the planning obligations already entered into and the imposition of appropriate conditions, the development would provide a sustainable and adequately integrated extension of the urban area in a way which satisfies Natural England as having no adverse impact on the Thames Basin Heaths Special Protection Area.

Formal Decision

24. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows your clients' appeal and grants planning permission for residential development on land at Franklands Drive, Addlestone in accordance with application number RU.05/0818 dated 4 August 2005 subject to the conditions set out in Annex B to this letter.
25. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
26. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

27. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter.
28. A copy of this letter has been sent to Runnymede Borough Council and interested third parties.

Yours faithfully

Jean Nowak
Authorised by the Secretary of State to sign in that behalf

Conditions

1. Approval of the details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Planning Authority before the development commences.
2. a) Application for approval of the reserved matters shall be made to the Planning Authority for the whole development or, if the development is to be phased, for the first phase of the development before the expiration of three years from the date of the permission.

b) Reserved matters for subsequent phases of the development shall be made to the Planning Authority no later than one year from the date of approval of the previous reserved matter application or the last of the reserved matters to be approved, whichever is the later.

c) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the reserved matters for the first phase of the development, whichever is the later.

Development Details:

3. The development hereby permitted shall not exceed a total of 350 dwelling units.
4. No building on any part of the development hereby permitted shall exceed 3 storeys in height, unless otherwise agreed, in writing, by the Local Planning Authority.
5. No development shall take place or, if the development is to be phased, no development shall take place within a particular phase, until samples of the materials to be used in the construction of the external surfaces of the development, or that particular phase of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garages hereby permitted shall not be used for any purpose other than the parking of cars.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates, or wall shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

8. Details of the siting and screening of any above ground utility installations or equipment (e.g. electricity sub-stations, street lighting) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development or if the development is to be phased prior to the commencement of that particular phase.
9. No development shall take place or, if the development is to be phased, no development shall take place within a particular phase until details of the refuse storage and recycling facilities to be provided for the development or for that particular phase of the development have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
10. A scheme for the generation of ten percent of the predicted energy requirement for the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development and the scheme that is approved shall be implemented in association with the phased development of the site.

Landscaping & Ecology:

11. Details of soft and hard landscape works within the net developable area shown on drawing FDA1.10A to be submitted for approval pursuant to condition (1) above shall include the treatment of all hard surfaced areas; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the construction of any ponds or any wetland features; and an implementation programme including any phasing.
12. All hard and soft landscape works within the net developable area shown on drawing FDA1.10A shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme including any phasing agreed with the Local Planning Authority.
13. No development shall take place or, if the development is to be phased, no development shall take place within a particular phase, until details of any earthworks for the development or for that particular phase of the development have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to the existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
14. The Translocation of Turf/Soil:
 - i) No development hereby approved shall take place or, if the development is to be phased, no development shall take place within a particular phase, until a method statement of the translocation of turf/soil from the unimproved/species rich acid grassland habitats within the development footprint of the development shown on Aspect Ecology drawings FDA 2.3.2 and FDA 2.2.4, or of that

particular phase of the development, has been submitted to, and approved in writing by, the Local Planning Authority.

ii) The method statement shall include details of the measures required to prepare the receptor areas; the methods to be used to translocate the turf/soil; and the aftercare of the translocated turf/soil.

iii) No development hereby approved shall take place or, if the development is to be phased, no development shall take place within a particular phase until the detailed measures in the method statement as approved in accordance with condition 14(i) have been carried out.

15. A landscape management plan for the area identified as the net developable area on drawing FDA1.10A , including long term design objectives, management responsibilities and 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 prior to the occupation of the first phase of the development.

16. No development shall take place or, if the development is to be phased, no development shall take place within a particular phase until a schedule of landscape maintenance for a minimum period of 5 years for the development, or for that particular phase of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

17. In these conditions “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date when the final dwelling is first occupied.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed, or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be placed at such time, as may be specified in writing by the Local Planning Authority.

18. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

19. (a) Prior to the commencement of the development hereby permitted, the appellant or their agents or successors in title shall carry out a further programme of investigation by an appropriate person to determine the existence of badgers, bats, reptiles and amphibians on the site.

(b) Following such investigation, where surveys indicate the presence of any of these species, the following actions shall be taken prior to any development of the site:

- i) in the case of bats, amphibians and badgers, full details of a scheme of appropriate mitigation and conservation measures shall be submitted to, and approved in writing by, Natural England and the measures shall then be implemented in accordance with the approved scheme;
- ii) in the case of other species, details of any appropriate mitigation measures and a timetable for their implementation shall be submitted to and approved by the local planning authority and carried out as approved.

Archaeology:

20. No development shall take place within the application site until the appellants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the Planning Authority.

Contamination:

21. Development shall not begin until a scheme building on previous work to deal with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

22. The scheme referred to in Condition (21) above shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the environment when the site is developed.

23. Development shall not commence until the measures approved in the scheme pursuant to Conditions (21) and (22) above have been implemented and a validation report detailing any such work has been submitted to and approved, in writing, by the Local Planning Authority.

Drainage:

24. The construction of the surface water drainage system shall be carried out in accordance with details submitted to, and approved in writing by, the Planning Authority before the development commences and shall ensure that, among other matters :-

- a) no solid matter shall be deposited so that it passes or is likely to pass into any watercourse;

- b) no soakaways shall be constructed such that they penetrate the water table and they shall not in any event exceed 2 metres in depth below existing ground level;
- c) no soakaways shall be constructed in contaminated ground; and
- d) appropriate steps are taken to prevent the discharge of water onto the public highway.

Highways & Construction Access:

25. No development shall take place until the new access road, including its junction with Franklands Drive, has been constructed in accordance with the scheme shown on Buccannan drawing H3111/23C. No development shall begin before that junction and 30m of the new road have been completed, and the visibility zones included in the design shall be part of the new road and shall not be included in any plot or other sub-division of the site.

26. (a) Prior to the occupation of the site, the cycle and pedestrian links from the site to Franklands Drive and Caxton Avenue shall be provided in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority.

(b) All redundant accesses from the site to Franklands Drive shall first be permanently closed; and any kerbs, verge, footway, fully reinstated by the appellant, in a manner to be agreed in writing with the Local Planning Authority, and thereafter maintained as such.

27. No dwelling shall be occupied until space has been laid out within the site for cars to be parked at an overall maximum provision of 1.5 spaces per dwelling. Those parking spaces shall only be used for the parking of vehicles incidental and ancillary to the residential use of the dwellings hereby permitted, and shall thereafter be maintained solely for parking purposes and made available to the occupiers of those properties at all times for such purposes unless the Local Planning Authority otherwise first agrees in writing. In any event, the parking spaces shall not be used for the parking/storage of boats, caravans or trailers.

28. No development shall take place or, if the development is to be phased, no development shall take place within a particular phase until a Method of Construction Statement for the development, or for that particular phase of the development, has been submitted to, and approved in writing by, the Local Planning Authority. Such a Statement shall include details of :-

- a) parking for vehicles or site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials;
- d) programme of works (including measures for traffic management);
- e) provision of boundary hoarding;

and only the approved details shall be implemented during the construction period.

29. That part of Caxton Avenue lying within the site to which this consent applies shall be used for pedestrian and cycle access only, but no such restriction shall be imposed until the applicants, or their agents or successors in title, have

secured such consents as may be required to implement such highway works as shall previously have been submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Highway Authority.

30. No development or delivery of materials shall take place at the site except between the hours of 07.30 to 18.00 weekdays or 08.30 to 13.00 hours Saturdays. No development or demolition work or deliveries of materials shall take place on Sundays or Public Holidays.
31. Prior to occupation of the 100th dwelling, the off-site highway works shown on Buchanan drawing H3111/23C shall be completed.

Amenity Areas, Recreation Ground :

- 32 No development hereby approved shall take place until details of the Amenity Areas as shown generally on Barton Willmore drawing number 12661.007C have been submitted to, and approved in writing by, the Local Planning Authority. Such Amenity Areas shall, for the avoidance of doubt, comprise 5 Local Areas of Play ("LAP") of approximately 100m², 1 amenity area space of approximately 900m² within which shall be located 1 Local Equipped Area of Play ("LEAP") of approximately 400m² (together "the Amenity Areas").
- 33 The 150th dwelling on the development hereby approved shall not be occupied until the amenity area, LEAP and 2 of the LAPs have been laid out in accordance with the details submitted and approved under Condition 32.
- 34 The 250th dwelling on the development hereby approved shall not be occupied until the remaining 3 LAPs forming part of the Amenity Areas have been laid out in accordance with the details submitted and approved under Condition 32.
35. No dwelling on the development hereby approved shall be occupied until an access statement detailing the arrangements for members of the public to have permissive access to the Amenity Areas has been submitted to, and approved in writing by, the Local Planning Authority.
36. No development hereby approved shall take place until details of the recreation ground and access road thereto, as shown generally on Barton Willmore drawing number 009, have been submitted to, and approved in writing by, the Local Planning Authority.
37. The 250th dwelling on the development hereby approved shall not be occupied until the recreation ground and access road thereto have been laid out in accordance with the details submitted to, and agreed in writing by, the Local Planning Authority
38. No dwelling on the development hereby approved shall be occupied until an access statement detailing the arrangements for members of the public to have permissive access to the Amenity recreation ground has been submitted to, and approved in writing by, the Local Planning Authority.

Suitable Accessible Natural Green Space:

39. No development hereby permitted shall begin until details of the Suitable Accessible Natural Green Space (“the SANGS”), as shown generally on Aspect Ecology drawing number FDA 2.2.3, have been submitted to, and approved in writing by, the Local Planning Authority.
40. No dwelling on the development hereby permitted shall be occupied until the SANGS has been laid out in accordance with the details approved in accordance with condition 39, except with the written agreement of the Local Planning Authority.
- 41 No dwelling on the development hereby permitted shall be occupied until an access statement detailing the arrangements for members of the public to have permissive access in SANGS has been submitted to, and approved in writing by, the Local Planning Authority.

would be 100% within the affordable category is of very great significance to the outcome of this case. In addition to the value of the Affordable Housing itself, it has implications for the standing of the proposal in relation to the provisions of the Development Plan. If it is established that the scheme would be 100% Affordable Housing, then any arguments relating to the Structure Plan requirement, including issues of “front loading” and pressure for release of Green Belt land, and arguments about prematurity and of prejudice to the Core Strategy of the LDF are very significantly diminished. At the same time, the site’s identification in the adopted Local Plan as a site with potential for housing remains a significant support to the position that the scheme is in accordance with the Development Plan. In my view, a scheme for 100% Affordable Housing should be seen as being in accordance with the Development Plan.

Would the scheme be for 100% Affordable Housing

- 7.11 The appellants’ argument that this is 100% Affordable Housing is grounded on the facts that the proposal involves development by Respond, a consortium of three housing associations all recognised by the Housing Corporation as registered social landlords, and that, with land conveyed at substantially below the market value of land for open market housing, there is scope, even should Housing Corporation support not be forthcoming, for producing housing for occupation at prices that represent 20% less than the price of new build open market housing^[2.27]. Given this state of affairs and the backing of the signed unilateral undertaking, the appellants’ proposition that the scheme would be 100% Affordable Housing holds up against the commonly used definition for Affordable Housing from Circular 06/98, Planning and Affordable Housing: “housing that will be available to people who cannot afford to rent or buy houses generally available on the open market”. On an interpretation of the phrase “access to suitable housing” that encompasses the promotion of homeownership, the proposition also stands up with the definition in Annex A to draft PPS3 (CD11) “households who are unable to access suitable housing without some financial assistance”.
- 7.12 The counter argument from the Borough Council is about “useful affordability” but this concept is not a necessary part of any generally accepted definition of Affordable Housing as that term is used in a planning context. I regard the debate on Affordable Housing at this inquiry as reflecting an element of confusion over what Affordable Housing is and, perhaps more significantly, what it ought to be. In particular how it is meant to relate to the Council’s Housing Needs Assessment and to local housing strategies.
- 7.13 The case advanced by the Borough Council was founded on the long established experience of the Council in grappling with issues of “housing need”. This has long been an area of concern for local authorities, initially through the active twentieth century tradition of Council House building and transformed, via the process of producing Housing Investment Programmes (HIPs), into a general concern with Social Housing and the production of local housing strategies. The direct link between such local housing strategies and assessment of “housing need” is made explicit within the Department of the Environment, Transport and the Regions’ “Local Housing Needs Assessment: A Guide to Good Practice” (CD199). This document published in 2000 remains the source of guidance for Runnymede’s January 2005 Housing Needs Assessment (CD72) carried out by Fordham Associates. However, while I recognise that this approach will have value in identifying groups most in need of assistance in realising their housing aspirations, I regard the approach as retaining a relatively narrow and unduly restrictive approach to the concept of what comes within the ambit of the term Affordable Housing.
- 7.14 My conclusion is that the whole development would come forward as Affordable Housing and consequently that the planning merits of this proposal should be assessed on that basis.