

**Minutes of the Planning Committee
25 July 2018**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor H.A. Thomson (Vice-Chairman)

Councillors:

C. Barnard	T.J.M. Evans	M.J. Madams
I.J. Beardsmore	M.P.C. Francis	S.C. Mooney
S.J. Burkmar	A.L. Griffiths	R.W. Sider BEM
Q.R. Edgington	N. Islam	

Apologies: Apologies were received from Councillor S.M. Doran

In Attendance:

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

Councillor S.A. Dunn	Item 161/18 - 18/00591/OUT - Bugle Nurseries, 171 Upper Halliford Road, Shepperton
----------------------	---

191/18 Minutes

The minutes of the meeting held on 27 June 2018 were approved as a correct record.

192/18 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

Councillors R.A. Smith Ainsley, H.A. Thomson, C. Barnard, S. Burkmar, Q. Edgington, T.J.M. Evans, M. Francis, A. Griffiths, N. Islam, M. Madams, S. Mooney, and R.W. Sider BEM reported that they had received correspondence in relation to application 18/00591/OUT – Bugle Nurseries, 171 Upper Halliford Road, Shepperton, but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors Barnard, Francis and Sider declared that they had attended a presentation in respect of the Bugle Nurseries application and Councillor Sider also declared that he had visited the site.

Councillor Dunn, Ward Councillor, had received correspondence, attended a drop-in session and visited the site in relation to application 18/00591/OUT – Bugle Nurseries, 171 Upper Halliford Road, Shepperton but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors R.A. Smith Ainsley, H.A. Thomson, C. Barnard, S. Burkmar, Q. Edgington, M. Francis, A. Griffiths, N. Islam, M. Madams, S. Mooney, and R.W. Sider BEM reported that they had received correspondence in relation to application 18/00836/FUL – 20 Bridge Street, Staines upon Thames, but had maintained an impartial role, had not expressed any views and had kept an open mind.

The Chairman advised that application b) 18/00529/FUL - Benwell House, Green Street, Sunbury on Thames, had been made by Spelthorne Borough Council and would be treated in the same way as any other application.

193/18 18/00591/OUT - Bugle Nurseries, 171 Upper Halliford Road, Shepperton

Description:

This outline application sought approval for the demolition of the existing buildings on site and the provision of 52 houses and flats and a 72 bed care home. The recommendation of the officers was to refuse the application.

Additional Information:

The Planning Development Manager advised the Committee that the applicant had submitted two letters and an email raising a number of points in response to the Committee report. The subsequent response to each of the points raised is set out below:

1. Due weight should be given the proposed open space located within the blue line on the site location plan.

Response

The open space, is not included within the application site and does not formally comprise part of the proposal subject to the planning application. Even if weight was given to the benefit of the open space, it is not considered that this (together with the other benefits – removal of the industrial uses and provision of new housing) would clearly outweigh the harm to the Green Belt in terms of inappropriate development, loss of openness, harm to the visual amenities of the Green Belt, and the conflict with 3 out of the 5 Green Belt purposes set out in the NPPF.

2. The proposed open space within the blue line could be protected by a Grampian Condition or Section 106 Agreement.

Response

The committee report acknowledged in paragraph 7.2 that a condition could be imposed (i.e. a Grampian condition) requiring the area of land outlined in blue to be provided as open space. A Section 106 Agreement could also be used to achieve the same purpose. However, as the open space does not form an integral part of the proposed development and is not within the application site, it is considered that the Council would not be able to refuse a future planning application to relax that condition or legal agreement on the loss of open space grounds.

3. The proposed development would not set a precedent for future similar proposals on other Green Belt sites.

Response

It is agreed that each planning application should be considered on its merits. However planning legislation requires that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The site is within the Green Belt and the Committee report sets out the reasons why it is considered that the applicant has failed to demonstrate 'very special circumstances' that would clearly outweigh the harm to the Green Belt. As there is not a unique set of circumstances on this particular site, and given that we have a 5 year housing land supply, it is considered that granting planning permission would set a precedent for similar unacceptable schemes on other Green Belt sites in the Borough.

4. No reference has been made to the Stage 2 of the Green Belt Review which is currently underway.

Response

Stage 2 of the Council's Green Belt Assessment is yet to be completed. It is likely that the consultants (ARUP) will publish their initial report by the middle of September 2018. Local Area 39 also plays an important strategic function in separating a series of distinct towns and villages in the Borough and forms the essential gap between Ashford/Sunbury/Stanwell and Upper Halliford.

5. The reference to the applicant's "Call for Sites" submission is misleading, as it infers that the applicant's intention is to pursue development of the entire site.

Response

The Call for Sites submission proposed two potential development options – one to develop the whole site and one to develop part of the site, more in line with the proposed development. The comments made in paragraph 7.1 of the committee report are factual observations. They do not infer that the applicant has a long term intention to develop the entire site for housing.

6. The lack of amenity space for the block of flats should not form a reason for refusal at this outline stage

Response

It is recognised that this is an outline application and the final design, scale and position of the buildings are not formally agreed at this stage.

However, as the applicant has requested that access is a matter which should be determined at this stage, the access roads within the site are formally assessed at this stage. Taking into account the proposed access roads surrounding the indicative block of flats at the front of the site, there would be a relatively small area of remaining land available (approximately 36m x 28m) to accommodate the proposed block of 10 flats and its amenity space. The proposed reason for refusal (no. 3) shows that the applicant has failed to demonstrate, to the satisfaction of the LPA, how a minimum amenity space area of 225 sqm could be provided on this part of the site, even after discounting possible balconies from the figure. Any other open space provided on the site is likely to be too remote from the proposed flats to form usable garden space for these particular units.

7. The insufficient number of smaller dwellings should not form a reason for refusal at this outline stage.

Response

Whilst the final design, scale and position of the buildings are yet to be confirmed at this outline stage, the applicant has submitted a proposed accommodation schedule comprising 57 dwellings and their sizes (and a 72 bedroom care home) in the application form, and in the Design and Access Statement. The planning application is seeking approval for “*up to 57 dwellings*”. Whilst it is possible that the Reserved Matters application may propose a lesser number of units, it is considered necessary for the Council to assess the proposal based on the maximum number of dwellings proposed (i.e. 57) and their sizes, as set out in the accommodation schedule. The proposed reason for refusal (no. 2) as amended, reflects that the applicant has failed to demonstrate, to the satisfaction of the LPA, that there will be sufficient small dwellings to comply with our policy.

8. The application should not be refused on bat survey grounds. The Planning Committee can delegate to officers powers to apply the necessary condition once the final report has been issued.

Response

Secondary legislation set out in Circular 06/2005 requires that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the development is established before planning permission is granted. It is noted that a third bat survey is required to be carried out on 25 July 2018 and the issue remains unresolved. The issue cannot therefore be addressed by the imposition of a condition.

9. The proposal should be considered by the Planning Committee as appropriate under Paragraph 145g) of the NPPF 2018.

Response

This states that new buildings within the Green Belt are not inappropriate if the development is:

“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. “

It is considered that the development would have a significant greater impact on the openness of the Green Belt than the existing development and would cause substantial harm to the openness of the Green Belt.

10. Reference should be made to paragraph 136 of the NPPF 2018

Response

It is assumed that the applicant's agent is referring to paragraph 138 and not 136. This relates to the drawing up or reviewing of Green Belt boundaries and the releasing of Green Belt land for development. This is not a matter for the Planning Committee in the determination of planning applications, this is a matter for the Local Plan Working Party, the Council's Cabinet and Council in the consideration of the local plan review.

The Planning Development Manager also advised of the following updates to the report as a result of the National Planning Policy Framework (NPPF) 2018.

Paragraph 1.4

The advice contained within the National Planning Policy Framework (NPPF) 2012 **2018** is also relevant and consideration should also be given to the draft revised consultation NPPF.

Paragraph 7.3

National Planning Policy Framework (NPPF) ~~para 47~~ **59 - 61**

Paragraph 7.4

(~~para 49~~ **75** of NPPF).

Paragraph 7.8

Para 14 **11(d)** of the NPPF

Paragraph 7.9

In ~~March~~ **July** of this year, the Government launched the draft revised NPPF, ~~consultation proposals~~. This reaffirms the presumption in favour of sustainable development for plan making and decision taking (with some amended wording) and focuses on delivering housing through a plan led system.

Paragraph 7.13

Section 9 **13** of the NPPF

Paragraph 7.14

Paragraph 80 **134** of the NPPF sets out the five purposes of the Green Belt. It ~~should also be noted that these purposes are also contained in the draft revised consultation NPPF~~

Paragraph 7.15

It is considered that the proposed dwellings, care home, roadways and other associated works constitute “inappropriate development” in the Green Belt. The proposal does not fit into any of the exceptions stipulated in Paragraphs 89 **145** and 90 **146** of the NPPF or in Paragraphs 144 and 145 of the draft revised consultation NPPF. It is recognised that part of the existing site comprises the industrial estate, and that Paragraph 89 **145** states ~~that the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, does not constitute ‘inappropriate development’~~. Paragraph 144 of the ~~draft revised consultation NPPF~~ has amended the section relating to brownfield land in that it now reads:

Paragraph 7.16

Paragraph 90 **146** of the NPPF

Paragraph 7.17

Paragraph 87 **143** of the NPPF states that:

~~“As with previous Green Belt policy, Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”~~

Paragraph 7.18

Paragraph 88 **144** of the NPPF states that:

*“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.”*

Paragraph 7.23

Paragraph 80 **134** of the NPPF

Paragraph 7.24

paragraph 80 134 of the NPPF

Paragraph 7.25

paragraph 80 134 of the NPPF

Paragraph 7.27

Paragraph 80 134 of the NPPF

Paragraph 7.28

paragraph 80 134 of the NPPF.....

.... Section 9 13 of the NPPF

Paragraph 7.31

~~The Government's core planning principles are set out in paragraph 17 of the National Planning Policy Framework 2012 (NPPF). There are 12 core planning principles, which the NPPF states should underpin both plan making and decision-making. One of these principles (8th bullet point) is:~~

~~*"Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value"*~~

Paragraph 7.97

The NPPF at para 14 11(d)

Amendments to the wording of the reasons for refusal and advice (pages 39 – 40)

Reason 1

Amend reference to the NPPF to refer to Section 13 not 9 and to refer to 2018 not 2012

Reason 2

It is recommended that the reason for refusal is amended as follows:

The proposal fails to ~~provide~~ demonstrate an adequate provision of smaller sized dwellings (one or two bedroom units) will be provided for which there is a need within the Borough. It is therefore contrary to Policy HO4 of the Council's Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on Housing Size, Type 2012.

Reason 4

Amend reference to the NPPF to refer to 2018 not 2012

Amendments to the advice note to read:

Decision Making: Working in a Positive and Proactive Manner

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

- a) Provided 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development and to improve the economic, social and environmental conditions of the area;
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, James Good spoke for the proposed development and raised the following key points:

- Bugle Nurseries is an uncontrolled industrial and waste transfer site
- Reasons for refusal 2 and 3 are not relevant
- Reason for refusal 4 relating to bats can be dealt with by a standard demolition condition
- Committee report ignores benefit of dealing with land to the rear – removal of waste transfer station and bund
- Development at Bugle Public House was approved
- 50% affordable housing proposed
- 70 jobs in care home
- Lack of objections
- If approved, it will be referred to the Secretary of State

In accordance with the Council's procedure for speaking at meetings, Ken Snaith spoke for the proposed development raising the following key points:

- Construction waste and mound would be removed, removing an eyesore
- Will improve land and street scene
- No remote possibility of land becoming decontaminated and improved otherwise
- Will provide desperately needed housing and affordable housing

In accordance with the Council's procedure for speaking at meetings, Councillor Dunn spoke as Ward Councillor for the proposed development and raised the following key points:

- Developer has consulted the local community
- Biggest concern is the existing site
- Proposal includes a road crossing to Upper Halliford Road
- It is an industrial site
- There is a telephone mast on green belt land at the rear
- Loss of an open view

Debate:

During the debate the following key issues were raised:

- Care home needed
- Need to look at long term effect of the impact of the decision
- 480% increase in footprint, 948% increase in floor space
- Preferable if planning application was for the whole site rather than part of it
- Appearance of houses is positive
- Housing needed
- Is strongly performing green belt
- We do have a 5 year housing land supply
- Not well performing green belt
- It is unusual that no one is complaining (note : one objection was received)
- Affordable housing proposed
- The waste transfer station will be removed
- Will clear up the contaminated site
- Is a good development
- Not strongly performing green belt
- Very comprehensive committee report
- Excellent consultation
- Complies with housing policies
- Precedent concerns / not a precedent
- This is not a review of the local plan, it cannot be taken out of the green belt
- Derelict site is not a reason to approve
- Uncontrolled site
- Too much building / building on land outside application site
- Traffic movements on site all day/night
- If approved, would set a dangerous precedent in the green belt
- Green Belt should be protected, this is inappropriate development
- Query over housing sites approved recently in the green belt

The Chairman requested that a recorded vote was taken on the motion to refuse the outline application. The voting was as follows:

FOR REFUSAL (7)	Councillors R.A. Smith-Ainsley, H.A. Thomson, I.J. Beardsmore, M. Francis, A. Griffiths, M. Madams and R.W. Sider BEM
AGAINST (3)	Councillors C. Barnard, T. Evans and S. Mooney
ABSTAIN (3)	Councillors S. Burkmar, Q. Edgington and N. Islam

Decision:

The application was **refused**, as per the Officer's recommendation, subject to the amendments to the wording set out above.

194/18 18/00529/FUL - Benwell House, Green Street, Sunbury On Thames, TW16 6QS

Description:

This application sought removal of the existing tile roof structure, refenestration of the existing third floor and construction of an extension comprising two, and part three, additional floors.

Additional Information:

The Planning Development Manager gave the following updates

The Committee report stated incorrectly that the property was in Ashford North and Stanwell South ward; it is located in Sunbury East ward.

The revised National Planning Policy Framework (NPPF) was issued by Government on 24 July 2018 after the publication of the Planning Committee agenda. There are no material changes in circumstances which would alter the recommendation of any of the planning applications on the agenda. This application for residential development refers to the need for and supply of housing and the amendments are set out as follows:

Reference to para 47 of the NPPF. Now paras. 59-61 of the NPPF 2018 which states:

59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met

within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Reference to para 49 of the NPPF. Now Para 75 of the NPPF 2018 which states:

75. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.

Reference to para 14 of NPPF. Now Para. 11(d) of the NPPF 2018 which states:

"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Amendments to Condition 5 to read as follows:

Prior to the occupation of any of the residential units hereby approved in respect of this planning application, an appropriate agreement shall be entered into to provide a minimum of 12 residential units which will be made available to persons who have a housing need or are on a low income insufficient to meet their housing needs which shall be rented at no more than 80% of the market rent and occupied by persons nominated by the Council pursuant to a Nomination Agreement.

Reason:

To provide an appropriate level of affordable housing and to comply with the terms of the planning permission.

Amendments to the advice note to read:

Decision Making: Working in a Positive and Proactive Manner

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

- a) Provided 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development and to improve the economic, social and environmental conditions of the area;
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation

Public Speaking:

There were no public speakers for this item.

Debate:

During the debate the following key issues were raised:

- Due to its location, there is no significant impact
- A good level of affordable housing is provided
- Too big/high
- Concern about the design which would be out of keeping

Decision:

The application was **approved** as per the Officer's recommendation.

**195/18 18/00836/FUL - 20 Bridge Street, Staines upon Thames, TW18
4TW**

Description:

This application sought approval for the demolition of the existing building and the erection of a four storey building comprising of 8 self-contained flats and associated cycle parking.

Additional Information:

The Planning Development Manager gave the following updates:

The revised National Planning Policy Framework (NPPF) was issued by Government on 24 July 2018 after the publication of the Planning Committee agenda. There were no material changes in circumstances which would alter the recommendation of any of the planning applications on the agenda. This

application for residential development refers to the need for and supply of housing and the amendments are set out as follows:

Reference to para 47 of the NPPF. Now paras. 59-61 of the NPPF 2018 which states:

59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Reference to para 49 of the NPPF. Now Para 75 of the NPPF 2018 which states:

75. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.

Reference to para 14 of NPPF. Now Para. 11(d) of the NPPF 2018 which states:

"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Amendments to the advice note to read:

Decision Making: Working in a Positive and Proactive Manner

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

- a) Provided 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development and to improve the economic, social and environmental conditions of the area;
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Adam Gosling spoke for the proposed development raising the following key points:

- Have amended the scheme since the last application was refused by the Planning Committee
- Have removed top floor flat from the scheme
- Have provided greater details on materials

Debate:

During the debate the following key issues were raised:

- Both previous reasons for refusal have been addressed
- Good to see amended plan
- Residents' comments have been considered seriously
- Concern over appearance

Decision:

The application was **approved** as per the Officer's recommendation.

196/18 TPO 258/2018 - Sunbury Conservative Club, Green Street, Sunbury-on-Thames, TW16 6RA

Description:

This Tree Preservation Order sought to protect the Lime tree because of its

'significant contribution to the visual amenities of the locality'.

Additional Information:

There was none.

Public Speaking:

There were no Public Speakers.

Debate:

No key planning issues were raised.

Decision:

The Tree Preservation Order was **confirmed without modification**.

197/18 Development Management Performance Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report, they should contact the Planning Development Manager.

It was **resolved** that the report of the Planning Development Manager be received and noted.

198/18 Planning Appeals Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

Resolved that the report of the Planning Development Manager be received and noted.

199/18 Urgent Items

There were none.