

Planning Committee

25 July 2018



Application No.	18/00591/OUT		
Site Address	Bugle Nurseries, 171 Upper Halliford Road, Shepperton		
Proposal	Outline application with all matters reserved other than 'Access' for the demolition of existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 57 residential homes and a 72-bed care home plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.		
Applicant	Angle Property (RPL Shepperton) LLP		
Ward	Halliford and Sunbury West		
Call in details	N/A		
Case Officer	Paul Tomson/Kelly Walker		
Application Dates	Valid: 15/05/2018	Expiry: 14/08/2018	Target: Within 13 weeks
Executive Summary	<p>This planning application seeks the demolition of the existing buildings on site and the provision of 57 houses and flats and a 72-bed care home.</p> <p>The site is located within the Green Belt. The proposed development constitutes '<i>inappropriate development</i>' in the Green Belt and will cause an unacceptable loss of openness. It is noted that the proposal will result in the removal of the existing industrial uses, and the associated noise and disturbance that they cause. It will provide new housing including a significant proportion of affordable housing. However, it is not considered the benefits of the scheme will clearly outweigh the substantial harm to the Green Belt. Consequently, there are no '<i>very special circumstances</i>' to justify the development in the Green Belt.</p> <p>The scheme does not provide an acceptable level of smaller units (one and two bed units) for which there is a need in the Borough. The proposal therefore fails to comply with the requirements of Policy HO4 (Housing Size and Type) of the Core Strategy and Policies DPD.</p> <p>In addition, the applicant has failed to demonstrate that there is an acceptable level of amenity space for the occupants of the proposed block of flats to the detriment of the amenity of the future occupants contrary to Policy EN1 and the SPD on design.</p>		

	The applicant has failed to demonstrate with the submitted bat surveys, the extent to which bats may be affected by the proposed development. It is not therefore possible to ascertain the full impact of the proposal on bats which are protected species.
Recommended Decision	The application is recommended for refusal.

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- CO3 (Provision of Open Space for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN7 (Tree Protection)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 It is also considered that the following Saved Local Plan Policies are relevant to this proposal:

- GB1 (Green Belt)
- BE26 (Archaeology)

- 1.3 Also relevant are the following Supplementary Planning Documents/Guidance:
- SPD on Design of Residential Extensions and New Residential Development 2011.
 - SPD on Housing Size and Type 2012.
 - SPG on Parking Standards Updated 2011.
- 1.4 The advice contained within the National Planning Policy Framework (NPPF) 2012 is also relevant and consideration should also be given to the draft revised consultation NPPF.

2. **Relevant Planning History**

C/80/702	Residential development at a density of 19.35 units per acres (47.82 units per hectare).	Refused 14.01.1981 Appeal Dismissed 16.12.1981
01/00816/FUL	Demolition of existing bungalow and erection of detached bungalow.	Approved 15.12.2001
11/00101/CLD	Certificate of lawfulness for the retention of site buildings and hardstanding, together with the commercial uses of the land and buildings, comprising a mix of parking and storage of motor vehicles, vehicle bodies and containers, industrial/workshop purposes with ancillary storage, general storage purposes, offices with ancillary storage, and use of hardstanding for access and parking.	Refused 01.10.2013
12/01060/SCC	Surrey County Council consultation for a certificate of lawfulness to use 0.91 hectares of land at Bugle Nurseries for importation, deposit and sorting of waste materials comprising soil, hardcore, concrete and timber together with the export of such processed materials	No Objection 18.09.2012

[Officer Note: This land is located to the west of the application site and does not form part of this current planning application. Surrey County Council subsequently issued a Certificate of Lawfulness for the above development on the 18 June 2013.]

15/01528/FUL	Alterations to existing access onto Upper Halliford Road	Refused 21.01.2016 Appeal Dismissed
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16/00320/FUL	Proposed six month temporary planning application extension for the retention of a 30m high mast with associated equipment	Approved 20.04.2016
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16/01982/FUL	Temporary permission for the retention of a 30m high mast with associated equipment	Approved 09.02.2017
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2.1 With regard planning application C/80/702, this proposal involved the creation of a new residential development on the whole of the Bugle Nurseries site, including the land to the west of the current application site, comprising 243 dwellings. The application was refused for the following reasons:

1. The proposed development conflicts with the policies for the Preservation of the Metropolitan Green Belt.
2. The proposal would result in the coalescence of settlements, and encourage further such a process in this locality.
3. The proposal is unacceptable as it would result in the loss of very good quality agricultural land, and if allowed, could lead to further similar applications for development on other land.
4. In any event the proposal is premature pending the completion of a Housing Land Availability Study in connection with Structure Plan requirements for Housing for this Borough.

In the subsequent appeal, the Inspector agreed with the Council's reasons for refusal and consequently dismissed the appeal.

2.2 With regard to planning application 15/01528/FUL for alterations to the existing access road onto Upper Halliford Road, this was refused on the grounds that the development would constitute inappropriate development in the Green Belt for which no very special circumstances had been demonstrated. The subsequent appeal was dismissed for this reason.

3. Description of Current Proposal

3.1 This planning application seeks outline consent with all matters reserved other than 'access' and is for the demolition of existing buildings and structures and the redevelopment of the site for a residential led development comprising up to 57 residential homes and a 72 bed care home plus associated works for landscaping, parking areas, pedestrian, cycle and vehicle routes.

3.2 The application site comprises an area of 2.05ha and is located to the west of Upper Halliford Road. The site comprises part of the open fields with paddocks, a residential bungalow and its garden, old nursery structures and other buildings and hardstanding in commercial use, including parking and access roads. The applicant has shown the land to the west of the application site up to the railway line to the west, to be outlined in blue which means that the applicant owns the land but it is not within the current application site. In

this area they provide details of earth works and landscaping to provide an open area accessible to the public. However this area outlined in blue, does not form part of the application site and as such is not part of the assessment. The submitted plans also show a pedestrian crossing on Upper Halliford Road, although this is also not within the application site.

- 3.3 Currently, the site consists of shrubs and trees lining Halliford Road and the remains of old nursery buildings/poly-tunnels to the front of the site. A TPO has been issued on the Oak tree in the north eastern corner of the site. There is an access road located centrally from Upper Halliford Road into the site and also one on the northern boundary. There is a detached bungalow on its own large plot surrounded by a garden and outbuildings. Further to the rear of the application site are areas of hardstanding and a number of buildings (accessed via the road) which have been used as various commercial uses over recent years, with parking of many commercial vehicles. Further to the north is open grass land with paddocks and a number of trees both individual and in groups. In addition, to the rear (not within the application site but within the blue line) is a recycling facility and a large bund on the northern boundary with the railway.
- 3.4 The site is located within the Green Belt.

Surrounding area

- 3.5 Immediately to the south of the site are residential properties at right angles along Halliford Close, whose rear gardens adjoin the site. Further to the west, the garages of properties at Bramble Close adjoin the application site to the south. Directly to the north of the site is a public footpath and the site of the former Bugle Public House which is currently being rebuilt as a block of apartments. Further to the north are other dwellings fronting Halliford Road, with open grass land behind and a large fishing lake to the north west of the site. Most of the existing dwellings are 2/3 storey and have gaps in the street scene between the built form providing views of the open land behind.
- 3.6 To the north-east, on the other side of Upper Halliford Road is Upper Halliford Park, which comprises open grass land and mature trees. It also has a play area, and a car park.
- 3.7 There are many trees within the site, mostly close to the boundaries. The Council has recently issued a Tree Preservation Order on an Oak tree located in the north-eastern corner of the site.

Proposal

- 3.8 The proposal is for the demolition of all existing buildings on site, including the commercial buildings and the bungalow. The applicant is seeking permission for only the access as part of this outline consent. However a set of indicative plans have been submitted showing full details of the proposal including the layout, scale and design of the buildings as well as the proposed parking provision and landscaping.

- 3.9 The Town and Country Planning (Development Management Procedure) Order 2015 provides a definition of “access” in relation to reserved matters associated with outline planning applications:-
‘...the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network...’.
- 3.10 As such the proposal shows the access and layout of the proposed roads on the site, which are to be assessed at this Outline stage. In addition, indicative plans show the layout, scale and design of the buildings, including 57 dwellings comprising 3 no. 1 bed flats, 7 no. 2 bed flats, 18 no. 2 bed houses, 22 no. 3 bed houses and 7 no. 4 bed houses, together with a 72 bed care home.
- 3.11 There will also be a play area which will be accessible by residents of the proposed scheme.
- 3.12 A total of 131 parking spaces will be provided. 28 parking space are provided for the care home at the rear of this building and each of the houses have parking to the front/side with some garages (103 spaces) Parking for the flats is around the building. The proposal also includes areas of landscaping, refuse and cycling parking facilities. Some of the existing trees on site appear to be removed/affected by the proposal.
- 3.13 As previously noted, the submitted plans also show an area to the rear of the application site outlined in blue (also owned by the applicant). This land however, does not form part of the application site as it is not outlined in red.
- 3.14 The proposed site layout and elevation plans are provided as an Appendix.

Residential

- 3.15 A total of 57 dwellings and a 72 bed care home are to be provided comprising, 3 no 1 bed flats, 7 no. 2 bed flats, 18 no. 2 bed houses, 22 no. 3 bed houses and 7 no. 4 bed houses. The flats will be situated to the front of the site, along with the care home, with all houses located behind, further into the site. The proposed mix and tenure is as follows:

	PRIVATE	AFFORDABLE		TOTAL
		Rented	Shared	
One bed		3		3
Two beds	4	15	6	25
Three beds	18		4	22
Four beds	7			7
Total	29	18	10	57

4. **Consultations**

4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
County Highway Authority	No objection. Recommend conditions
Environment Agency	No comments
Group Head- Neighbourhood Services	No objection
Surrey County Council (Minerals and Waste)	No objection
Sustainability Officer	Raises an objection as the proposal currently shows no details submitted to show how the 10% renewables will be provided.
Local Lead Flood Authority (Surrey County Council)	No objection. Recommend conditions
County Archaeologist	Raises no objection to the revised Desk Based Assessment. Recommends a condition.
Crime Prevention Officer	No objection
Countryside Access Officer (Surrey County Council)	No comments received
Natural England	No comments
Surrey Wildlife Trust	States that the Local Planning Authority does not yet have sufficient information to be able to fully assess the possibility of adverse effect on bats.
Network Rail	No comment received
Tree Officer	No objection subject to recommending the issuing of a TPO on an Oak tree to the front of the site. [Officer Note: a TPO has since been issued]
Thames Water	No objection
National Grid	No comments
Environmental Health (Contaminated land)	No objection subject to conditions
Environmental Health (Air Quality)	No objection subject to conditions

5. Public Consultation

- 5.1 57 properties were notified of the planning application. Furthermore, a statutory site notice was displayed and the application was advertised in the local press. 20 letters of representation have been received. 19 letters are generally in support of the application, (although concerns are raised in some letters, and some letters are from the same household). This also includes one from Shepperton Resident's Association. One letter was received against the proposal.

The issues in support of the application note the following:-

- Great value to make public the land at rear
- New pedestrian crossing will be good as will slow traffic down
- Reduction in large vehicles using site.
- The current usage of the site has a detrimental impact on the environment
- Proposal would enhance the area - Currently an eyesore
- Environmental clean-up – land contaminated at present
- Housing and a care home would benefit the local area by removing an industrial site within a residential area.
- Public footpath is not maintained currently
- Housing is much needed in the area, especially affordable
- Currently the site is an abuse of Green Belt
- More housing will boost the small shops in Halliford Village
- Support the scheme provided they deal with land contamination and provide land for public use
- Benefits could outweigh the harm to the Green Belt.

Reasons for objecting include: -

- Proposed sub-station located too close to existing dwelling.
- Not in favour of footpath entering Bramble Close unless gated or style
- New footpath to south would cause unwanted parking and antisocial behaviour in existing residential roads
- Inadequate car parking provision
- Lack of parking for visitors to the park
- Creation of traffic causing further traffic to Upper Halliford Road.

The applicant has also submitted a letter in response to the letters of representation received. It notes that the matters raised by third parties, including the Shepperton Residents Association which represent the interests of local community, should add significant weight to the very special circumstances including local amenities, environmental conditions, highway conditions, local housing provision and economic gains.

In addition, the applicants note in their Statement of Community Involvement that they have carried out pre-application consultations, including a newsletter, and a public consultation event in February 2018.

6. Planning Issues

- Need for housing
- Green belt
- Housing density

- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- Affordable housing
- Dwelling mix
- Flooding
- Ecology
- Open space
- Loss of trees
- Archaeology
- Air quality

7. Planning Considerations

Background

- 7.1 In 2017, the applicant made a formal request to the Council's Strategic Planning section for the entire Bugle Nurseries site to be allocated for housing in the proposed new Local Plan (in response to the Council's "Call for Sites" exercise). The applicant submitted two separate plans to illustrate the development potential of the site. The first plan showed a scheme similar to the current application with the new housing and care home located towards the eastern side of the site. The second plan showed a larger scheme covering the whole of the Bugle Nurseries site comprising 116 dwellings and a care home. The area is classified as 'strongly performing' in the Council's recent Borough-wide Green Belt Assessment 2017 and therefore the site was considered unsuitable for development. As such the site has been included with the Council's updated Strategic Land Available Assessment (SLAA) as 'not developable' (see Need for Housing below).
- 7.2 With regard to the land to the rear of the site (area outlined in blue on the site location plan), the applicant states that they intend to create a new '*publicly accessible open space*'. Their illustrative landscape plan shows the provision of tree planting and proposed pedestrian/cycle routes linking the new residential development, and the existing residential area to the south, with the existing public footpath. Furthermore, the plan shows the creation of new bund formations from the cleaned soil from the existing waste transfer station. Whilst the proposed open space, if implemented, would be a benefit to the local area (local residents have written in support of this particular element), it is not considered that any weight can be given to it in consideration of the current planning application. The open space area is not within the application site (i.e. within the red line on the site location plan) and does not therefore formally constitute part of the development scheme under consideration. The open space area is still owned by the applicant (outline in blue) and potentially a condition could be imposed requiring the landscape proposals in this area to be implemented. However, if the applicant (or another housebuilder) were to subsequently submit a new planning application for the redevelopment of the blue-outlined area to provide, for example, a second housing scheme, it is considered that the Council would not be able to refuse it on the grounds that the original open space would no longer be implemented.

Need for housing

- 7.3 When considering planning applications for housing local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent with policies set out in the National Planning Policy Framework (NPPF) para 47
- 7.4 The government also requires housing applications to be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing cannot be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable site (para 49 of NPPF).
- 7.5 The Council has embarked on a review of its Local Plan and accepts that the housing target of 166 dwellings per annum set out in its Core Strategy and Policies DPD-Feb 2009 is significantly below the objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). In September 2017, the government produced a consultation paper on planning for the right homes in the right places which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. The draft methodology has yet to be formally adopted by the Government and therefore the figure is still provisional. Nevertheless it provides the most recent calculation of objectively assessed housing need in the Borough and is therefore the most appropriate for the Council to use in the assessment of the Council's five-year supply of deliverable sites.
- 7.6 In using the new objectively assessed need figure of 590 as the starting point for its calculation of its five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review the Borough's housing supply will be assessed in light of the Borough's constraints which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period. .
- 7.7 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Using the draft Objectively Assessed Need figure of 590 for the five year period from 1 April 2019 to 31 March 2024 the Council is satisfied that it can demonstrate a five year supply of deliverable housing sites.
- 7.8 Para 14 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan should be approved without delay. When the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted.' This application must be considered having regard to the above requirements of Para 14 of the NPPF.

- 7.9 In March 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.
- 7.10 Taking into account the above and adopted policy HO1, which encourages new housing development in urban sites for additional housing to meet our Borough's needs, it is not considered that this is a sustainable form of development and it is not in the urban area, (it is a Green Belt site) with only part of the scheme being previously developed land. As such the scheme is an unacceptable form of development contrary to Policy HO1 and the NPPF. New housing should be provided in the urban area, on sustainable sites, which have been previously used, not on Green Belt sites such as this. If approved this would set a precedence for other Green Belt sites to be developed for housing in the borough.
- 7.11 Policy HO1 relates to providing for new housing development and sets out ways in which Spelthorne will meet this need. Para 6.11 states that, '*...The policy defines a range of measures including the promotion of specific sites through Allocations DPDs, producing planning briefs, encouraging housing generally on suitable sites, including mixed use scheme, using poorly located employment land, using land effectively and resisting the loss of housing.*' Policy HO2 goes on to note that there is no contingency to release Green Belt land for housing, and notes a reason for this is because it is against national Green Belt policy which expects Green Belts to be permanent. Policy HO2 does go on to suggest that should housing need change, then Green Belt release may need to be considered and further assessed. As such the Council have now undertaken a Green Belt Assessment and the application site is located within an area of Green Belt which is strongly performing.
- 7.12 It should also be noted that the site was submitted as part of the Council's "Call for Sites" process which was opened in January 2017. In particular the applicant applied for the whole of the Bugle Nurseries site, including the entire field at the rear, to be designated for new housing development. The site is located within the Green Belt where there is a presumption against development. To overcome the Green Belt policy, Green Belt boundaries would need to be altered with exceptional circumstances demonstrated. The site falls within Local Area 39 which has been scored 'strongly performing' in the Spelthorne Green Belt Assessment (2017) and therefore the site is considered to be unsuitable for development. As such, the site has been included within the Council's updated Strategic Land Availability Assessment (SLAA) as **not developable**. The impact of the proposal on the Green Belt is discussed further below.

Green Belt

- 7.13 The site is located within the Green Belt. Section 9 of the NPPF sets out the Government's policy with regard to protecting Green Belt Land. It states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The policy is similarly reflected in the Council's Saved Local Plan Policy GB1.

7.14 Paragraph 80 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. These are:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Inappropriate Development

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 and 90 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 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:

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

However, the majority of the new dwellings and more than half of the proposed care home will not be sited on land occupied by the existing industrial estate. 23 of the new houses will be built on the green field towards the rear of the site. The proposed apartment block will be erected on the existing green space located at the front of the site (south of the access road). More than half of the new care home building will be sited within the curtilage of the existing bungalow of 171 Upper Halliford Road. The NPPF states that private residential gardens are excluded from the definition of ‘*previously developed land*’. In any case, the 24 houses and the remaining part of the care home to be sited on the existing industrial estate are substantially greater in height and scale compared to the existing industrial buildings to be demolished. Consequently there will be a resultant loss of openness in the Green Belt in this particular part of the site.

7.16 With regard to Paragraph 90 of the NPPF, this does state that ‘*engineering operations*’ can be considered as ‘*not inappropriate*’ development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. However, substantial parts of the proposed roadways and parking areas (which are engineering operations) will be located on the existing green spaces and are considered not to preserve the openness of the Green Belt (they also conflict with the purposes of the Green Belt). Consequently, these particular elements do not fit into the exceptions set out in Paragraph 90 of the NPPF.

7.17 Paragraph 87 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."

7.18 Paragraph 88 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, is clearly outweighed by other considerations."

Harm

7.19 The proposal will result in a substantial loss of openness of the Green Belt. With regard to the front part of the site to the south of the access road, this piece of land is essentially free of development and laid with vegetation. The proposal involves the erection of a block of 10 flats (two-storey in scale/appearance) on this particular part of the site. The new building together with the associated roadway/parking area will clearly diminish the openness of the Green Belt and create a strong urban character. With regard, to the area occupied by the current bungalow, this area of land will be replaced by the front part of the new care home. Replacing the modest bungalow with more than half of the 72-bedroom care home will also cause a harmful loss of openness. Whilst the rear half of the proposed care home will be located within the area of the existing industrial estate, this part of the existing site comprises hardstanding but no buildings. Replacing the existing hardstanding with the proposed rear half of the care home will also result in a harmful loss of openness. Furthermore, the part of the development on the existing field (23 dwellings) will cause a substantial and harmful loss of openness to the Green Belt. The loss of openness is not just created by the new buildings, but also by the associated roadway, parking areas (and parked cars), garages, fences and other associated development.

7.20 Below is a table setting out the existing and proposed footprint and floorspace figures of the buildings on the site. The table also provides the percentage increase between the existing buildings and proposed scheme. It is recognised that this is an outline application and full details of the proposed floor areas have not been provided at this stage. The floorspace figures in the

table below are based on the figures provided by the applicant and on the assumption that the proposed buildings will comprise two floors of accommodation. The floorspace figures are Gross External Area (GEA):

	Footprint	Floorspace (GEA)
Existing	1074 sqm	1074 sqm
Proposed	5150 sqm	10,180 sqm
Percentage Increase	480%	948%

- 7.21 The above figures show that the proposed buildings will result in a very large increase in footprint and floorspace, compared to the existing buildings. The proposed footprint will be nearly 5 times greater than the existing buildings to be demolished. The proposed floorspace will be nearly 10 times greater than the existing buildings. It is considered that the loss of openness within the site is harmful and contrary to Green Belt policy, and weighs heavily against the merits of the development.
- 7.22 The proposal is considered to harm the visual amenities of the Green Belt. The front boundary adjacent to Upper Halliford Road is currently lined by a tall hedge with some small trees in it. Most of the front part of the site, with the exception of the existing bungalow and the access road, is essentially free of development. Existing views into the site towards the industrial estate are limited. Replacing this verdant stretch of street scene with the proposed apartment block and care home, both of which are two-storey in scale, will harm the visual amenities of the Green Belt and weighs heavily against the merits of the scheme. Indeed, the whole frontage will have a heavily built-up appearance comprising a run of substantial buildings situated close to the highway.
- 7.23 The proposed development is considered to create the unrestricted sprawl of large built-up areas. It therefore conflicts with the first of the five purposes of the Green Belt set out in Paragraph 80 of the NPPF. There is currently a clear boundary along the southern part of the site, between the large built area of Upper Halliford and the Green Belt designated land of Bugle Nurseries and the fishing lake further to the north. The proposed housing and care home development would erode this well-defined boundary and create urban sprawl.
- 7.24 The proposal is also considered to conflict with the second of the five Green Belt purposes in paragraph 80 of the NPPF: *‘to prevent neighbouring towns merging into one another’*. The area of Green Belt in which the application site and surrounding open land is located is performing strongly in preventing the urban areas of Ashford, Sunbury, and Upper Halliford from growing towards each other. Indeed, the Council’s Green Belt Assessment 2017 classifies this particular area of the Green Belt (Local Area 39) as *‘strongly performing’*. It states that:

“The Local Area forms the essential gap between Ashford / Sunbury-on-Thames / Stanwell and Upper Halliford, preventing development that, as a result of their close proximity, would result in the merging of these

settlements. It also plays an important role in preventing further ribbon development along Upper Halliford Road.”

It is important to note that the previous 1981 planning application for residential development on the site was partly refused specifically on the grounds that it would result in the coalescence of settlements and encourage further such a process in this locality. The subsequent appeal was dismissed.

- 7.25 Moreover, the proposed development, and in particular the proposed 23 houses and associated roadway and parking areas located on the existing green field, is considered to cause encroachment into the countryside. It therefore fails to comply with the third of the five purposes of the Green Belt set out in paragraph 80 of the NPPF (*‘to assist in safeguarding the countryside from encroachment’*).
- 7.26 It is relevant to note that the previous planning application for the alterations of the existing access (15/01528/FUL) was refused on Green Belt grounds and subsequently dismissed on appeal. The Inspector considered that the widening of the access would constitute ‘inappropriate development’ in the Green Belt and would have an urbanising effect on the appearance of the site. She therefore considered that it would fail to safeguard the countryside from encroachment, contrary to the third of five purposes of the Green Belt.

Material Considerations / Very Special Circumstances

- 7.27 The applicant has put forward some considerations in their Planning Statement which they consider justifies the development in the Green Belt. These considerations are summarised below with an officer response to each point: -

1. The proposed development would not conflict with the five identified purposes of the Green Belt.

Response

The proposal is considered to conflict with the first three of five purposes of the Green Belt in Paragraph 80 of the NPPF (see paragraph 7.14 of this report). This weighs heavily against the merits of the scheme. The paragraphs above explain why the proposal does not comply with the first three Green Belt purposes.

2. The proposed development comprises an appropriate form of development in principle, which would enhance the openness of the Green Belt.

Response

The proposal is considered to constitute ‘*inappropriate development*’ in the Green Belt for the reasons given in the paragraphs above. The scheme would not enhance the openness of the Green Belt. Rather, the proposal would result in a substantial loss of openness which is explained in detail in the paragraphs above.

3. The proposal will result in the removal of the existing commercial uses, which are causing environmental harm to the neighbouring residential properties.

Response

It is recognised that part of the existing site is occupied by the industrial estate, which is causing noise and disturbance to neighbouring residential properties in Halliford Close, Bramble Close and Upper Halliford Road. (The Council's Environmental Health Department have received a small number of complaints dating back to 2012 in regards to noise from lorry movements and also bonfires at the site). The uses have evolved over a long period of time and are not restricted by planning controls, including no control over the hours of operation. The removal of these industrial uses to be replaced with housing and a care home will be a benefit to the neighbouring properties and it is considered this adds moderate weight in favour of the proposal. With regard to the existing waste transfer station, this particular development is located outside the application site. However, it is owned by the applicant who states that this use will be removed. Indeed, the proposed indicative site layout plan shows that the existing access road that runs through the site to the waste transfer station will be removed, and that the land occupied by it (although outside the application site) will be landscaped to provide open space. However, it is considered that no weight can be given to the proposed open space when it is outside the application site. As it is outside the application site, it does not form an integral part of the development and can't be tied up with it.

4. The former Bugle Public House site is being redeveloped for housing, which will introduce a further sensitive use adjacent to the current site.

Response

The new block of 8 flats being erected on the site of the former Bugle Public House does not adjoin the industrial estate at Bugle Nurseries. Rather, it is located adjacent to the private garden of the bungalow (171 Upper Halliford Road). Consequently, it is considered that the noise and disturbance associated with the existing industrial uses is likely to have little impact on the future occupiers of the Bugle Public House development.

5. The remediation of the contaminated land is a significant environmental benefit of the proposal.

Response

It is recognised that the existing land, particularly where the industrial estate is located, is likely to be subject to contamination, and that the proposed development will involve ground remediation works to enable the residential scheme and care home to be implemented. Indeed, the Council's Pollution Control Officer states that several on-site uses are identified as having the potential to cause localised ground contamination and she has recommended related conditions to be imposed if permission were to be granted. However, little weight is given to this particular consideration, as remediation works are likely to be required for any

scheme involving the redevelopment of a former industrial site to housing, even if the site were to be located in the urban area. This is not a benefit unique to a Green Belt site.

6. The site is of extremely low quality in visual and environmental terms and has negative effect on the character and openness of the Green Belt. The regeneration of the site will lead to substantial environmental improvements

Response

Whilst it is acknowledged that the existing industrial estate has a significant impact, the overall application site is not considered to be extremely low quality in visual and environmental terms. Approximately half of the development site is currently free of development and laid with vegetation. The front part of the site is mainly free of development (open land or the garden of 171 Upper Halliford Road) and is lined with a high hedge and small trees. The proposed development will lead to a harmful loss of openness and substantial harm to the visual amenities of the Green Belt, which is explained in more detail in the paragraphs above. Consequently, I give no weight to this particular consideration put forward by the applicant.

7. There is a need to provide additional housing across the Borough to include a range of dwelling type and tenure (including affordable housing) to meet identified needs.

Response

It is acknowledged that there is a need for housing in the Borough, including a need for affordable housing. However, it is considered that the need for housing should not be at the expense of substantial harm to the Green Belt, as this particular development will cause. It is relevant to note that the Council is satisfied that it can demonstrate a five year supply of deliverable housing sites in the Borough (see the Need for Housing section above). Moreover, it is important to note that the proposed development fails to comply with the Council's smaller dwellings policy (Policy HO4) and the planning application is partly recommended for refusal for this reason.

8. Many letters of support have been received from local residents in response to the publicity of the planning application. These include a letter of support from the Shepperton Residents Association who are representative of a much wider group of residents in the Shepperton area.

Response

It is acknowledged that many letters of support have been received and this is a material consideration. However, a similar level of support could equally be received in relation to the redevelopment of a site in the urban area or other non-Green Belt location. This particular consideration is not unique to a Green Belt location.

- 7.28 To conclude, the development constitutes inappropriate development in the Green Belt and this, in itself, weighs heavily against the merits of the scheme.

In addition, the development results in a reduction in the openness of the Green Belt, which I add substantial weight against the proposal, It will harm the visual amenities of the Green Belt, which I consider adds substantial weight against the merits of the scheme. Furthermore, the proposal conflicts with three of the five purposes of Green Belts in paragraph 80 of the NPPF, which adds substantial weight against the proposal. Whilst I give moderate weight to the benefit of removing the existing industrial uses on the site, this together with the other considerations put forward by the applicant do not clearly outweigh the substantial harm the proposal will cause to the Green Belt. Consequently it is not considered that very special circumstances exist. The proposal is therefore contrary to the Section 9 of the NPPF and Saved Local Plan Policy GB1.

Housing density

- 7.29 As noted above in regards to the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and in the urban area, both of which this scheme is not. Notwithstanding this. Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context but prefaces this at paragraph 6:25 by stating:

“Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development.”

- 7.30 Policy HO5(c) does not specify densities for sites such as this, with its ranges referring to town centres and sites within existing residential areas, which this is not. It does say that it is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.

- 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”

- 7.32 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, providing sustainable developments. However this site is on Green Belt land and is not in the urban area. Only part of the site is previously developed land and as such the proposal does not follow the requirements of the NPPF or policy HO1.

- 7.33 Notwithstanding this, the proposal involves the creation of 57 residential properties and a 72 bed care home (2.05 hectares) and the proposed housing density is 63 dwellings per hectare (dph). The proposal is considered to

comply with the Policy EN1 on design which is explained in the following paragraphs.

Design and appearance

- 7.34 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.35 The existing commercial buildings on site are varying in size and design but all are single storey, with a large area of hardstanding also in existence. The bungalow is also single storey in nature and is currently surrounded on all sides by a large garden.
- 7.36 To the south on Upper Halliford Road are other low level dwellings, with 2 storey semi-detached houses located along Halliford Close. To the north is the former Bugle public house which is currently being redeveloped to flats over 3 stories, with the second floor set within the roof space. Other dwellings along Upper Halliford Road to the north are generally 2 storey in appearance. Opposite is open land and the public park and many trees. Currently the application site appears green, open and has planting on the road frontage which shields the uses behind and provides a pleasant street scene.
- 7.37 As such, the area consists of residential development, generally 2 storey in height and open land with many trees, shrubs and natural features, appearing relatively green. The building lines to the north are closer to the highway than those to the south of the site, which are set back substantially further from Upper Halliford Road. Most of these buildings are traditional in design, with tiled pitched roofs many with gable features fronting Upper Halliford Road.
- 7.38 The scale of the proposed buildings is shown on the indicative plans submitted and these are 2 stories in height. The applicants note that, *‘...the scale of the development has been designed to minimise the impact of a development of this scale, on the openness of the surrounding Green Belt. The proposed properties, including the care home building are all 2 storey developments.’*
- 7.39 They go on to say that, *‘...Maximum heights may vary due to geometry of roof form... The larger proposed buildings have also been considered in terms of their potential visual impacts as they have a larger footprint than the residential houses.’* They note that these can be, *‘...broken down into components which can give this built form a more domestic feel.’* Although indicative they note that the scheme will include a variety of roof forms and orientation, materials to suit the typical character of the area, including a mix of slate, tile, facing brickwork, render and hung tiles.

- 7.40 The set back from the main street frontage of Upper Halliford Road has been positioned between the 2 sets of development to the north, which is closer to the highway, and to the south which is further away. Although indicative, this is considered to be acceptable from a design point of view and is considered to be in keeping with the character of the area, providing a linkage between the 2 sets of building lines. The proposed flatted development and care home will front Upper Halliford Road with the proposed houses behind. The houses will be semi-detached and detached, fronting the road ways with their gardens behind. As such the proposed layout is considered to be acceptable on design grounds.
- 7.41 Landscaping is to be provided which will help to complement the proposed built form and play area. It will help to provide visual benefit to the built form and soften the areas of hardstanding and parking. The scheme provides a usable play area including landscaping which is visible from public areas and will add to its visual amenity. Much of the parking has been provided in front/side of the dwellings, behind and to the sides of the flats and behind the care home which will help to limit views from the public domain and to break up areas of hardstanding. As such the proposed development is considered to be acceptable in design terms and conforms to policy EN1.

Impact on neighbouring residential properties

- 7.42 Policy EN1b of the CS & P DPD states that:

“New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”

- 7.43 The scale of the development and proximity to the boundaries with existing properties needs to be given consideration to ensure that there is an acceptable relationship and that existing residential properties will not be significantly adversely affected by the proposal, albeit that the layout of the buildings etc. are illustrative only. The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policies requirements in order to ensure this is the case.
- 7.44 The SPD in para 3.6 acknowledges that *‘most developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.’* It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance, and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There is also a minimum distance for back to flank elevations of 13.5m (2 storey) and 21m (3 storey).
- 7.45 The indicative plans show that the proposed built form will be 2 storey in nature. The proposed units to the south adjoin the rear boundary with existing

properties on Halliford Close. These existing dwellings have relatively long rear gardens. The proposed 2 storey dwellings will be set back from the common boundary by less than 10m (some 9.3m at the shortest point), which falls below the minimum 10.5m requirement as set out in the SPD. However, it will have a separation distance from back to back of some 31m between the back of the proposed dwellings and those of the existing properties at Halliford Close, which exceeds the requirement. The indicative plans also show that the separation distance between proposed dwellings falls slightly short of the required 21m (20 proposed). However, it is considered that these issues can be addressed at the reserved matters stage to ensure it accords with the SPD minimum separation distance because the layout is indicative at this stage and the depth of the houses could be reduced. As such they will have an acceptable relationship with the existing dwellings.

- 7.46 The dwellings located on Upper Halliford Road at 137 and 139 are set in from the boundaries with the application site and have large outbuildings to the rear. The proposed built form is shown to be set in from these boundaries and as such the proposal will have an acceptable relationship with the existing properties on Upper Halliford Road. To the north of the application site will be the proposed care home which is adjacent to the former Bugle public house site which is currently being re-developed to flats. There is an access road between the 2 sites and as such the proposed development will have an acceptable relationship with the new flats and will not lead to a significant overlooking, be overbearing or cause loss of light.
- 7.47 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the SPD and Policy EN1.

Amenity Space

- 7.48 The Council's SPD on Residential Extensions and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats it requires 35 sqm per unit for the first 5 units, 10 sqm for the next 5 units and 5 sqm per unit thereafter. On this basis some 225 sq. m would be required for the 10 flats. The space around the block of flats is relatively small and provides only landscaping around the building, rather than useable amenity space for use by the future occupants of the flats. As such it fails to provide any amenity space, which is contrary to the guidance in the SPD. The application is an outline consent with the access being assessed only. However this includes the layout of the proposed road ways within the application site and this in turn dictates where the built form will be located. The application forms states that the block will provide 10 flats and will be 2 storey in height and in addition each flat needs to provide a minimum floor area. As such this dictates the size of the block and it is considered very little variation from the indicative layout could be provided to be able to improve this. It may be possible to address this issue at the reserved matters stage, for instance reducing the footprint to provide some more space to be used as a garden area, however due to the restrictions noted above this is likely to be limited. As such the applicant has failed to demonstrate that there is an acceptable level of amenity space for the occupants of the flats contrary to Policy EN1 and the SPD.

- 7.49 There is no minimum amenity space standard for residential care homes. However, the proposed care home will include an enclosed garden area between the two wings with an area of approximately 240 sq. m. It is considered that a care home may not need as much private amenity space as a flat due to the likely sedentary nature of its occupants, however it will be a useful asset to have for people in care. As such although relatively small, it is likely to be sufficient for this particular use as a care home.
- 7.50 The proposed houses have their own private gardens and policy requires this to be a minimum of 70 sq. m for each of the detached or 3 bed semi-detached houses, or 60 sq. m for the terraced or 2 bed semi-detached homes.

Proposed dwelling sizes

- 7.51 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.
- 7.52 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards.
- 7.53 All of the illustrative proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD. Therefore, I consider their standard of amenity overall to be acceptable.

Highway/Servicing issues

- 7.54 Strategic Policy SP7 of the CS & P DPD states that:

"The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel."

- 7.55 Policy CC2 of the CS & P DPD states that:

"The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety."

- 7.56 The County Council was consulted as the Highway Authority and has made no objection to the proposal. In terms of trip generation, the existing use of the site does generate a small number of vehicular movements. Surveys of the site access have demonstrated that there were 15 two-way vehicle movements across the site access in its busiest hour of the survey period (07:00-08:00). It is considered that there is some potential for the site to attract slightly more vehicular movements without requiring any further planning permissions, but it is not likely to be significant. The Transport Assessment provided includes an analysis of the likely trip generation of the proposed development using the TRICS database. The provided data shows that the peak hour departures would be 29 vehicles between 08:00-09:00, and for arrivals would be 23 between 17:00-18:00. It is unlikely that this scale of trip generation would cause any capacity issues at any of the junctions on Upper Halliford Road. Traffic modelling at the site access junction with Upper Halliford Road has been undertaken and demonstrates that the junction would operate within capacity, without significant queuing. The modelling demonstrates that the impact on the flow of Upper Halliford Road would be very minor.
- 7.57 In relation to the access arrangement, the Transport Assessment proposes to modify the existing access to Upper Halliford Road in the centre of the site, which would be widened and provided with footways on either side. A drawing has been provided which demonstrates that visibility of 120m in either direction is achievable, and this is acceptable.
- 7.58 The site is located in fairly residential surroundings, and there are not a large number of services in the immediate vicinity. That said, there are a fairly significant number of local facilities, including bus stops, a railway station, shops, a community centre, a church, and schools within a 15 minute walk. Further facilities including two additional schools, a supermarket, a shopping centre and another railway station are within 25 minutes' walk. The internal layout of the site contains footways throughout, which are a continuation of the existing footways on Upper Halliford Road.
- 7.59 The County Highway Authority (CHA) has noted that early discussions identified the local demand for a new crossing facility across Upper Halliford Road, in the vicinity of the development site. Upper Halliford Road is a busy road with a speed limit of 40mph. There is an existing controlled crossing approximately 650m south of the site access. To the north of the access, there is no formal pedestrian crossing provision. The proposed crossing would therefore provide a necessary pedestrian facility to enable pedestrian access to the bus stop and public park opposite the site, but also the schools and other facilities to the east of Upper Halliford Road. The proposed crossing is provided with signal controls. As discussed in their pre-application meeting, CHA is not insistent that this type of crossing be provided, and considers that pedestrian refuge islands could be sufficient. It is understood, however, that the applicant does wish to provide the signalised crossing, and this would provide a safer and more convenient facility to pedestrians. Feedback has been sought from the CHA colleagues in Road Safety, and the Police. They have raised no objections to the proposed crossing, but have recommended that high friction surfacing be provided either side of it.

- 7.60 Subject to the recommended conditions, the highway and access arrangements are considered to be acceptable.

Parking provision

- 7.61 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.62 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development).
- 7.63 The illustrative proposed parking provision for the residential properties is 131 spaces. The Council's Parking Standards as set out in the Supplementary Planning Guidance requires 96 spaces for the dwellings and flats and then an additional 17 for the care home, some 113 in total. As such the proposed parking provision is policy compliant.
- 7.64 The submitted Transport Assessment has applied Spelthorne Borough Council's and Surrey County Council's parking guidance documents to identify acceptable parking provision levels for each use on site. Overall, 79 allocated spaces have been provided for the residential properties, with a further 24 unallocated spaces that are likely to be used for residential parking as well as 28 for the proposed care home.
- 7.65 The CHA has raised no objection to the proposed scheme on highway safety grounds or parking provision noting that generally it is considered that the spaces are reasonably located with respect to the dwellings which they will serve. Houses that are provided with more than one parking space tend to have a tandem parking layout, whereby the first vehicle parked is blocked in by a second. As a result, it is considered likely that some on-street parking will take place. Given the low traffic volumes, and assumed low traffic speeds, it is unlikely that some on-street parking will cause an issue, providing sufficient width is available to allow refuse vehicles to negotiate the site. 28 car parking spaces are proposed for the 72 bed care home. Whilst this is in line with Surrey and Spelthorne standards, it is notable that the expected number of staff on site at any one time is up to 30. It is unlikely that all 30 of these staff will drive to work, but the ratio of parking space to employees does emphasise the importance of the proposed Travel Plan, which should aim to reduce single-occupancy employee car trips. The parking for the care home will also have to accommodate visitors. It is worth considering that the unallocated residential parking spaces will be open for anyone to use, and the peaks in residential and care home demand for parking are unlikely to coincide.
- 7.66 Therefore the proposed parking provision is acceptable. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Affordable housing

- 7.67 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an 'open book' basis.
- 7.68 The applicant is proposing to provide 28 affordable housing units (18 no. for affordable rent and 10 no. for shared ownership). The 28 units represent an affordable housing provision of 49%. Given the total number of units is odd, (i.e.57) it is considered acceptable to provide 49% rather than 50%.
- 7.69 Policy HO3 states that the provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate units not exceeding 35% of the total affordable housing component. The proposal is to provide 10 out of 28 units for intermediate (shared ownership) and this equates to 35%. As such the proposal conforms to this requirement.

Flooding

- 7.70 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposals within Zones 2, 3a and 3b and development outside these areas (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).
- 7.71 The site is located within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and no uses are precluded on flooding grounds. The applicant has submitted a Flood Risk Assessment (FRA) & Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.
- 7.72 In terms of flood risk, the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding.
- 7.73 With regards to surface water drainage, the applicant is proposing to implement infiltration drainage devices to discharge surface water to the underlying soil in the form of permeable paving to provide improved surface water drainage than currently on parts of the site.
- 7.74 The Environment Agency (EA) was consulted and has replied back with no comments, stating that they did not need to be consulted on this application because of the low risk of flooding in this area. The Lead Local Flood Authority at Surrey County Council has raised no objection to the proposed sustainable drainage scheme, subject to conditions. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

Renewable Energy

- 7.75 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sqm to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.76 The applicant has submitted an energy statement in which they assert that they do not need to meet our renewable requirement due to updates to the NPPF and the withdrawal of the code for sustainable homes. This is incorrect as local councils still have the authority to set a requirement on energy demand such as a proportion coming from renewables. Therefore they will need to meet our requirement. The Councils Sustainability Officer has been consulted and notes that the proposal is lacking in detail and as such the renewable energy proposals are currently unacceptable and does not accord with Policy CC1. However further detail can be submitted at a later date to overcome this, (i.e. at the Reserved matters stage) which can be required by condition and this is not a reason to refuse the scheme.

Ecology

- 7.77 Policy EN8 of the CS and P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also importance to note the guidance regarding protected species in Circular 06/2005. This states that *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."* The NPPF states that *"If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."*
- 7.78 The site includes a number of buildings and trees, which are capable of being used as a habitat for protected species (i.e. bats). The applicant has submitted a preliminary ecological appraisal dated April 2018 with regard to possible protected species on the site. However, this document recommends that further ecological surveys should be carried out in order to ascertain the presence or absence of bats. In particular, it states that one of the buildings on the site, and a dead tree located towards the northern side of the site, has a moderate bat roost potential and recommends that two nocturnal bat surveys are carried out to determine the presence/absence of roosting bats. Furthermore, it states that two other buildings have a low bat roost potential and the report recommends that one nocturnal survey to be carried out.
- 7.79 The Surrey Wildlife Trust was consulted on the application and has commented that the required further bat surveys have not been carried out,

which is contrary to the advice in Circular 06/2005. The applicant has since carried out further bat surveys on the buildings, but not the tree, which have revealed that there is a bat roost within one of the buildings (i.e. the building with the 'moderate bat roost potential'). The latest ecology report recommends that another bat survey of this particular building is carried out in order to inform an assessment of the conservation status of the roost and to inform a European Protected Species Licence application to enable the demolition of the building lawfully. At the time of writing, this necessary further bat survey had not been carried out. As the extent that bats may be affected by the proposed development has not been fully established, the requirements of Circular 06/2005 have not been met. Consequently, the application is recommended for refusal on this basis.

Open space

- 7.80 Policy CO3 of the CS & P DPD requires new housing development of 30 or more family dwellings (i.e. 2-bed or greater units) to provide a minimum of 0.1ha of open space to provide for a children's play area. Such provision is to be increased proportionally according to the size of the scheme and the policy includes 2 bed flats as family houses. The proposal includes 54 family units which would require some 0.18 ha of open space. The proposal includes a children's play area to the rear of the care home with an area of some 415 sqm, which falls substantially short of this requirement in terms of its size. However, there is an existing park with play area opposite at Upper Halliford Park. As such, it is considered that a refusal on insufficient on-site open space grounds could not be justified in this particular case.

Dwelling mix

- 7.81 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units. The Supplementary Planning Document "Housing Size and Type" 2012, goes on to note that, *'...where there is a predominance of larger dwellings a mix with less than 80% one and two bedroom dwellings may be appropriate with a greater proportion of 3 bedroom dwellings. However, the majority should still have one and two bedrooms.'*
- 7.82 However, the proposal does not comply with the requirements of Policy HO4. In particular, the number of proposed smaller units, (1 bed and 2 bed flats) is only 49% of the total units. This is not a majority as required by the SPD. The supporting text to Policy HO4 states that the only exception to not complying with the smaller dwelling requirement is where the requirements for affordable housing dictates a greater mix of larger dwellings. However the proposed affordable units are the smaller units in this scheme. Therefore, if the affordable units are taken out of the calculation the remaining units have only 29% one and two bed units.
- 7.83 As such the proposal does not comply with policy HO4 and is unacceptable.

Archaeology

- 7.84 Whilst the site is not located within an Area of High Archaeological Potential the applicant has submitted an Archaeological Desk-Based Assessment as required by Saved Local Plan Policy BE26.
- 7.85 The County Archaeologist was consulted on the application and following the submission of an updated report, has recommended that further archaeological works is required which can be imposed by condition. Subject to the imposition of the condition the impact of the development on archaeology is considered acceptable.

Loss of Trees/Landscaping

- 7.86 The applicant has carried out a tree survey at the site and land to the north outlined in blue, which shows that a total of 12 trees and 28 tree groups are present. Given the indicative layout plans, some trees on the southern boundary, within the application site, and the Oak Tree on the north eastern corner of the site, are likely to be affected by the proposal. The Council has recently issued a Tree Preservation Order on an Oak tree given its valuable amenity due to its location at the front of the site, and the fact that the illustrative plans show it would be affected by the proposed built form.
- 7.87 An Arboricultural Survey and an indicative landscape masterplan have been submitted. The landscape plan shows tree planting along the proposed road ways, some of the existing trees along the site boundaries will be retained to provide screening and complement the proposed buildings and further planting in the form of focal trees, hedges and shrubs will also be provided. The applicants note that, *'...the proposed planting will be a mixture of native and non-native tree, hedge and shrub species, This is to ensure that the sites ecological credentials can be enhances within the residential area, whilst also achieving an attractive setting for the new development through the combination of existing and proposed landscape proposals.'*
- 7.88 The play area and private amenity spaces will also be landscaped. Hedgerows and tree planting will be used around hardstanding and car park areas to help break up hardstanding and add visual interest.
- 7.89 Whilst the proposal will result in the loss of some of the existing trees, the proposed replacement planting and landscaping will help to enhance the proposed development and is considered to be acceptable.

Contaminated Land

- 7.90 The applicant has submitted a *Preliminary Risk Assessment & Geo-Environmental Ground Investigation and Assessment* report to ascertain the level of contamination of the existing ground conditions and proposed remediation measures. This is particularly important as the proposal introduces new residential development onto the site which has existing commercial uses and reflects our standard precautionary approach to contamination risk. The Council's Pollution Control Officer has raised no

objection but requested a number of conditions to be imposed requiring a further investigation to be carried out to refine risks and remediation measures. Subject to these conditions, the proposal is considered acceptable.

Air Quality

- 7.91 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The AQA assesses the impact of construction impacts of the proposed development and recommends that a Construction Method Statement be submitted. In addition the Environmental Health Officer (EHO) recommends conditions be imposed for a Dust Management Plan and a Demolition Method Statement. The EHO also recommends that mechanical ventilation be installed to ensure an improved air quality for future occupants.
- 7.92 The Council's Pollution Control section was consulted on the application and has raised no objection, subject to conditions.

Refuse Storage and Collection

- 7.93 The layout of the site has been designed to ensure that refuse collection vehicles can enter and exit the site in a forward gear. Refuse storage areas will need to be provided for the flats. The Council's Group Head Neighbourhood Services and the County Highway Authority have both raised no objection on this particular issue. Accordingly, the proposed refuse collection facilities are considered acceptable.

Other matters

- 7.94 The existing industrial uses have evolved over time and do not have any planning permission. It is not located within a designated Employment Area so no objection can be raised in principle to the loss of the employment use at the site. Other Issues raised by third parties which have not been addressed above, include concerns about the creation of a footpath onto Bramble Close being secure and causing antisocial behaviour. As noted above the application does not include the land to the west of the site and as such the subject footpath does not form part of the application or its assessment. One letter also raises concerns about the position of the substation and its impact on their amenity. The application is for Outline consent only and the level of detail is only indicative, as such this issue can be addressed further at the reserved matters stage.

Financial Considerations

- 7.95 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the

benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development (although not relevant at outline stage) and will generate a CIL Payment based on a rate of £60 per sq. metre of net additional gross floor space. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Conclusion

- 7.96 Although the proposal will secure the removal of an unneighbourly commercial site, provide housing, including a policy compliant scheme on affordable housing, it will be at the detriment of the Green Belt. The proposal is inappropriate development in the Green Belt for which there are no very special circumstance to allow a scheme of this size and is not urban land or sustainable development. In addition the proposal fails to provide a majority of smaller units (1 and 2 bed), and inadequate amenity space for the new block of flats.
- 7.97 The NPPF at para 14 requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The proposal will be contrary to Green Belt policy, and as such this would significantly and demonstrably outweigh the benefits. The application is recommended for refusal.

8. Recommendation

8.1 REFUSE for the following reasons:-

1. The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. In particular, it would not comply with the Green Belt purposes: to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging together; and to assist in safeguarding the countryside from encroachment. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.
2. The proposal fails to provide an adequate provision of smaller sized dwellings (one or two bedroom units) 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.
3. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that there is an acceptable level of amenity space for the occupants of the proposed block of flats to the detriment of the amenity of the future occupants, contrary to Policy EN1 of the Council's Core Strategy

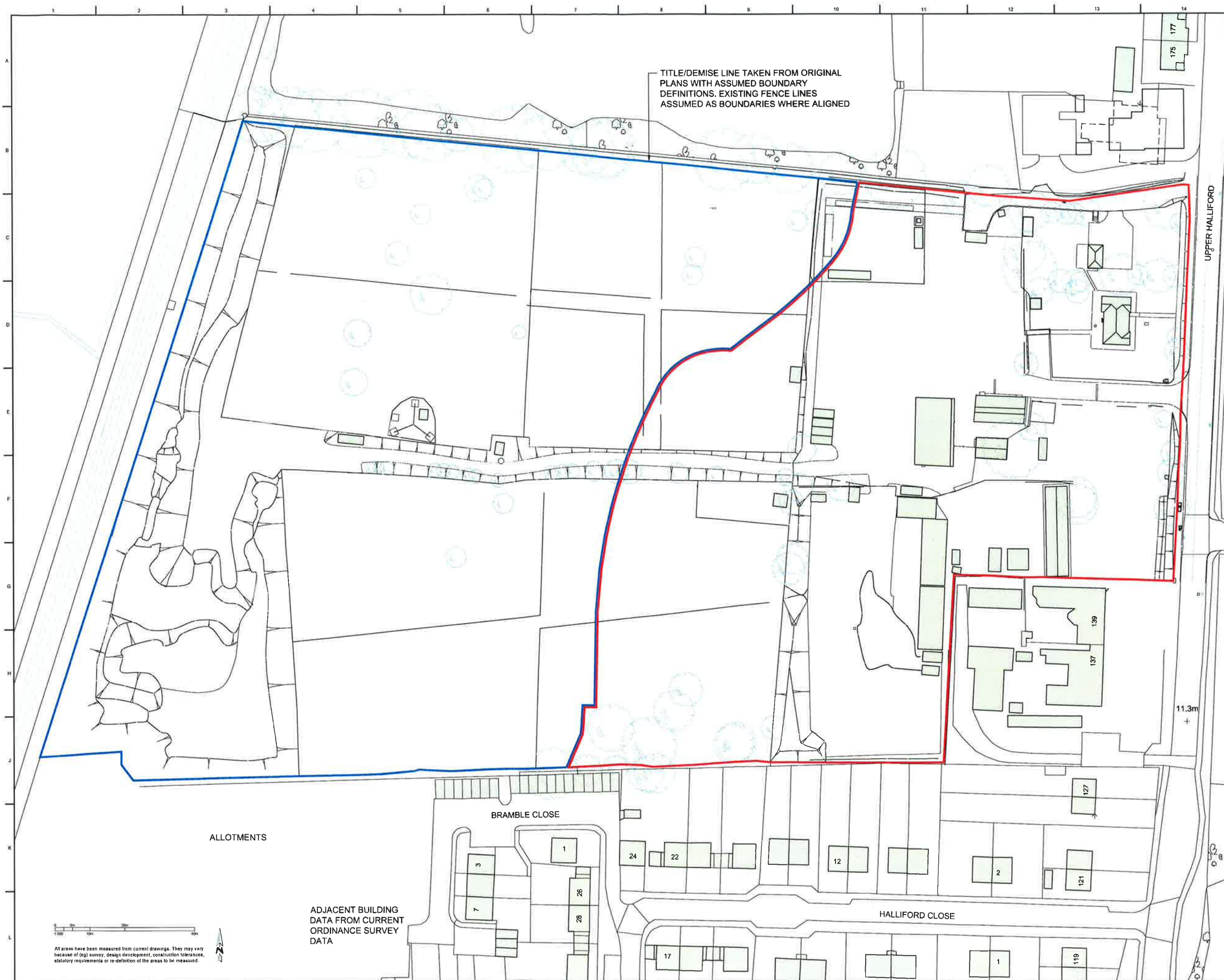
and Policies DPD 2009 and the Supplementary Planning Document on Design of Residential Extensions and New Residential Development 2011.

4. The applicant has failed to demonstrate with the submitted bat surveys, the extent to which bats may be affected by the proposed development. It is not therefore possible to ascertain the full impact of the proposal on bats which are protected species. The proposal is therefore contrary to Circular 06/2005, Policy EN8 of the Council's Core Strategy and Policies DPD 2009 and National Planning Policy Framework 2012.

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 paragraphs 186-187 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.
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.



CLIENT

ANGLE PROPERTY

STRUCTURAL ENGINEER

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P2 11.04.18 ISSUED FOR PLANNING

P1 26.03.18 ISSUED FOR COMMENTS

No.

Date

Comment

Drawn

Check

Issue Status

PLANNING APPLICATION

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Project

BUGLE NURSERY

SHEPPERTON - SURREY

Drawing Title

EXISTING SITE PLAN

Drawn

Date

Scale @ A1

Alt. Ref.

ST

18.01.2018

1:500

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tp bennett Project No.

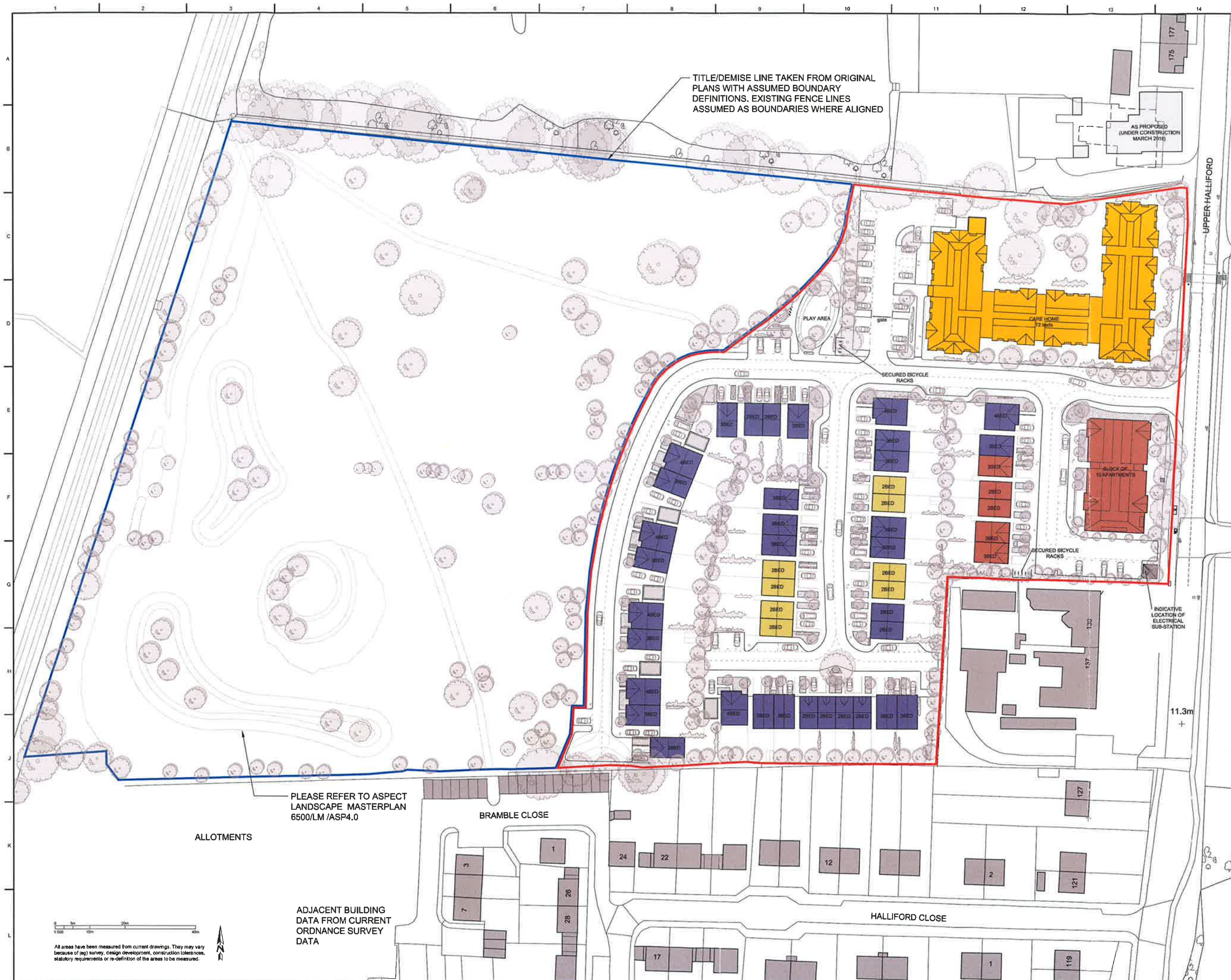
Drawing Number

Rev

A11329

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P2



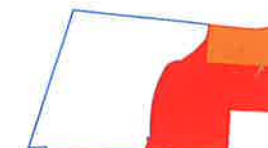
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KEY PLAN



AREAS
1.57 hectare - 3.89 acres
0.45 hectare - 1.11 acre

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KEY:

Private	34 no.	Private Units
Intermediate	8 no.	Intermediate Units
Affordable Rented	15 no.	Affordable Units
Care Home (72 beds)		
TOTAL NUMBER OF UNITS: 57		

P1 12.04.18	ISSUED FOR PLANNING	LR	Rev
No.	Date	Comment	Drawn
Revisions			Check

Issue Status
PLANNING APPLICATION

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Project
BUGLE NURSERY
SHEPPERTON - SURREY

Drawing Title
PROPOSED SITE PLAN
INDICATIVE TENURE MIX

Drawn
LR
Date
12.04.2018
Scale @ A1
1:500
AL Rev
A1132/300400

tp bennett Project No.
A11329
Drawing Number
D 0400
Rev
P1



1 Streetscene Proposed Elevation D-D
1:500



2 Streetscene Proposed Elevation D-D
1:200



3 Streetscene Proposed Elevation E-E
1:200



4 Streetscene Proposed Elevation F-F
1:200

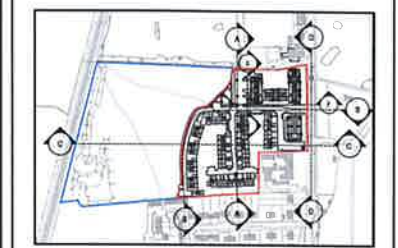
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KEY PLAN



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P1	12.04.18	ISSUED FOR PLANNING	LR	RH
No.	Date	Comment	Drawn	Check
Revisions				

Issue Status

PLANNING APPLICATION

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Project

**BUGLE NURSERY
SHEPPERTON - SURREY**

Drawing Title

**SITE ELEVATION
PROPOSED ELEVATIONS D-D, E-E, F-F**

Drawn	Date	Scale @ A1	Alt. Ref.
ST	22.01.2018	1:500; 1:200	A1132901200
tp bennett Project No.	Drawing Number	Rev	
A11329	D 1200	P1	



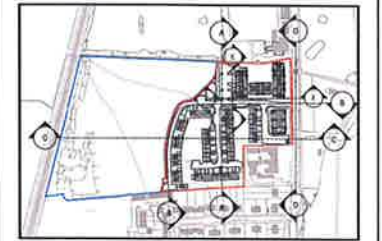
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KEY PLAN



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IP1	12.04.18	ISSUED FOR PLANNING	LR	NH
No.	Date	Comment	Drawn	Chkd
Revisions				

Issue Status
PLANNING APPLICATION

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Project
**BUGLE NURSERY
SHEPPERTON - SURREY**

Drawing Title
**SITE ELEVATION
PROPOSED ELEVATION B-B**

Drawn	Date	Scale @ A1	Alt. Ref.
ST	22.01.2018	1:500; 1:200	A113290/201

tp bennett Project No.	Drawing Number	Rev
A11329	D 1201	P1