

**Minutes of the Planning Committee
16 September 2020**

Present:

Councillor M. Gibson (Vice-Chairman) in the Chair

Councillors:

C. Bateson	H. Harvey	V. Siva
S.A. Dunn	N. Islam	R.A. Smith-Ainsley
N.J. Gething	J. McIlroy	B.B. Spoor
A.C. Harman	R.J. Noble	J. Vinson

Apologies: Apologies were received from Councillor T. Lagden

In Attendance:

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

Councillor S. Buttar – Application No. 20/00565/FUL

Also in attendance were:

Councillors A. Brar, R. Chandler, I.T.E. Harvey and O. Rybinski

193/20 Minutes

The minutes of the meeting held on 19 August 2020 were approved as a correct record.

194/20 Disclosures of Interest

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

There were none.

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

Councillors S. Dunn, N. Gething, M. Gibson, T. Harman, H. Harvey, N. Islam, R. Noble, R.W. Sider BEM, V. Siva, R. Smith-Ainsley, B. Spoor and J. Vinson had all received correspondence in relation to application no. 20/00123/OUT. Councillors S. Dunn, H. Harvey, R. Noble, R.W. Sider and B. Spoor had also visited the site. All had maintained an impartial role and kept an open mind.

Councillors N. Gething and N. Islam reported that they had received correspondence in relation to application no. 20/00565/FUL but had

maintained an impartial role, had not expressed any views and had kept an open mind. Councillor R. Noble had visited the site but had maintained an impartial role and kept an open mind.

195/20 Planning Application No. 20/00123/OUT - Bugle Nurseries, Upper Halliford Road, Shepperton

Description:

This was an outline application with all matters reserved other than 'access' for the retention of existing dwelling and demolition of all other existing buildings and structures and the redevelopment of the site for up to 31 dwellings along with the provision of public open space and other associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.

The recommendation by Planning Officers was for refusal of the application.

Additional Information:

Kelly Walker, Senior Planning Officer, advised the Committee of the following information:

In the report, reference to the planning history for application reference 19/01022/OUT needed to be updated to refer to 'an appeal having been lodged and we are awaiting a start letter'.

-Paragraph 7.1 to be amended to read as follows:

'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 2018 refused application (18/00591/OUT) 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 Borough-wide Green Belt Assessment 2017 Stage 1 and therefore the site was considered unsuitable for development. As such the site ~~has been~~ was classified within the Council's ~~updated~~ 2018 Strategic Land Available Assessment (SLAA) as 'not developable' (see Need for Housing below). It is relevant to note that the site has also been considered unsuitable for development in the Green Belt Assessment Stage 2 published in December 2018. The Assessment states that the Sub-Area 396 (which covers the site) plays a fundamental role with respect to the wider Green Belt Local Area, and its release would harm the performance and integrity of the wider strategic Green Belt.'

Paragraph 7.5 to be amended to refer to the latest Housing Delivery Test Action Plan approved September 2020 and the amended figure of 60%

In addition a letter had been received in response to the Planning Committee report from Montagu Evans which noted the following:-

1 Sustainability

- The site is sustainable as it is urban in character and is well related to established urban area, infrastructure and public transport.
- The previously developed part of the site should be prioritised for release ahead of any undeveloped Green Belt land.
- The site is clearly defined in 2 parts with the east as previously developed commercial site and the west undeveloped and forms part of wider area of strongly performing Green Belt. This is as set out in the background analysis of the site in the Stage 2 Green Belt Review and also the Local Plan Preferred Options Rejected Site Analysis
- The proposal relates to the redevelopment of the already urbanised eastern area and improvement to open Green Belt to the west.

2. Impact on openness of Green Belt

- the report incorrectly assesses the impact on the openness of the Green Belt purely by comparison to the existing buildings on the site, which is an unduly narrow assessment and does not accord with case law or the National Planning Policy Guidance.
- all aspects of the existing site which currently detract from the openness of the Green Belt must be considered, including existing buildings and their curtilages, boundary treatment and substantial areas of purpose built hardstanding with associated lighting and other paraphernalia, site topography, established trees and landscaping

3. Permissible Degree of Impact

The applicant considers that because the proposal would provide affordable housing that the relevant consideration is whether the scheme has a substantial impact on openness of the Green Belt, rather than the previous scheme which was assessed as 'no greater impact', and is therefore a lower threshold

4. Reasonable conclusion

- The current scheme is substantially smaller than the previous scheme, against the visual and spatial impact that the existing industrial activities have on the openness of the Green Belt, when taken as a whole Therefore this is a lower threshold (noted above) and together these factors means that the Committee is entitled to come to a view that the development is appropriate in the Green Belt.

5. Titled balance

This can be applied when development is considered to be appropriate or when Very Special Circumstances outweigh any harm to openness. Committee is entitled to conclude that the presumption in favour of granting planning permission applies on the basis that the harm would not be substantial and there are Very Special Circumstances which support the proposal in any event.

6. Very Special Circumstances (VSC)

VSC are material considerations in weighing up the merit of the proposal against the degree of any perceived harm to the Green Belt. Committee should be aware that it would only need one material consideration of sufficient weight to support the application. The weight for providing housing and affordable housing is sufficient in its own right to outweigh any concerns regarding the impact on the Green Belt. Officers give weight to the removal of the industrial operations which give rise to noise and disturbance which adds to the VSC in favour of the development.

- Highlight that case law has clarified that circumstances do not have to be uncommon or special and there are no restrictions on what might be regarded as such a consideration.

- Contrary to this, Officers give no weight to remediation of contaminated land and public support for the application on the basis that they are not unique.

Public Speaking:

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

- The scale of the proposals had been halved, the building heights reduced, and the development zone set back further from the frontage in response to comments made by the Planning Committee in relation to previous applications for this site
- The development will only occur on existing brownfield land, which amounts to 20% of entire site
- The development area was not open or green
- Rear land would be improved with the removal of the waste transfer station, re-landscaped and designated as public open space under a s106 legal agreement, at no cost or liability to the council
- The proposals do not make the site more urban
- Regeneration, provision of public open space, community views and environmental clean-up have not been given sufficient weight
- This will provide 31 homes, of which 15 will be affordable

Debate:

During the debate the following key issues were raised:

- Proposal was inappropriate development and contrary to green belt policy
- If approved, coalescence would occur
- Green belt had been identified as 'strongly performing' in the local plan green belt review
- Site was unsuitable for release from the green belt
- The 'tilted balance' in NPPF does not apply to this green belt site
- Substantial weight should be given to the fact that the development was inappropriate in the green belt
- Very special circumstances only exist if clearly outweighed by the harm
- Very special circumstances have not been proven
- If the owner was responsible, it could clear up the site irrespective of the application

- Concern that the site had been identified as ‘strongly performing’ in the local plan green belt review, purposes 1 and 2 of NPPF not agreed
- Council had not cleared up the site in the past
- Significantly less impact compared with the previous applications
- Development only taking place on previously developed land
- Unique character
- Complies with requirements on amenity space, parking,
- Would assist in meeting the borough’s housing needs
- No objection from SCC highways, Environment Agency, Tree Officer
- No ecology objections
- Overwhelming support for development
- The Officer’s report was very detailed and balanced
- Would provide open space
- Longer views concerns (Eco Park)
- Query over whether waste transfer site will be removed elsewhere
- Development was overbearing

A recorded vote was requested by Councillor R.A. Smith-Ainsley. The voting was as follows:

For refusal (7)	Cllrs C. Bateson, H. Harvey, N. Islam, V. Siva, R.A. Smith-Ainsley, B. Spoor, J. Vinson
Against refusal (7)	S. Dunn, N. Gething, M. Gibson, T. Harman, J. Mcillroy, R. Noble, R.W. Sider BEM
Abstain (0)	

Councillor M. Gibson, as Chairman of the meeting, used her casting vote to vote against the officer’s recommendation to refuse the planning application.

It was proposed by Councillor N. Gething and seconded by Councillor R. Noble and agreed by the Committee that the application was deferred to the next meeting of the Planning Committee to allow members time to draft a motion recommending approval of the application.

Decision:

The application was **deferred** to give committee members appropriate time to draft a suitable motion in support of the application.

196/20 Planning Application No. 20/00565/FUL - Ruxbury Court, Cumberland Road, Ashford

Description:

The application sought alterations and extensions to Blocks B and C of Ruxbury Court, including alterations and extensions to the roof, to enable the creation of 3 x 1 bedroom units and 1 x 2 bedroom unit with associated parking and amenity space.

Additional Information:

Kelly Walker, Senior Planning Officer, provided the following updates:

The Council had received one additional letter of representation, which raised concerns that bats are regularly seen flying around the property and this should be investigated further (Officer note: the applicant had submitted a bat survey, which found no evidence of bats roosting at the site).

The officer's report should also refer to the height of Block C as being approximately 9.2 metres in height instead of 9 metres.

Amended condition (page 67)

8.) after "bird nesting boxes", add "and bat boxes"

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, the Committee Manager read a statement submitted by Paul West on behalf of residents against the proposed development which raised the following key points:

- Increased vehicle movements will cause noise and disturbance to local residents and additional pollution and light nuisance.
- The reduced distance from the parking area to the flats will exacerbate the disturbance for residents in Block B.
- Reduced direct light to Flat 6 to an unacceptable level
- Reduced amenity area for Ruxbury Court residents
- Overbearing and will lead to loss of privacy for No 10 and 12 Cumberland Road
- The proposed 3 storey development would be out of keeping with the neighbourhood

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

- Additional residential units will meet current technical standards
- This will help to upgrade the existing site
- Additional parking, new cycle store, amenity store and refuse stores meet the Council's standards
- Suggested electric charging points condition welcomed; an internal ASHP will be incorporated, making an improvement of over 34% compared to council requirement of 10%.
- No roosting bats on site.
- Meets Council's core policies to provide additional homes within existing built up area.
- Daylight factor will not be affected
- Shadow study shows little effect on surrounding buildings

In accordance with the Council's procedure for speaking at meetings, Councillor S. Buttar spoke as Ward Councillor against the proposed development raising the following key points:

- 30 letters of objection had been received
- Adverse impact on the street scene due to increase height and scale, increased dominance, contrary to policy EN1

Debate:

During the debate the following key issues were raised:

- The 'tilted balance' weighs in favour of the development
- Out of character with the surrounding area
- Concerned by lack of bedrooms in windows (officer note: the rooms are served by skylights and therefore receive natural light)
- Breaches the 45° guide (officer note: this is only in respect of a small part of one window)
- Development is of a reasonable size
- Loss of open space
- Concern over inadequate parking

Decision:

The recommendation was overturned and the application was **refused** for the following reason:

The proposed development, by reason of the scale and height, would fail to respect and make a positive contribution to the street scene and would be out of character with the appearance of the surrounding area, resulting in a development which would be detrimental to the street scene, contrary to policy EN1a) of the Council's Core Strategy and Policies Development Plan Document 2009.

197/20 Urgent Items

There were none.