

**Minutes of the Planning Committee
21 September 2016**

Present:

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

Councillors:

R.O. Barratt	N.J. Gething	R.W. Sider BEM
J.R. Boughtflower	A.T. Jones	
M.P.C. Francis	O. Rybinski	

Apologies: Apologies were received from Councillor R. Chandler, Councillor S.M. Doran and Councillor A.C. Harman

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.

211/16 Minutes

The minutes of the meeting held on 24 August 2016 were approved as a correct record.

212/16 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

All Councillors present reported that they had received correspondence in relation to application 16/01349/FUL Land to the west of 26 and 28 Peregrine

Road and 181 Nursery Road (formerly 187 Nursery Road) Sunbury, but had maintained an impartial role, had not expressed any views and had kept an open mind.

213/16 16/00785/FUL - Greeno Centre, Glebeland Gardens, Shepperton, TW17 9DH

Description:

Alterations and extensions to existing car parking areas to provide 18 additional car parking spaces together with associated works including the provision of 10 Cycle Parking Bays.

Additional Information:

The Assistant Head of Planning (Development Management) informed the Committee of the following:

The consultation response from the Council's Tree Officer raised no objection subject to additional tree planting being provided (covered in condition 4).

The consultation response from Surrey County Highways raised no objection.

Public Speaking:

There were no public speakers.

Debate:

During the debate the following key issues were raised:

- This would alleviate parking problems.
- Good use of space.
- Visibility and openness of site not obstructed.
- Parking requirements have increased recently.
- Planting was put there to deter vandalism.
- Greeno Centre has blossomed.
- Query relating to crown land.

Decision:

The application was **approved** as per agenda.

214/16 16/01349/FUL - Land To The West Of 26 And 28 Peregrine Road, And 181 Nursery Road (Formerly 187 Nursery Road) Sunbury

Description:

Erection of a detached two-storey building for the purposes of special needs housing (Use Class C2) together with associated entrance gates, access, parking and landscaping.

Additional Information:

The Assistant Head of Planning (Development Management) reported that the consultation response from the Surrey Wildlife Trust raised no objection subject to the recommendations in the submitted Ecological Report being implemented.

The Assistant Head of Planning (Development Management) reported that an email had been received from the applicant's agent making comments on the Committee report. A summary of the comments not already addressed in the Committee report was provided (a copy of this email was placed in the Councillors' Room):

- The applicant has recently completed a development for a care home in School Walk, Sunbury, which is in the urban area.
- The applicant company has retained commercial agents who are continually sourcing care home opportunities for them. There have been some instances where sites are not suitable because they are an industrial area or because residential developers are prepared to pay higher sums, which would not be viable for a care home operator
- Urban sites are sometimes not conducive to a care home.
- The site is 'previously developed land' because of the extant planning permission.
- The approved scheme is two storey. The proposed first floor accommodation is contained within the roof space.
- The approved garage should be included in the assessment.
- Queried the definition of the original and existing building in the context of Green Belt policy.
- There was no neighbour objection on three rounds of applications to the proposal. The current objection misunderstood the proposal as being larger.

The Assistant Head of Planning (Development Management) reported that amended plans had been received showing:

- Correct footprint of the new building and the location of the tree protection.
- Amended elevation as there was an inconsistency in the height of the building. Consequently paragraph 3.2, line 4, of the Committee report should be amended to "up to 7.4m in height".

It was recommended that the description of the 'Proposal' as provided on the front page of the committee report should be amended to refer to these amended plans as follows:

Erection of a detached two-storey building for the purposes of special needs housing (Use Class C2) together with associated entrance gates, access, parking and landscaping.

As shown on plan nos.' L2321/03; / 04 Rev. B;; /13 Rev. A; /27 Rev. B; /28 Rev. A; /30, L1774/LP Rev. A received 26 July 2016, DPA-69400-01 Rev. C and L2321/29 Rev. B received on 13 September 2016.

Public Speaking:

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

- Overwhelming need.
- Proposal had been reduced since last scheme which was refused.
- Significant benefits.
- Only marginal harm.
- Size of increase compared with approved house is marginal.
- Sites not available in the urban area.
- Is an exceptional case.
- Local employment opportunities.

As Councillor Evans (Ward Councillor for the proposed development) had given his apologies for the meeting the Chairman read out a statement on his behalf raising the following points in support of the proposal:

- The benefits of the facility to residents and the community constituted very special circumstances.
- Expansion on to Green Belt was justified in this case
- Development on the Green Belt has taken place on school grounds within the ward.
- No precedent would be made which would weaken the greenbelt policy.

Debate:

During the debate the following key issues were raised:

- Great deal of interest shown by members and officers.
- Provision by applicant of facility in School Walk is rated outstanding / applicant has an outstanding record.
- There is a need for this type of facility.
- Young adults with Autism Spectrum Disorder cannot always live at home, would restrict absorption into local community.
- Scheme is as small as possible.
- Figures set out on page 28 of the report referred to.
- It is inappropriate development on Green Belt therefore very special circumstances need to be identified.

Decision:

The application was **overturned** and **approved** for the following reason:

The harm to the green belt associated with the inappropriate development and other harm is outweighed by the very special circumstances associated with the development. These are:

- Provision of a facility of special needs housing for youngsters who have autistic spectrum disorder / special needs.
- The increase in the size of the development compared with the approved application, 12/01176/REN, is needed for this specialist facility.
- There is a lack of alternative sites for this facility within the urban area.

The Planning Committee agreed to delegate the conditions and informatives to be imposed on the planning permission to the Assistant Head of Planning (Development Management) in consultation with the Planning Committee Chairman. These are:

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

Reason: This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

As shown on plan nos.' L2321/03; / 04 Rev. B;; /13 Rev. A; /27 Rev. B; /28 Rev. A; /30, L1774/LP Rev. A received 26 July 2016, DPA-69400-01 Rev. C and L2321/29 Rev. B received on 13 September 2016.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Before any work on the development hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of

the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. No development shall take place until:

(a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.

(b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason: To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" proving guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. No development shall commence until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements

generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason: To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

6. No site clearance or building operations shall commence until tree protective fencing as shown on plan number DA-69400-01 Rev C is installed on the site. Such fencing shall be maintained during the course of the development and no storage of materials or erection of buildings shall take place within the fenced area.

Reason: To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

7. The destruction by burning of materials shall not take place within 6 m (19 ft. 8 ins) of the canopy of any tree or tree group to be retained on the site or on land adjoining.

Reason: To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. Before any development commences, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting on the site shall at all times accord with the approved details.

Reason: To safeguard the amenity of neighbouring residential properties and in the interest of visual amenity.

9. That the parking spaces shown on the submitted plan be constructed and the spaces shall be completed prior to the completion of the special needs accommodation to which they relate, and thereafter the approved facilities together with the means of access thereto shall be

maintained as approved, and be reserved for the benefit of the development hereby permitted.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with policy CC2 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

10. No development shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The planting scheme shall include the provision of a designated habitat area to encourage wildlife on the site. The trees, shrubs and other associated proposals shall be planted on the site within a period of 12 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

11. Prior to the occupation of the development hereby approved, a woodland management plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason: In the interest of amenity, to protect the existing trees and to enhance the development.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of

the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

13. The development shall be carried out in accordance with the submitted mitigation and enhancement actions detailed in section 6 of the Ecological Report dated 09/02/2016 and received on 26/07/2016.

Reason: In the interest of preventing harm to wildlife and to encourage wildlife on the site.

14. Prior to the commencement of the development hereby approved, a precautionary method statement as recommended in Section 6.5 of the Ecological Report dated 09/02/2016 and received on 26/07/2016 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to any works taking place on the site to allow any reptiles which may be present to move into adjacent habitats.

Reason: In the interest of preventing harm to wildlife.

15. Prior to the commencement of development, a scheme to provide bird and bat boxes on the proposed buildings and/or existing trees shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

Reason: To encourage wildlife on the site.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the development hereby approved shall only be used for accommodation for young people who are on the autistic spectrum disorder / have special needs and for no other purpose including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In view of the very special circumstances pertaining to this development which outweighs the harm to the green belt associated with the inappropriate development and other harm as set out in the National Planning Policy Framework 2012.

17. The special needs accommodation building hereby approved shall house no more than 5 residents unless otherwise agreed in writing by the Local Planning Authority.

Reason: In view of the very special circumstances pertaining to this development which outweighs the harm to the green belt associated with the inappropriate development and other harm as set out in the National Planning Policy Framework 2012.

18. Prior to the commencement of the development, details of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of soakaways on the site, and shall demonstrate that the new hardstanding around the building will be surfaced using permeable paving. The agreed scheme shall be implemented prior to the occupation of the buildings and thereafter maintained.

Reason: In the interest of minimising flood risk.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 Working in a positive/proactive manner

a: Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

b: Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

INFORMATIVES TO APPLICANT

Access by the Fire Brigade

Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

Building Operations

You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking.

- (a) Work which is audible beyond the site boundary shall only be carried out between 8 am to 6 pm Monday to Friday, 8 am to 1 pm Saturday and not at all on Sundays and Bank Holidays.
- (b) The quietest available items of plant and machinery shall be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels.
- (c) Deliveries shall only be received within the hours detailed above.
- (d) Adequate steps shall be taken to prevent dust causing nuisance beyond the site boundary. These could include the use of hoses to damp down stockpiles of materials which are likely to generate airborne dust, to damp down during stone/slab cutting, and the use of bowsers and wheel washes.
- (e) There shall be no burning on site.
- (f) Only minimal security lighting shall be used outside the hours stated above.
- (g) Building materials and machinery shall not be stored on the highway and contractors' vehicles shall be parked with care so as not to cause an obstruction or block visibility on the highway.

215/16 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 Assistant Head of Planning and Housing Strategy.

Resolved that the report of the Assistant Head of Planning and Housing Strategy be received and noted.

216/16 Urgent Items