



*Please reply to:*

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Date: 3 November 2020

## Notice of meeting

### Planning Committee

**Date:** Wednesday, 11 November 2020

**Time:** **Call Over Meeting** - 6.00 pm

The Call Over meeting will deal with administrative matters for the Planning Committee meeting. Please see guidance note on reverse

**Committee meeting** – Immediately upon the conclusion of the Call Over Meeting

**Place:** Video Conference via Skype for Business

### To the members of the Planning Committee

Councillors:

T. Lagden (Chairman)	A.C. Harman	R.W. Sider BEM
M. Gibson (Vice-Chairman)	H. Harvey	V. Siva
C. Bateson	N. Islam	R.A. Smith-Ainsley
S.A. Dunn	J. McIlroy	B.B. Spoor
N.J. Gething	R.J. Noble	J. Vinson

*Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

[www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) [customer.services@spelthorne.gov.uk](mailto:customer.services@spelthorne.gov.uk) Telephone 01784 451499

## **Call Over Meeting**

### **Guidance Note**

The Council will organise a meeting immediately prior to the Planning Committee meeting (a "Call Over") which will deal with the following administrative matters for the Committee:

- Ward councillor speaking
- Public speakers
- Declarations of interests
- Late information
- Withdrawals
- Changes of condition
- any other procedural issues which in the opinion of the Chairman ought to be dealt with in advance of the meeting.

The Call-Over will be organised by Officers who will be present. Unless there are exceptional circumstances, the meeting will be held in the same room planned for the Committee. The Chairman of the Planning Committee will preside at the Call-Over. The Call-Over will take place in public and Officers will advise the public of the proceedings at the meeting. Public speaking at the Call-Over either in answer to the Chairman's questions or otherwise will be at the sole discretion of the Chairman and his ruling on all administrative matters for the Committee will be final.

Councillors should not seek to discuss the merits of a planning application or any other material aspect of an application during the Call-Over.

## **Planning Committee meeting**

### **Start times of agenda items**

It is impossible to predict the start and finish time of any particular item on the agenda. It may happen on occasion that the Chairman will use his discretion to re-arrange the running order of the agenda, depending on the level of public interest on an item or the amount of public speaking that may need to take place. This may mean that someone arranging to arrive later in order to only hear an item towards the middle or the end of the agenda, may miss that item altogether because it has been "brought forward" by the Chairman, or because the preceding items have been dealt with more speedily than anticipated. Therefore, if you are anxious to make certain that you hear any particular item being debated by the Planning Committee, it is recommended that you arrange to attend from the start of the meeting.

### **Background Papers**

For the purposes of the Local Government (Access to Information) Act 1985, the following documents are to be regarded as standard background papers in relation to all items:

- Letters of representation from third parties
- Consultation replies from outside bodies
- Letters or statements from or on behalf of the applicant

## AGENDA

Page nos.

**1. Apologies**

To receive any apologies for non-attendance.

**2. Minutes**

**5 - 8**

To confirm the minutes of the meeting held on 14 October 2020 as a correct record.

**3. Disclosures of Interest**

To receive any disclosures of interest from councillors under the Councillors' Code of Conduct, or contact with applicants/objectors under the Planning Code.

**Planning Applications and other Development Control matters**

To consider and determine the planning applications and other development control matters detailed in the reports listed below.

**4. Planning Application No. 20/00123/OUT - Bugle Nurseries, Upper Halliford Road, Shepperton, TW17 8SN**

**9 - 62**

**Ward**

Halliford and Sunbury West

**Proposal**

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.

**Officer Recommendation**

This application is recommended for refusal.

**5. Planning Application No. 20/00874/RVC - 18 Riverside Close, Staines upon Thames, TW18 2LW**

**63 - 84**

**Ward**

Riverside and Laleham

**Proposal**

The variation of Condition 2 (approved plans) imposed upon planning permission 19/00186/HOU to allow for alterations to the garage to include an increase in eaves height, the installation of four roof lights and alterations to the proposed door and window openings.

**Officer recommendation**

The application is recommended for approval subject to conditions.

6. **Planning Application No. 20/00876/HOU - 18 Riverside Close, Staines upon Thames, TW18 2LW** **85 - 98**

**Ward**

Riverside and Laleham

**Proposal**

The erection of a new boundary wall and gate at the western boundary.

**Officer recommendation**

The application is recommended for approval subject to conditions.

7. **Planning Application 20/01035/HOU - 24 Wellington Road, Ashford, TW15 3RJ** **99 - 108**

**Ward**

Ashford Town

**Proposal**

The erection of a single storey side and rear extension.

**Officer recommendation**

The application is recommended for approval subject to conditions as set out in paragraph 8 of the report.

8. **Urgent Items**

To consider any items which the Chairman considers as urgent.

**Minutes of the Planning Committee  
14 October 2020**

**Present:**

Councillor T. Lagden (Chairman)  
Councillor M. Gibson (Vice-Chairman)

**Councillors:**

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

**Apologies:** There were none.

**In Attendance:**

Councillors who are not members of the Committee, but attended the meeting are set out below:

Councillor C.F. Barnard  
Councillor A. Brar  
Councillor S. Buttar  
Councillor I.T.E. Harvey

**219/20 Minutes**

The minutes of the meeting held on 16 September 2020 were approved as a correct record.

**220/20 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**

Councillor Smith-Ainsley advised that the applicant was Spelthorne Borough Council but he remained impartial and kept an open mind.

**221/20 Planning Application No. 19/01360/FUL - Laleham Park Pavilion, Laleham, TW18 1SS**

**Description:**

This application by Spelthorne Borough Council proposed the erection of an amenity block and pavilion following demolition of the existing pavilion.

**Additional Information:**

The Senior Planning Officer advised the Committee that a further condition was recommended as follows:

*“The applicant will:*

- Either - obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing and to;*
- Undertake all the actions which will be detailed in the Method Statement which will be required to accompany the licence application, based on the mitigation, compensation and enhancement actions presented within section 7 of the above referenced Bat Survey Report.*
- Or – undertake works under the brief of a Registered Consultant who holds a Low Impact Class Licence for bats.*

*Reason:*

*In the interests of biodiversity to ensure the development will not have an adverse impact upon protected species”.*

**Public Speaking:**

There were no public speakers.

**Debate:**

During the debate the following key issues were raised:

- The building had looked sad for a long time
- Proposal had been long awaited by residents and councillors
- Proposal was the same footprint as the existing building
- It was acceptable to the Environment Agency on flooding grounds
- Complied with policy CO1 regarding community use
- Provided renewable energy
- Good proposal for a dilapidated building
- It provided facilities for the disabled
- Bold imaginative redevelopment
- The design could be better, it did not set any standards, members need to be involved in the design of such schemes at an earlier stage
- Electric vehicle charging points should be provided
- Bird boxes were welcomed
- Wonderful acquisition for the council in a prime location
- A café could be provided
- Additional highest possible renewable energy should be provided. Photovoltaics should be provided

- Building should contain ecological conservation of water, i.e., automatic taps and lights

**Decision:**

The application was **approved** subject to the following additional condition and informative:

Condition

The applicant will:

- Either - obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing and to;
  - Undertake all the actions which will be detailed in the Method Statement which will be required to accompany the licence application, based on the mitigation, compensation and enhancement actions presented within section 7 of the above referenced Bat Survey Report.
- Or – Undertake works under the brief of a Registered Consultant who holds a Low Impact Class Licence for bats.

**Reason:**

In the interests of biodiversity to ensure the development will not have an adverse impact upon protected species.

Informative

The applicant is requested to incorporate, where possible, the following measures into the development hereby approved:

- Electric vehicle charging points,
- The highest possible amount of renewable energy, and
- Measures to assist with the ecological conservation of water, i.e., automatic taps and lights.

**222/20 Planning Development Manager Performance Report**

The Planning Development Manager reported on the Development Management Performance for the period January to June 2020.

**Resolved** to note the report.

**223/20 Planning Appeals Report**

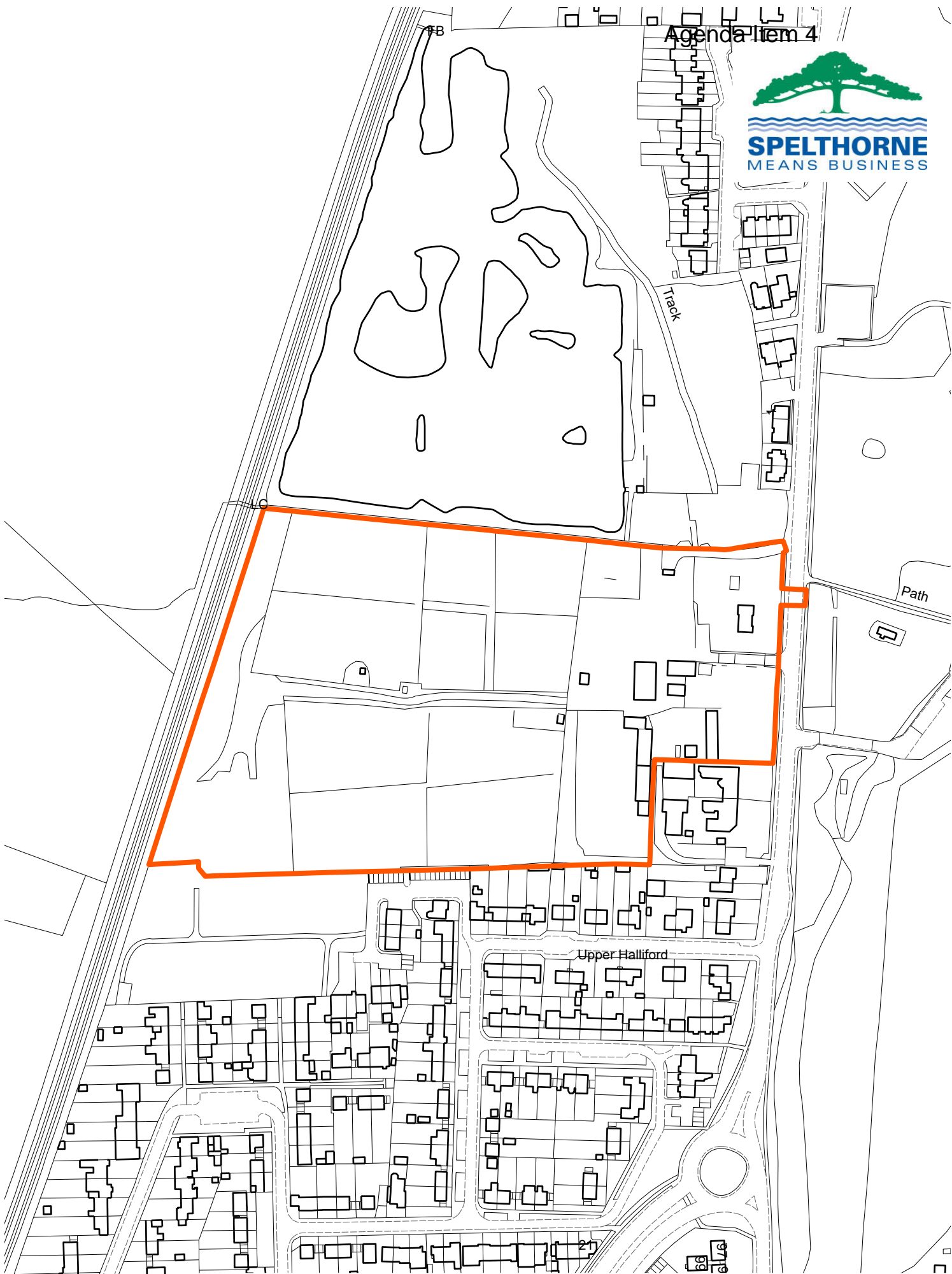
The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

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

**224/20    Urgent Items**

There were none.





20/00123/OUT Bugle Nurseries, Upper Halliford Road, Shepperton TW17 8SN

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# Planning Committee

11 November 2020



<b>Application Nos.</b>	20/00123/OUT
<b>Site Address</b>	Bugle Nurseries, Upper Halliford Road, Shepperton, TW17 8SN
<b>Proposal</b>	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.
<b>Applicant</b>	Angle Property (RLP Shepperton) LLP
<b>Ward</b>	Halliford and Sunbury West
<b>Planning Officer</b>	Paul Tomson/Kelly Walker
<b>Purpose of Report</b>	To provide supplementary advice to the Planning Committee following the deferral of this application at the meeting on the 16 <sup>th</sup> September 2020.

## 1.0 **Background**

- 1.1 At the Planning Committee meeting on 16<sup>th</sup> September 2020, planning application 20/00123/OUT was deferred by the Committee to give committee members appropriate time to draft a suitable motion in support of the application. The Planning Officer's recommendation was to refuse planning permission on the following Green Belt grounds:-

*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, and to prevent neighbouring towns merging together. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2019.*

A copy of the report to the 16<sup>th</sup> September Planning Committee is attached to this report.

## 1.2 The purpose of this report is to provide:

- The reasons for the referral of the application to the Planning Committee
- A summary of the officer's recommendation to refuse
- A summary of what occurred at the Planning Committee meeting on 16<sup>th</sup> September 2020
- An explanation of the deferral process for this application
- The process for considering the application at this Committee meeting, and
- Consideration of what factors the Planning Committee might weigh in the balance with a view to providing a basis for approval of this application, including the implications for the emerging local plan.

## 2.0 Consideration of the application by the Planning Committee

2.1 As with the previous three planning applications at the site, given the contentious nature of the application, the Green Belt designation and the public interest, it was considered by the Planning Development Manager that a cautious approach should be taken and this application should also be referred to Planning Committee for determination, rather than it being dealt with under delegated powers, and in accordance with Part 3 Section (b) on Page 64 of the Spelthorne Borough Constitution.

## 3.0 The officer's recommendation to refuse

3.1 The recommendation by the planning officer to refuse planning permission was based on Green Belt grounds. The officer considered that the proposal is inappropriate development in the Green Belt, for which no very special circumstances exist to outweigh the harm caused by the development.

3.2 Paragraph 144 of the NPPF states:

*'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*

3.3 The Report of the 16<sup>th</sup> September set out details of the balancing exercise, by weighing the harm resulting from the proposals within the Green Belt against the eight "material considerations" put forward by the applicant to justify development on this site.

A summary of the report's conclusions was as follows:

### Material considerations / Benefits put forward by applicant

- The proposals could be regarded as an appropriate form of development in principle – **No weight**
- Housing delivery – **Significant weight**
- Removal of bad neighbours – **Moderate weight**
- Remediation of the contaminated land – **Little weight**
- Regeneration of the site – **Little weight**
- Provision of public open space – **Limited weight**

- Local community view – **No weight**
- The proposal does not conflict with the purposes of the Green Belt – **No weight**

#### Harm identified in the officer report

- Inappropriate Development – **Substantial weight**
- Loss of Openness – **Substantial weight**
- Harm to the visual amenities of the Green Belt – **Substantial weight**
- Conflict with 2 of the 5 Purposes of the Green Belt in the NPPF – **Substantial weight**

#### 4.0 Proceedings at the Planning Committee meeting on 16<sup>th</sup> September 2020

- 4.1 The Officer Report recommended refusal of the application and proposed a Reason for Refusal (Paragraph 8) which is set out in paragraph 1.1 above. The motion before the Planning Committee was therefore to refuse the application as recommended. Before the vote was taken by the Planning Committee, the committee were advised that they needed to be clear on their reasons to not follow the officer's recommendation. Following a debate by the Planning Committee on the application, the vote to refuse was split 7:7. The vice chair (acting as the chair on the night) gave the casting vote to not support the officer recommendation to refuse. This meant that the motion to refuse the application was defeated.
- 4.2 No motion was tabled to grant permission, and further consideration of the planning application was therefore deferred.

#### 5.0 Deferral process for this application

- 5.1 The Probity in Planning Guidance, issued by the Local Government Association (LGA), contains a section relating to decisions which differ from an officer recommendation. It suggests that where there is concern about the validity of reasons, the committee may consider deferring to another meeting to have the reasons tested and discussed. The Spelthorne Planning Code also very much emphasises the need for clear reasoning for decisions. The context for the deferral of this planning application was as follows:
- advice was given by officers that the reasons for granting permission would not be straight forward;
  - planning officers gave some advice as to how a grant might be addressed by reference to the PowerPoint presentation;
  - advice was given that officers should not be asked to change their recommendation; and
  - it was clarified that there would be another vote on the application at the next Planning Committee, and that if the Chairman attended, he could vote.

Given the time constraints before the next Planning Committee (to be held on 14 October), it was necessary to add this application to the November Planning Committee agenda, in order to take and consider legal advice, given the need for particular care in progressing this application.

#### 6.0 The process for considering the application at this committee meeting

- 6.1 The Planning Committee as a decision-making body declined to refuse the application and decided to defer its consideration on 16 September 2020. Therefore, providing a properly quorate Planning Committee considers the application on the next occasion, there is no requirement for it to be made up of the same Councillors who considered the application previously. This has been confirmed by legal advice.
- 6.2 It is expected that a new motion to grant will be put before councillors at the meeting which will be debated and a vote will be made by those present at that time, including reasons clearly stated and minuted.

#### 7.0 Application of the NPPF and reasoning

- 7.1 The reasoning for the officer's recommendation is fully set out in the attached report.

In essence, the first question is whether this development represents inappropriate development in the Green Belt. It may not be inappropriate development if it comes within one of the exceptions contained within the NPPF, as considered in the officer report. If it is inappropriate development, substantial weight will attach to the in principle harm, in addition to any other actual harm arising (see officer report). The question then will be whether the factors set out above together clearly outweigh the harm such that they can be considered very special circumstances.

#### 7.2 Green Belt status

If Members are minded to approve the application, it is important that they are made aware of the implications of that decision on the emerging Local Plan. The original committee report refers to the Council's Green Belt Assessment (Stages 1 and 2), which is the evidence base supporting the new Local Plan. Stage 1 was published in February 2018 and Stage 2 was published in December 2018. This is a matter for the Local Plan Task Group and not the Planning Committee. By way of explanation, the application site is located within a large area of 'strongly performing' Green Belt. Indeed, Sub-Area 39-b which covers the application site and the immediate area to the north is assessed as playing a fundamental role with respect to the wider Green Belt Local Area. As mentioned in paragraph 7.1 of the original committee report, the applicant has sought to have the site removed from the Green Belt and designated for housing in the Council's 'Call for Site' process. However, the site was rejected because of its location within 'strongly performing' Green Belt, and that its release would harm the performance and integrity of the wider strategic Green Belt.

- 7.3 It is acknowledged that this current planning application focuses the new development wholly within the existing 'previously developed land' of the industrial estate, and that this is a different (and better) proposal from the applicant's request at the Call for Sites stage, which was for a large site area to be taken out of the Green Belt. However, it is important to note that Sub-Area 39-b of the Stage 2 Green Belt Assessment performed very highly on the grounds that it prevents neighbouring towns merging together (NPPF Green Belt purpose 2) (scored 5 out of 5). It also scored highly (3 out of 5) in checking the unrestricted sprawl of large built up areas (Green Belt purpose 1). It scored 2 out of 5 for assisting in safeguarding the countryside from encroachment (Green Belt purpose 3). If

planning permission were to be granted for the current proposal, it is considered that this would weaken the existing Green Belt policy protection in this area most significantly by joining up the existing built up areas and creating on continuous form of ribbon development along Upper Halliford Road. Whilst the proposed housing is limited to the existing industrial estate, it is still likely to weaken this area of the Green Belt on a strategic level.

- 7.4 As mentioned above, the site is allocated as Green Belt and this is the basis upon which the application should be assessed. Members need to consider whether or not the proposal constitutes 'inappropriate development' such that there would be in principle harm to the Green Belt carrying substantial weight. The considerations put forward by the applicant in favour of the development should be weighed against the harm and consequently whether there are 'very special circumstances' to justify the development by clearly outweighing the harm. A summary of the harm and benefits set out in paragraph 3.3 above together with the level of weight officers give to each point are repeated as follows:

Material considerations / Benefits put forward by the applicant

- The proposals could be regarded as an appropriate form of development in principle – **No weight**
- Housing delivery – **Significant weight**
- Removal of bad neighbours – **Moderate weight**
- Remediation of the contaminated land – **Little weight**
- Regeneration of the site – **Little weight**
- Provision of public open space – **Limited weight**
- Local community view – **No weight**
- The proposal does not conflict with the purposes of the Green Belt – **No weight**

Harm identified in the officer report

- Inappropriate Development – **Substantial weight**
- Loss of Openness – **Substantial weight**
- Harm to the visual amenities of the Green Belt – **Substantial weight**
- Conflict with 2 of the 5 Purposes of the Green Belt in the NPPF – **Substantial weight**

- 7.5 If Members are minded to grant planning permission, consideration must be given to the reasons why permission should be granted. The proposal seeks residential development in the Green Belt and the site has been the subject of several applications, causing some controversy. Granting planning permission would represent a departure from the development plan and its Green Belt policies and would overturn the recommendation of officers. In those circumstances, in the interests of transparency, openness, and fairness to all, the reasons for granting planning permission should be addressed.
- 7.6 The starting point is that the weight to be afforded to material considerations in the planning balance is a matter for the Planning Committee (so long as it is rational). Whilst officers' views are set out in the officer report and summarised above, in order to assist the Planning Committee on the approach to this issue, it would be open to the Planning Committee to find that the development would be inappropriate development and to agree with the harms identified by officers as carrying substantial weight (though see below on visual amenities / character harm). However, the Planning Committee could assign a different amount of

weight to certain of the benefits which are specific to this proposal at this site. It would be open to the Planning Committee to consider that those site specific benefits cumulatively clearly outweigh the harm as a matter of planning judgment, such that they amount to very special circumstances.

- 7.7 With that in mind, officers' view is that moderate weight attaches to the removal of the industrial estate and existing waste transfer station with associated impacts. Given the inappropriate location of these existing uses adjacent to residential uses, the noise and disturbance which is currently caused by those uses, and the activities associated with such uses (including lorry movements), it would be open to the Planning Committee to consider that more than moderate weight should be applied to this as a benefit, especially when compared to the more limited area of built development proposed and the residential character of the use which will arise.
- 7.8 In addition, only limited weight applies to the provision of open space in officers' view when regard is had to the Open Space Assessment. However, that is principally based on a quantitative assessment of the need for public open space. It would be open to the Planning Committee to consider the particular location of the open space proposed and its relative accessibility compared to other public open space in the area, such that more than limited weight applies.
- 7.9 Finally, the weight to be given to the regeneration of the site (given limited weight by officers) should also be considered.
- 7.10 If different weight is assigned to these benefits (e.g. significant / substantial weight) then it would be prudent for the Planning Committee to say so, together with any conclusion that these site specific factors, cumulatively with the need for housing (see below), clearly outweigh the acknowledged harm such that they amount to very special circumstances.
- 7.11 With regard to the benefit of housing, officers have already recommended that this be given significant weight in its favour. It is important to note that the level of affordable housing provided on the site is only just policy compliant. It is not in excess of the requirement of Policy HO3 (50%) of the Core Strategy and Policies DPD and consequently it would not be considered rational to give greater weight to this particular benefit. Housing need itself is very unlikely to outweigh the harm.
- 7.12 As for the weight given to the harm to the Green Belt, as set out above, it would not be considered rational to change the substantial weight given to 'inappropriate development', loss of openness and conflict with the purposes of the Green Belt. However, Members could potentially decide to give less than substantial weight to 'harm to the visual amenities/character of the Green Belt', thereby further changing the overall weighing up of the benefits and harm.
- 7.13 To conclude, the weight to be given to material considerations is a matter for the decision maker, subject to it being rational. The Planning Committee may wish to consider different weighting to some of the benefits whilst giving less weight to the harm (i.e. the harm to the visual amenities/character) such that this could affect the overall weighing up of the proposal with the benefits clearly outweighing the harm and amounting to 'very special circumstances'. The weighting applied here would be based on a number of site-specific factors.



## **8.0 Conclusion**

- 8.1 The Officer recommendation remains to refuse for the reason given above. However, if the Planning Committee resolves to approve the application on the grounds that the committee considers very special circumstances exist to clearly outweigh the substantial harm to the Green Belt, the application will need to be referred to the Secretary of State as a Departure from the Local Plan in accordance with The Town and Country Planning (Consultation) (England) Direction 2009. If the Secretary of State decides not to call the application in to determine himself, the application should be subject to the following conditions:

(A) To GRANT outline planning permission subject to the applicant first entering into an appropriate legal agreement in respect of the following:

1. To provide at least 15 affordable housing units on-site built in accordance with current Home England Standards, the details of which shall be agreed with the Council's Planning Development Manager.
  - The split of the type of affordable housing shall be at least 10 for affordable rent and at least 5 dwellings for shared ownership. The rent levels for the affordable rent should not exceed 80% of the market rent, and in any event the relevant Local Housing Allowance rate in use at the time of handover to a Registered Provider. The shared ownership units shall be delivered accordance with the relevant Help to Buy scheme in use at the time of handover to a Registered Provider. The mandatory minimum share for initial purchases should not exceed 25%.
  - Prior to implementation the Registered Provider shall enter into a Nominations Agreement in respect of the affordable housing (in order that the social housing meets local needs).
  - Build and complete the affordable units and hand over to the Registered Provider for occupation before no more than 50% of the open market units are sold or substantially completed, whichever is the sooner.
2. To secure public access and maintenance of the public open space in perpetuity, details to be agreed with the Local Planning Authority. The applicant will be required to remove any contaminated material from the open space area and carry out necessary remediation works in accordance with a scheme to be agreed in writing with the Local Planning Authority prior to any works taking place in respect of the residential development.

### **In the event that the Section 106 Agreement is not completed**

In the event that the Section 106 agreement is not completed to the satisfaction of the Local Planning Authority and/or the applicant does not agree an extension of time for the determination of the planning application, delegate to the Planning Development Manager in consultation with the Chairman of the Planning Committee the following: REFUSE the planning application 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, and to prevent neighbouring towns merging together. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2019.
2. The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009.

8.2 (B) In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; GRANT subject to the following conditions:-

1. That in the case of those matters in respect of which details have not been given in the application and which concern the: -
  - (a) the Appearance, Landscaping, Layout and Scale; hereinafter called "the reserved matters", and which are hereby reserved for subsequent approval by the Local Planning Authority, application for such approval shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
  - (b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:- This condition is required by Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before any work on the development hereby permitted is first commenced detailed drawings be submitted to and approved by the Local Planning Authority to show: -
  - (i) Appearance
  - (ii) Landscaping
  - (iii) Layout
  - (iv) Scale

Reason: -

- (a) This is an outline application permitted in accordance with the provision of Article 5(1) of the Town and County Planning (Development Management Procedure) Order, 2015.

- (b) To ensure the proposed development does not prejudice the appearance of the locality.
3. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

F0001 Rev. P1; F0100 Rev. P1; F0300 Rev. P1; F0500 Rev. P1; F1001 Rev. P1; D0100 Rev. P1; D0103 Rev. P1; D0120 Rev. P1; D0300 Rev. P1; D0500 Rev. P1; D1002 Rev. P1; D1100 Rev. P1; C0100 Rev. P1 received 03 February 2020.

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

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](http://www.spelthorne.gov.uk).

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

5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

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

6. 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.

7. Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

8. The development hereby approved shall not be commenced unless and until the proposed vehicular access to Upper Halliford Road has been provided with visibility zones in accordance with Drawing Number MBSK200108-04 P1 and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users.

9. During and after the construction of the development hereby approved, there shall be no means of vehicular access from the site to Upper Halliford Road over the existing access at the northern boundary of the site.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users.

10. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users.

11. No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) measures to prevent the deposit of materials on the highway
  - (g) on-site turning for construction vehicles
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users.

12. The development hereby approved shall not be first occupied unless and until a pedestrian crossing facility to improve the safety of pedestrians crossing Upper Halliford Road has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users.

13. The development hereby approved shall not be occupied unless and until at least 25 of the proposed parking spaces have been provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) for the charging of electric vehicles in accordance

with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF

14. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 in the location of proposed soakaways and confirmation of groundwater levels.
  - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development.
  - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
  - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

15. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the

details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:- To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

16. The precautionary measures to safeguard bats during demolition shall be carried out strictly in accordance with the recommended safeguarding measures in the Aspect Ecology Technical Briefing Note June 2020.

Reason:- In the interest of safeguarding bats on the site.

17. Prior to the construction of the buildings, a biodiversity enhancement scheme to be implemented on the site shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved scheme and thereafter maintained.

Reason:- To encourage wildlife on the site.

18. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order), no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior planning permission of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring properties and in the interest of safeguarding the openness of the Green Belt.

19. No properties shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason:- Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning).

20. The residential dwellings and their gardens hereby approved shall be confined entirely to within the Development Zone shown on approved Parameter Plan D1002 Rev. P1.

Reason:- In the interest of safeguarding the openness of the Green Belt.

21. The public open space hereby approved shall be made permanently available and accessible to members of the public 364 days per calendar year from 08:00 to 20:00 hours, unless otherwise agreed in writing by the Local Planning Authority:

Reason:- To ensure that the public open space is made permanently available to the public.



# Planning Committee

16 September 2020



<b>Application No.</b>	20/00123/OUT		
<b>Site Address</b>	Bugle Nurseries, Upper Halliford Road, Shepperton, TW17 8SN		
<b>Applicant</b>	Angle Property (RLP Shepperton) LLP		
<b>Proposal</b>	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.		
<b>Officers</b>	Paul Tomson/Kelly Walker		
<b>Ward</b>	Halliford and Sunbury West		
<b>Call in details</b>	N/A		
<b>Application Dates</b>	Valid: 19/02/2020	Expiry: 20/05/2020	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This outline planning application proposes the demolition of most of the existing buildings and structures (existing bungalow is retained) and the redevelopment of the site for a residential development comprising up to 31 dwellings provision of open space, and other associated works. All matters are reserved at this stage other than 'access'.</p> <p>The site is located within the Green Belt. Whilst the new dwellings and roadways will be sited entirely within the existing industrial land (i.e. the previously developed land), the scale and extent of the buildings will be much greater than the existing buildings and the proposal constitutes '<i>inappropriate development</i>' in the Green Belt causing unacceptable loss of openness.</p> <p>It is noted that the proposal will result in the removal of the existing industrial uses and waste transfer station, 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>		
<b>Recommended Decision</b>	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
- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012.

- 1.4 The advice contained within the National Planning Policy Framework (NPPF) 2019 is also relevant.

## 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
15/01528/FUL	Alterations to existing access onto Upper Halliford Road.	Refused 21.01.2016 Appeal Dismissed 06.01.2017
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
16/01982/FUL	Temporary permission for the retention of a 30m high mast with associated equipment.	Approved 09.02.2017
18/00591/OUT	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 including comprising up to 57 residential homes and a 72 bed care	Refused 30/07/2018

home plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.

18/01561/OUT	Outline application with all matters reserved other than 'Access' for the demolition of the existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 51 residential homes, a 72-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.	Withdrawn 05/02/2019
19/01022/OUT	Outline application with all matters reserved other than 'Access' for the demolition of the existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 43 residential homes, a 62-bed car home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.	Refused 13/11/2019

2.1 With regard to 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.

2.3 With regard to planning application 19/01022/OUT, this was refused for the following reason:

- 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, and to prevent neighbouring towns merging together. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2019.

### **3. Description of Current Proposal**

- 3.1 This planning application for residential development, is the fourth to be submitted over the last few years, The planning history above shows that 2 of these were refused and one withdrawn. This application is again an outline proposal with all matters reserved other than 'Access' and it proposes the demolition of the existing buildings and structures and the redevelopment of the site for a residential led development comprising up to 31 residential homes and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.
- 3.2 The application site comprises an area of 4.84 ha and is located to the west of Upper Halliford Road. The site comprises 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 application includes the land to the west up to the railway line, which currently has a waste transfer station located on it in this area and a large bund on the western boundary with the railway. The applicant has provided details of earth works and landscaping to provide an open area accessible to the public. The submitted plans also show a pedestrian crossing on Upper Halliford Road. The existing buildings on the site are limited in number and scale, as they are single storey only and they therefore have very little impact on the visual amenity of the locality.
- 3.3 Currently, the site consists of shrubs and trees lining Upper Halliford Road and the remains of old nursery buildings/poly-tunnels to the front of the site. There is an Oak tree in the north eastern corner of the site which has a Tree Preservation Order on it. 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. Centrally within 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.

- 3.4 The site is located within the Green Belt.

Surrounding area

- 3.5 Immediately to the south east of the site are residential properties positioned at right angles within Halliford Close, whose rear gardens adjoin the application site. Further to the west, the garages of properties at Bramble Close and allotments 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 has recently been rebuilt as a block of 8 apartments. Further to the north are other dwellings fronting Upper 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 relatively small in scale and are mostly 2 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 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 previously issued a Tree Preservation Order on an Oak tree located in the north-eastern corner of the site.

Proposal

- 3.8 This outline planning application proposes the demolition of most of the existing buildings and structures (the existing bungalow is retained) and the redevelopment of the site for a residential development comprising up to 31 dwellings provision of open space, and other associated works. All matters are reserved at this stage other than 'access'. However a set of indicative plans have been submitted showing details of the proposal including the layout, scale and design of the buildings as well as the proposed parking provision and landscaping. The plans indicate one way in which the site could be developed with the exception of 'Access' as defined below.
- 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 31 dwellings, to provide 8 no. 1 bed flats, 17 no. 2 bed houses, 4 no. 3 bed houses and 2 no. 4 bed houses.
- 3.11 There is also shown to be a small play area in the indicative layout which will be accessible by residents of the proposed scheme.

- 3.12 The indicative plans show that a total of 54 parking spaces will be provided. Parking is illustrative to be provided mainly to the front of the buildings. 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 The application also includes the land to the west up to the railway line and the proposal includes details of earth works and landscaping to provide an open area accessible to the public.
- 3.14 The proposed indicative site layout is provided as an Appendix.

#### Residential

- 3.15 A total of 31 dwellings are shown to be provided, comprising 8 no. 1 bed flats, 17 no. 2 houses, 4 no. 3 bed houses and 2 no. 4 bed houses. The applicant is also proposing that 15 dwellings will be affordable which equates to 48%, with 10 affordable rented and 5 intermediate.

## **4 Consultations**

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

<b>Consultee</b>	<b>Comment</b>
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 concerns as the proposal currently no details have been submitted to show how the 10% renewable energy requirement will be met. (Officer note: as the application is an outline one with only access to be considered at this stage, further details would be required as part of any reserved matters of full application).
Local Lead Flood Authority (Surrey County Council)	No objection subject to conditions.
County Archaeologist	No objection. Recommends an informative
Crime Prevention Officer	No comments received but previously raised no objection
Countryside Access Officer (Surrey County Council)	No comments received
Natural England	No comments

Surrey Wildlife Trust	No objection subject to mitigation measures set out in the ecological reports being carried out.
Network Rail	Ongoing correspondence with applicant in relation to making the railway crossing safe for users of the footpath
Tree Officer	No objection
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 71 properties were notified of the planning application. Furthermore, a statutory site notice was displayed and the application was advertised in the local press. Letters of representation were received from 12 properties. 9 properties were in support of the application (including one from Shepperton Residents Association), 2 properties were against the proposals and 1 was from the SCAN Officer making comments.

5.2 Reasons for objecting include:-

- many of the uses at the site are unlawful and should not provide any weight for supporting the scheme
- rats, contaminated land on site, air pollution
- impact on climate change
- loss of trees
- loss of privacy
- overcrowding of housing in the area
- impact on local facilities such as schools and doctors
- it is difficult to pull out of side roads onto the Upper Halliford Road already, traffic will only get worse with this development.
- impact on wildlife habitat
- dwellings should be accessible

5.3 Reasons for supporting include:-

- benefit to the community to provide public access to open land
- proposal would enhance the area -
- site appears as a brownfield site already
- housing is much needed in the area, especially affordable
- currently the site is an abuse of the Green Belt and should not have been allowed (light industrial uses)
- noise



## **6. Planning Issues**

- Principle of the development
- 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 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 classified within the Council's updated 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.
- 7.2 The Council completed its 'Preferred Options Consultation' (Regulation 18) in January 2020 as part of its preparation for a new Local Plan for the Borough. Whilst the Preferred Options Consultation Document proposed a number of sites within the Borough to be allocated for housing and employment development (including some sites currently located within the Green Belt), the site at Bugle Nurseries was not put forward as one of these proposed site allocations. Indeed, the site is referred to in the Council's 'Rejected Site Allocations – Officer Site Assessment document 2019. It states that the site being part of a wider area of strongly performing Green Belt is considered to

outweigh the opportunity to meet housing needs on the basis that development could weaken the wider strategic Green Belt. Consequently, the site was not taken forward for further consideration.

#### 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 policies set out in the National Planning Policy Framework (NPPF) 2019.
- 7.4 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 606 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.5 Government guidance (NPPF para 73) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority's five year land supply. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in February 2020, with a score of 60%. This meant that the Council had undelivered housing when compared to need over the previous three years. As a consequence, a buffer must be applied and the Council's Housing Delivery Test Action Plan which was produced in 2019, when the test result was 63%, is being updated. The action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.6 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason the base date for this assessment is the start of the current year 1 April 2020, but the full five year time period runs from the end of the current year, that is 1 April 2021 to 31 March 2026. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 606 results in a figure of 727 dwellings per annum, or 3636 over five years.
- 7.7 In using the objectively assessed need figure of 727 as the starting point for the calculation of a 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.

- 7.8 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3518 dwellings in the five year period.
- 7.9 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.8 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.10 As a result, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 7.11 However, It is important to note that the NPPF at footnote 6 confirms that the "tilted balance" approach should not be applied to protected areas such as land designated as Green Belt (as is the case in this particular application), Local Green Spaces, Areas of Outstanding Natural Beauty, etc. As the Bugle Nurseries site is located within the Green Belt, and there are clear reasons for refusing the planning application on Green Belt grounds (as demonstrated later in the report), it is considered that the "tilted balance" approach is not applicable in this particular case. In the Green Belt the correct decision making matrix indicates that one identifies harm by way of inappropriateness and any other harm including, but not restricted to, other harm to the Green Belt and allocate substantial weight to harm to the Green Belt. Then in balancing the benefits of any material considerations very special circumstances will only exist if the benefits clearly outweigh the harm by way of inappropriateness and any other harm.
- 7.12 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). 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 permitted this may set a precedent for other Green Belt sites to be developed for housing in the borough.
- 7.13 Whilst Policies HO1 and HO2 are out of date, the policies set the framework for the spatial strategy and the strategic approach to decision making. 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 states 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 also suggest that should housing need change, then Green Belt release may need to be considered and further assessed which has more recently been carried out. As noted above the application site was not put forward as one of the proposed site allocations as the site is part of a wider area of strongly performing Green Belt and therefore this is considered to outweigh the opportunity to meet housing needs on the basis that development could weaken the wider strategic Green Belt.

#### Principle of the development

- 7.14 As noted above, Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

*“Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing.”*

- 7.15 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment. However, the site is in the Green Belt and is not urban land or considered to be sustainable development. Therefore the principle of housing at this Green Belt site is considered to be unacceptable, which is discussed further below. It is noted that Policies HO1 and HO2 are out of date, as they do not deliver the current housing needs of the Borough. However, the policies still provide the spatial strategy and strategic approach to decision making and it is considered that they are still particularly relevant and have significant weight.

#### Green Belt

- 7.16 The site is located within the Green Belt. Section 13 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 Council’s Saved Local Plan Policy GB1 is broadly consistent with the NPPF..
- 7.17 Paragraph 134 of the NPPF sets out the five purposes of the Green Belt. 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.*

7.18 The Council's Saved Local Plan Policy GB1 is similar to the Green Belt policy set out in the NPPF, but it should be noted that policy GB1 was saved from the 2001 Local Plan and therefore pre-dated the current NPPF. Although there is a degree of consistency with the NPPF, policy GB1 does not allow for any development unless it is one of a number of acceptable uses set out in the policy and also maintains the openness of the Green Belt. This differs from the more recent and more up to date national policy which allows exceptions to this when the identified harm to the Green Belt is clearly outweighed by other considerations that constitute very special circumstances. Whilst Policy GB1 is a relevant development plan policy, because of the inconsistency with the NPPF, the impact of the development on the Green Belt should be considered primarily against the policies of the NPPF.

#### Inappropriate Development

7.19 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.20 Paragraphs 145 and 146 of the NPPF allow for some exceptions to inappropriate development, one of which is 145(g):

*“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

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

7.21 The starting point is consider if the site comprises 'previously developed land' (PDL) and in particular, if the proposed housing development would be located wholly within the PDL area of the site. A definition of PDL is provided in the NPPF:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”*

7.22 It is considered that the existing industrial estate located towards the eastern side of the site comprising the commercial buildings, hardstanding and the access road from Upper Halliford Road constitutes PDL. Unlike the schemes in the previous three planning applications, the proposed housing component

of the current application is shown to be located entirely within the PDL of the industrial estate. Whilst layout is not a matter for consideration at this stage, such matters can be conditioned if outline permission was to be granted. There will be no encroachment into the paddock at the rear, nor will there be any new development within the curtilage of the existing bungalow or the green space to the south of the access road.

- 7.23 As the proposed housing development is to be located entirely on the PDL, it is necessary to consider if the proposal fits into the 'inappropriate development exception' in Paragraph 145(g) of the NPPF. The applicant confirms that 15 of the 31 units (48.4%) will be affordable, of which will be 10 are for rent and 5 for intermediate. This complies with the requirements of Policy HO3 of the Council's Core Strategy and Policies DPD 2009. There is an identified need for this type of affordable housing in the Borough and the proposed affordable units would help towards meeting this need. Consequently, the proposal then has to be considered against bullet point 2 of Paragraph 145(g). In particular, it is necessary to consider if the proposal will '*not cause substantial harm to the openness of the Green Belt*'.
- 7.24 Below is a table setting out the existing buildings to be demolished and the proposed footprint, floorspace, and height. The figures in brackets represent the increase of the previous refused scheme (19/01022/OUT). It is relevant to note that the existing bungalow fronting Upper Halliford Road is being retained and does not form part of the existing buildings to be demolished.

	<b>Footprint</b>	<b>Floorspace (GEA)</b>	<b>Maximum Height</b>
Existing	937.7 sq.m	937.7 sq.m	4.66m
Proposed	1,515sq.m (3,436 sq.m)	3,030sq.m (6,216 sq.m)	8.7m (10m)
<b>Percentage Increase on Existing</b>	<b>62% (220%)</b>	<b>223% (479%)</b>	<b>86% (79%)</b>

- 7.25 The above figures demonstrate that there will be a substantial increase in built development on the PDL land. For example, the proposed floorspace will be more than 3 times the level of the existing floorspace (a 223% increase on the existing), whilst the proposed height of the buildings will be nearly double, even the tallest existing building. Even the increase in footprint on its own is substantial. Moreover, it is important to note that the existing buildings are clustered in one particular area of the PDL of the site, whilst to accommodate the number of dwellings proposed they will be spread across the whole of the PDL, as shown on the indicative plans. Consequently, it is considered that the proposal would cause substantial harm to the openness of the Green Belt and would not fit into the exception in paragraph 145(g) of the NPPF. It therefore constitutes *inappropriate development* in the Green Belt.
- 7.26 With regard to Paragraph 146 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, the proposed parking areas and access road (which are engineering operations) are required in connection with the overall housing development, which is inappropriate development in the Green Belt. Consequently, these particular elements do not fit into the exceptions set out in Paragraph 146 of the NPPF

7.27 Paragraph 143 of the NPPF states that:

*"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

7.28 Paragraph 144 of the NPPF states that:

*"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

#### Harm

7.29 The proposal will result in a substantial loss of openness of the Green Belt. As mentioned above, large areas of the industrial estate are not occupied by any buildings (only hardstanding). The existing industrial buildings are single storey and low profile, and are clustered in a relatively small part of the site. Most of the PDL is not occupied by buildings (only hardstanding). The definition of "*previously developed land*" is land which is or was occupied by a permanent structure (including the curtilage of the developed land), although it should not be assumed that the whole of the curtilage should be developed. Replacing the hardstanding and parked vehicles with new buildings up to 8.7 metres in height across the whole width of the site will clearly lead to a much greater loss of openness, both spatially and visually. 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.

7.30 Whilst full details of the scale of the buildings are not being considered at this outline stage, the applicant is seeking approval for the maximum height parameters across the site. The applicant has submitted a height-limit site plan which states that the maximum height of the new houses and flats will be approximately 8.7 metres. The applicant has also submitted indicative elevations showing the proposed buildings broadly consistent with these height limits.

7.31 The proposal is considered to harm the character and visual amenities of the Green Belt, which will further diminish openness. It will result in the site having a much more built-up appearance compared to the existing site, not only in terms of the increase in the scale and height of the buildings (i.e. volumetric approach) but also from a visual dimension. The new housing development will be visible when viewed from Upper Halliford Road along the new access road, and this will appear more built up and greater in scale compared to the

existing industrial site. The proposed development will also be seen from the public footpath that runs adjacent to the northern boundary.

- 7.32 The proposed development is considered to conflict with the first of the five purposes of Green Belts in Paragraph 134 of the NPPF (to check the unrestricted sprawl of large built-up area). 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 development would erode this well-defined boundary and create urban sprawl.
- 7.33 The proposal is also considered to conflict with the second of the five Green Belt purposes in paragraph 134 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 Stages 1 and 2 classifies this particular area of the Green Belt (Local Area 39 – sub area 39-b) as *‘strongly performing’*. The Green Belt Assessment Stage 1 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.”*

- 7.34 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 coalescence in the locality. The subsequent appeal was dismissed.

#### Housing density

- 7.35 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.”*

- 7.36 Policy HO5 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.
- 7.37 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. The proposed development is located only on previously developed land.

- 7.38 Notwithstanding this, the proposal involves the creation of 31 residential properties and the proposed housing density is approximately 30 dwellings per hectare (dph) on the developed part of the site.

#### Design and appearance

- 7.39 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.”*
- 7.40 The existing commercial buildings on site vary 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.
- 7.41 To the south on Upper Halliford Road are other low level dwellings, with 2 storey semi-detached houses located along Halliford Close and no. 137 and 139 being bungalows. To the north is the former Bugle public house site which has recently been redeveloped to provide flats over 3 storeys, 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 relatively green and open, and has planting on the road frontage which shields the uses behind and provides a pleasant street scene.
- 7.42 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.
- 7.43 The scale of the proposed buildings is shown on the indicative plans submitted. The applicant notes that the proposed dwellings will be over 2 storey and state in the submitted Design and Access Statement that, *‘... the maximum heights of these 2 storey buildings may vary according to the geometry of the roof form. The site has very little variation in level upon it, so none of the building groups will be of particular visual significance’*
- 7.44 The built form has been set back further from the main street frontage of Upper Halliford Road compared to the previous schemes. The existing small low level bungalow and garden (which is not previously developed land) will be retained. Therefore from a design and visual amenity point of view, the proposed built form has been positioned between the 2 sets of development to the north and south which are both closer to the highway. Although

indicative, should the principle of developing the land be acceptable this is considered of itself 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 houses are indicated at this stage to be mainly detached, fronting the road ways with their gardens generally located behind. Notwithstanding Green Belt objections, the proposed layout is considered to be acceptable of itself on design grounds.

- 7.45 Landscaping is also reserved at this stage but 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, adjacent to the roadway. The rear of the site is proposed to be landscaped for use by the public and is shown to be open with landscape features and paths, which will provide valuable visual and a usable asset to the local community. As such, notwithstanding Green Belt objections, the proposed development is considered to be acceptable in design terms and generally conforms with Policy EN1.

Impact on neighbouring residential properties

- 7.46 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.”*

- 7.47 The submitted plans are illustrative, except for the roads which show the ‘access’ which is being assessed at this outline stage. As such the plans indicate a way in which the houses will be laid out and it has been assessed on this basis. 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.
- 7.48 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).

- 7.49 The indicative plans show that the proposed houses 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 is shown to be set back from the common boundary by at least the minimum 10.5m requirement as set out in the SPD. In addition they are shown to exceed the separation distance from back to back of some 21m, as there is approx. 31m between the back of the proposed dwellings and those of the existing properties at Halliford Close. Therefore the proposed indicative layout exceeds this requirement (due to the long gardens of properties in Halliford Close). It should be noted that the layout is indicative at this stage, however it has been demonstrated that the proposal could have an acceptable relationship with the existing dwellings and would not lead to a significant impact in terms of causing overlooking or loss of privacy or being overbearing.
- 7.50 The existing 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 indicative built form is shown to be set in from these boundaries with gardens and car parks with landscape buffers adjoining. As such the proposal will have an acceptable relationship with the existing properties on Upper Halliford Road. The dwelling to the north will be located behind the former Bugle public house site which has been re-developed into flats. There is an access road between the 2 sites and the proposed dwellings are set in from this boundary. 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.
- 7.51 The proposal is considered to be capable of having 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

- 7.52 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 sq. m per unit for the first 5 units and 10 sq. m for the next 5 units. On this basis some 205 sq. m would be required for the 8 flats in total. Each of the block of flats has an indicative garden area which will ensure that there is an acceptable level of amenity space for the occupants of the flats, conforming to Policy EN1.
- 7.53 The proposed houses have, in the illustrative layout, their own private gardens and the SPD requires this to be a minimum of 70 sq. m for each of the 4 or 3 bed houses, or 60 sq. m for the 2 bed houses. The indicative proposal does meet this requirement and in addition all residents will have access to the open space to the rear of the site which will be easily accessible by all future residents.

#### Proposed dwelling sizes

- 7.54 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 for

2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.

- 7.55 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.
- 7.56 All of the illustrative proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD. Therefore, it is considered their standard of amenity overall to be acceptable.

Highway and parking provision

- 7.57 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.”*

- 7.58 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.*

- 7.59 The County Council was consulted as the County Highway Authority (CHA) and has raised 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). 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.
- 7.60 In relation to the access arrangement, the Transport Assessment states that the application 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.

- 7.61 The 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 with the applicant, the 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.

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

#### Parking Provision

- 7.63 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.
- 7.64 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).
- 7.65 The illustrative proposed parking provision for the residential properties is 54 spaces. The Council's Parking Standards as set out in the Supplementary Planning Guidance requires 43.5 spaces for the dwellings and flats. As such the proposed parking provision is policy compliant.
- 7.66 The submitted Transport Assessment has applied Spelthorne Borough Council's parking standards to identify acceptable parking provision levels for each use on site. Overall, 54 have been provided for the residential development, 48 of these allocated to particular units. 6 spaces are therefore available within the site to be used flexibly to accommodate variable demand.
- 7.67 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.

- 7.68 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

- 7.69 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's policy is to seek 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.
- 7.70 The applicant is proposing to provide 15 affordable housing units, (10 for affordable rent and 5 for shared ownership). The 15 units represent an affordable housing provision of 48%. Given the total number of units is odd, (i.e. 31) it is considered acceptable to provide 48% rather than 50%.
- 7.71 Policy HO3 states that the provision within any one scheme may include social rented and intermediate units, subject to the proportion of social rented of at least 65% of the total affordable housing component. The proposal is to provide two thirds, 66% (10 out of the 15 units) as affordable rent, therefore the provision is considered acceptable and counter balances the small deficit from the 50% policy starting point. If the scheme was considered acceptable and outline permission was to be granted such measures could be secured by way of a section 106 undertaking.

#### Flooding

- 7.72 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 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).
- 7.73 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.
- 7.74 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.
- 7.75 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.

- 7.76 The Lead Local Flood Authority at Surrey County Council has been consulted on the proposed sustainable drainage scheme and raise no objections to the scheme, subject to conditions. The Environment Agency have made no comment on the current application. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

#### Renewable Energy

- 7.77 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 sq. m 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.
- 7.78 The applicant has submitted an energy statement in which they have not proposed any measures to meet the Council's minimum 10% renewable requirement asserting that they consider that they do not need to meet our renewable requirement due to updates to the NPPF. The Council's Sustainability Officer has been consulted and notes that if they are intending to take a fabric first approach, they will need to set out justification for doing so, clear figures demonstrating this will provide the equivalent energy savings to meeting the minimum 10% renewable requirement. This would then be reviewed on a case by case basis as to whether this is an acceptable alternative to meeting the Council's renewable requirement. As such the proposal is lacking in detail and the renewable energy proposals would be unacceptable, if this level of detail was required to be assessed as part of this application, because it 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 and it has not been a reason to refuse the scheme previously.

#### Ecology

- 7.79 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.
- 7.80 The site includes a number of buildings and trees, which are capable of being used as a habitat for protected species (i.e. bats).
- 7.81 Since the determination of the previous application, further bat surveys have been carried out which recommends a number of measures to mitigate any adverse impacts on bats. This can be covered by the imposition of a condition. As such the proposal is acceptable in relation to Policy EN8.
- 7.82 The site is located a considerable distance from any Site of Special Scientific Interest/Special Protection Area (SSSI/SPA). The nearest SSSI/SPA is the Knight and Bessborough Reservoirs which is at least 2.4km and is located across the river in Elmbridge. Taking into account the scale of the proposed development and the distance from the nearest SSSI/SPA, it is not

considered necessary for a Habitats Regulations Assessment screening exercise to be carried out. Natural England was consulted on the planning application and has raised no objection. Surrey Wildlife Trust has made no objection subject to the mitigation measures set out in the ecology reports being carried out. It is relevant to note that in 2018 the Council issued a screening opinion which confirmed that an Environmental Impact Assessment would not be required for the redevelopment of the site. The applicant has submitted a landscape masterplan and it is considered that subject to conditions requiring its implementation together with other wildlife enhancement measures, the proposal will lead to an increase in wildlife on the site.

#### Open space

- 7.83 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 23 family units which is below the 30 units and therefore would not require the provision of any open space. The proposal includes a children's play area and in addition a large open space for the public to access. In addition there is an existing park with a play area opposite at Upper Halliford Park. Such matters will be resolved with a detailed layout plan at reserved matters stage however, it is considered that the proposed open space is acceptable.

#### Dwelling mix

- 7.84 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.'*
- 7.85 The number of smaller units (1 bed and 2 bed units) is 25 out of the total 31 units and equates to 80% of the total units. As such the proposal complies with Policy HO4 and is acceptable.

#### Archaeology

- 7.86 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.
- 7.87 The County Archaeologist was consulted on the application and following the submission of a report, recommends an informative, therefore the impact of the development on archaeology is considered acceptable.

#### Impact on Trees/Landscaping

- 7.88 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. The indicative layout plans show the development is set back from Upper Hallford Road to ensure an acceptable relationship with the preserved Oak Tree on the north eastern corner of the site.

- 7.89 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 enhanced within the residential area, whilst also achieving an attractive setting for the new development through the combination of existing and proposed landscape proposals.*'
- 7.90 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. Most of the car parking is provided along the road frontage in front of the dwellings, which is broken up by areas of landscaping to help to soften its appearance. The area to the rear of the site will be landscaped to provide footpaths and landscaping, along with the removal of the recycling facility which will provide an attractive outlook to the proposed development and also other local people using the land.
- 7.91 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

- 7.92 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 previously but requested a number of conditions to be imposed requiring a further investigation to be carried out to refine risks and remediation measures. As such subject to these conditions, the proposal is considered acceptable.

#### Air quality

- 7.93 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. The Environmental Health Officer (EHO) recommends conditions be imposed for a Dust Management Plan and a Demolition Method Statement.
- 7.94 The Council's Pollution Control section was consulted on the application and raised no objection on air quality, subject to conditions.

#### Refuse Storage and Collection

- 7.95 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 County Highway Authority has raised no objection on this particular issue. The Council's Group Head Neighbourhood Services raised no objection. Accordingly, the proposed refuse collection facilities are considered acceptable

#### Crime and Design

- 7.96 With regard to the Crime Prevention Officer's previous comments, as with the previous schemes, it is not considered appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. standards of windows, doors and locks), elements which are not normally covered and enforced under the planning regulations and with this being an outline application, this level of detail is not covered. This could be brought to the attention of the applicant by adding an informative.

#### Other matters

- 7.97 The application site is currently occupied by a variety of commercial operations including a lawful aggregate recycling facility. Because the uses have evolved over time they are not subject to planning controls that would normally be applied to such uses. None of the properties are therefore restricted in terms of use, hours of operation, access arrangements or other environmental controls
- 7.98 The application is for Outline consent only and the level of detail is only indicative, as some issues can be addressed further at the reserved matters stage.

#### Equalities Act 2010

- 7.99 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

- 7.100 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

It is considered that this proposal may affect individuals with protected characteristics specifically the impact of the development on disabled people. However, given the application is at a outline stage and design is not under consideration.

#### Human Rights Act 1998

- 7.101 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.102 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.103 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.104 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

#### Financial Considerations

- 7.105 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.

#### Other Considerations

- 7.106 The applicant has identified 8 material considerations in their Planning Statement to justify the proposed development on this site, which they believe individually and cumulatively comprise very special circumstances:

- i) ***The application proposals could be regarded as an appropriate form of development in principle***
- ii) ***Housing Delivery***
- iii) ***Removal of bad neighbour uses***
- iv) ***Remediation of the contaminated land***
- v) ***Regeneration of the site***
- vi) ***Provision of public open space***
- vii) ***Local community views***
- viii) ***The proposal does not conflict with the purposes of the Green Belt***

7.107 The NPPF 2019 states that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The Local Planning Authority has therefore weighed these other considerations below in respect of the balancing exercise.

***i) The application proposals could be regarded as an appropriate form of development in principle***

7.108 The applicant states that the application could be regarded to be an appropriate form of development (i.e. not inappropriate) in principle for a number of reasons:

- The proposed development is focused on the previously developed part of the site and will involve replacement of the mixed commercial land and buildings and the removal of the aggregates recycling facility.
- The extent of built development has been reduced as part of the revised proposals and substantially since the original proposal.
- The proposed landscaping masterplan provides for retention or replacement of existing boundary landscaping, which would be held in the control of a management company. Additional planting is proposed within the public open space and the housing area.
- The application proposes a total of 3,545 sqm of hardstanding. This presents a 60% reduction in hardstanding area from the existing amount of 9,503 sqm.
- There will be a 30% increase in the amount of green space following removal of buildings, hardstanding infrastructure and the aggregates recycling facility and access.

- The scheme includes provision of affordable housing (48.4%) for which the Council has identified there is a significant need.
- Planning permission was granted at appeal for a residential development of 151 residential units on a site known as Dylon International, Lower Sydenham. The site is located within Metropolitan Open Land (so is subject to Green Belt policies) and partly comprises brownfield land and a large area of open space. As such the site demonstrates many similarities with the application site.

### Response

7.109 The proposal is considered to constitute '*inappropriate development*' in the Green Belt for the reasons given in the paragraphs above. It is not considered to represent an 'appropriate form of development in principle'. 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. It is recognised that the current application site includes the existing waste transfer site and the proposed development will involve its removal to be replaced with open space. The waste transfer station does not have any buildings on it. Its impact on the openness of the Green Belt is limited (mainly the earth bunds). Even after taking into account its removal from the site, the overall development is considered to result in a substantial and harmful increase in the openness of the Green Belt.

7.110 With regard to the Dylon International appeal decision, it is considered that the similarities with the current application are slight. The appeal site was located within the 'Metropolitan Open Land' (not Green Belt), although it is noted that this London only land designation does have the same level of protection as Green Belt. The Inspector did not consider the proposal was an 'appropriate form of development in principle'. Rather he considered it to constitute '*inappropriate development*'. Whilst the Inspector concluded that there were 'very special circumstances' which clearly outweighed the harm to the Metropolitan Open Land, this was largely because he gave significant weight in its favour to the high quality architecture and townscape that the scheme would deliver. In comparison, the application at Bugle Nurseries is Outline with only the 'access' being considered at this stage. Consequently, it is considered that no weight can be given to this particular matter as a material consideration in the circumstances of this application..

### ***ii) Housing delivery***

7.111 The applicant considers that at present the Council cannot demonstrate a 5 year housing land supply against the objectively assessed housing need. The potential to release Green Belt to meet other strategic requirements is under review as part of the emerging Local Plan process. The emerging Plan has been subject to delay and will take some time to work through the evidence gathering, consultation and other statutory processes. In the meantime the housing supply position puts into sharp focus the need to look at bringing forward sites that are, in principle, suitable for housing development and will contribute towards meeting the acute need for additional homes.

7.112 The current proposals are therefore of strategic significance in terms of addressing the immediate need for new housing and affordable housing by providing 31 units within the short term. It is possible to provide affordable housing as part of this proposal by safeguarding 48% of the units to meet this need. This exceeds the policy requirement of 40% of all net additional dwellings completed and the average of only 4% that has been secured on other sites in Spelthorne.

7.113 The applicant has referred to a recent appeal decision in the London Borough of Bromley (Dylon International Premises, Station Approach, Lower Sydenham – APP/G5180/W/18/3206569 – see above) which has confirmed that weight afforded to the delivery of housing (including affordable housing) has increased in the consideration of previously developed Green Belt site where there is a significant shortfall of supply and an acute need has increased.

#### Response

7.114 It is acknowledged that the Council is unable to demonstrate a 5 year housing land supply in the Borough. It is also recognised that there is a shortage of affordable housing in the Borough and that the delivery of affordable units over the last few years has been low. The applicant is proposing approximately 48% of the units on the application site to be affordable, which is in accordance with and not in excess of the requirement of Policy HO3 (Affordable Housing) of the Core Strategy and Policies DPD.

7.115 However, it is not considered that the “Tilted Balance” can be applied in this particular case. This is because the site is located within the Green Belt and leads to clear harm to such considerations as demonstrated earlier. Paragraph 11 of the NPPF 2019 states that planning decisions should apply a presumption in favour of sustainable development (i.e. ‘tilted balance’) where policies which are most important for determining the application are out of date (i.e. lack of 5 year housing land supply) unless:

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

7.116 Footnote 6 to paragraph 11 provides clarification on what constitutes protected areas or assets of particular importance. These include habitat sites and/or designated Sites of Special Scientific Interest; land designated as Green Belt\*, Local Green Space, an Area of Outstanding Natural Beauty, a National Park, Heritage Coast, irreplaceable habitats, designated heritage assets, other heritage assets of archaeological interest, and areas at risk of flooding or coastal change.

#### **\* Officer’s emphasis**

7.117 Notwithstanding the lack of ‘tilted balance’ in this case, it is acknowledged that the existing housing need and supply position in the Borough is an issue, and that the proposed provision of 31 dwellings, including 15 affordable units, is a

benefit in favour of the development. It is considered that this should be given significant weight in favour of the development.

**iii) Removal of Bad Neighbour Uses**

- 7.118 The application site is currently occupied by a variety of commercial operations including a lawful aggregate recycling facility. Because the uses have evolved over time they are not subject to planning controls that would normally be applied to such uses. None of the properties are therefore restricted in terms of use, hours of operation, access arrangements or other environmental controls.
- 7.119 The site lies adjacent to residential properties to the south. Given the close relationship of these properties with the estate and the absence of any planning restrictions over the commercial uses, there is significant potential for the occurrence of adverse environmental conditions. Indeed there have been a number of complaints and investigations regarding the impact of operations at the site on nearby residents. Bugle Nurseries is therefore an inappropriately located industrial site.
- 7.120 Vehicular access to the site is also unrestricted. Currently the commercial uses are accessed via Upper Halliford Road. Existing operations generate considerable amounts of daily traffic movements as evidenced with the Transport Statement. Due to the nature of existing uses at the site this includes HGVs as well as smaller commercial vehicles. The proposal seeks the removal of the aggregate recycling facility and other commercial uses and replace them with more appropriate residential uses. Therefore the existing vehicular activity associated with the site will be removed and this will provide significantly improved environmental conditions for local residents.
- 7.121 The application proposal will therefore result in comprehensive redevelopment of the site for residential uses which is a more appropriate form of development than the existing mixed commercial uses. This will significantly improve environmental conditions for existing residents adjacent to the site.

**Response**

- 7.122 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 has received a small number of complaints dating back to 2012 in regards to noise from lorry movements and also bonfires at the site. Two planning enforcement complaints have been received since 2012). 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 proposal will also result in the removal of the existing waste transfer station at the rear of the site, and the lorry movements, noise and general activity associated with it. Its removal can be considered a benefit in favour of the development. It is considered that the removal of the industrial uses and waste transfer station and replacement with housing should, in combination, be given moderate weight in favour of the development.

**iv) Remediation of the contaminated land**

- 7.123 The application site has been subject to detailed ground investigations. It has been identified that part of the land subject to the proposed housing development is contaminated. Details of the ground conditions and necessary remediation strategy are set out in the applicant's Phase 1 and 2 assessment. Remediation of the contaminated land is a significant environmental benefit of the proposal. Such measures will only take place if the site is redeveloped for housing.

Response

- 7.124 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 to be implemented. Indeed, the Council's Pollution Control Officer consulted on this application considers that the site to be subject to contamination and has recommended contaminated land/remediation 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 or this industrial site.

**v) Regeneration of the site**

- 7.125 The application site is occupied by a variety of poor quality buildings. Consequently, 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 site is therefore in clear need of regeneration and offers the opportunity for substantial environmental improvements through provision of high quality energy efficient buildings, remediation, enhancement of green infrastructure and improvement to the natural landscape.

Response

- 7.126 Whilst it is acknowledged that the existing industrial estate has an impact, the overall application site is not considered to be extremely low quality in visual and environmental terms. Most of the application 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 existing development parts of the site are occupied by hardstanding and low level buildings which are modest in their impact. The proposed development will lead to a significant harmful loss of openness and harm to the visual amenities of the Green Belt, which is explained in more detail in the paragraphs above. Consequently, little weight is given to this particular consideration put forward by the applicant.

**vi) Provision of public open space**

- 7.127 The applicant states that the proposal will restore a substantial area of open space within the western part of the site. It is intended that this area will be



public accessible, which is a considerable benefit to the community on land which is currently private and inaccessible. This will provide environmental and recreational benefits that would be a significant amenity for the wider community, particularly given the proposal would restore the land including the historic aggregate facility. Gated access will also be provided for pedestrians along the site's southern border. This accords fully with Paragraph 141 of the NPPF which supports planning positively for such beneficial uses in the Green Belt.

#### Response

- 7.128 It is recognised that providing public access to the open space at the rear, and the restoration of the land, is of some benefit to the area. However, this part of Shepperton has ample public open space. The Council's draft Open Space Assessment November 2019 states that this area of the Borough (Ward Halliford and Sunbury West) has more than sufficient public open space. Halliford Park is a short walk away from the application site on the other side of Upper Halliford Road. Indeed, the Council's Group Head of Neighbourhood Services stated in the previous application that there is plenty of open space, play facilities and park areas in and around the Bugle site, Halliford Park, Donkey Meadow, public footpaths, etc. The cost to maintain it (if it was to be transferred to the Council in a Section 106 agreement) would be dependent on what was to be put there. She stated that there should be justification for its need but she did not think there is one in this particular case and this continues to be relevant to this scheme. It is considered that the balance of benefit from providing this open space would be enjoyed by future residents of the application site as opposed to the wider public. Consequently, it is considered that only limited weight should be given to this benefit in favour of the proposal.

#### **vii) Local community views**

- 7.129 There were a number of representations submitted by third parties in support of the first planning application (18/00591/OUT), including a letter of support from the Shepperton Residents Association (SRA). These submissions were made in addition to comments recorded at the pre-application stage (as set out within the Statement of Community Engagement). This level of support is a significant material consideration in respect of the proposals. The clear desire to see the site redeveloped for mixed housing uses was compelling enough to stimulate multiple letters of support in this case. The SRA's support should be duly regarded as a collective view of the local community.

#### Response

- 7.130 It is acknowledged that some 29 'petition-style support cards and 2 letters of support were received with the previous application. In relation to the current application, letters have been received from 9 separate dwellings in support of the scheme. However, similar levels 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 and it is considered that it has no weight.

**viii) The proposal does not conflict with the purposes of the Green Belt**

- 7.131 The applicant considers that the proposal does not conflict with any of the five purposes of Green Belt set out in paragraph 134 of the NPPF. With regard to Objective 1 (to prevent urban sprawl), the proposed scheme is well contained and relates to the land that has already been developed. With regard to Objective 2 (to prevent merging settlements), the Upper Halliford area is continuous from the village to the railway station. The application site is located between the two, is previously developed and does nothing to prevent the merging of settlements. The proposal also does not conflict with Objective 3 (to safeguard encroachment on the countryside), Objective 4 (to preserve the setting and special character of historic towns), and Objective 5 (to assist regeneration encouraging the recycling of derelict and other urban land).

Response

- 7.132 The proposal is considered to conflict with Green Belt purposes (or Objectives) 1 (to prevent urban sprawl) and 2 (to prevent the merging of towns) for the reasons given earlier in the report. Whilst it is recognised that the proposed built development is wholly focussed on the land covered by the existing industrial estate, the scale of the existing buildings is relatively small and clustered in one particular area of the site. In comparison, the proposed housing development will create a continuous belt of 2-storey development across the whole width of the site. In any case put at its highest the applicant's case of no harm (which is not accepted) cannot rationally be considered a benefit of a proposals in the Green Belt. It is considered that no weight should be given to this particular consideration put forward by the applicant in favour of the development.

Conclusion

- 7.133 The development constitutes inappropriate development in the Green Belt and this, in itself, weighs heavily against the merits of the scheme. Indeed the NPPF advises that "*substantial weight should be given to any harm to the Green Belt*". The development will result in a significant reduction in the openness of the Green Belt and this adds substantial weight against the proposal. There will be a large increase in the amount of development on the site, compared to the existing development. The application assumes that all 'previously developed land' can be developed which isn't the case in the NPPF. It will harm the character and visual amenities of the Green Belt, which adds substantial weight against the merits of the scheme. Furthermore, the development conflicts with two of the five purposes of Green Belts in paragraph 134 of the NPPF, which adds substantial weight against the merits of the scheme.
- 7.134 It is recognised that the current application site includes the rear part of the Bugle Nurseries site and that the provision of the open space with landscaping are considerations that have moderate weight in favour of the proposal. Moderate weight is also given to the benefit of removing the existing industrial uses and waste transfer site on the site. Significant weight is given to the supply of additional housing in the Borough that the proposal will create,

including the provision of affordable housing. However, these elements together with the other considerations put forward by the applicant in favour of the proposal 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 13 of the NPPF and Saved Local Plan Policy GB1.

7.135 Accordingly, the application recommended for refusal.

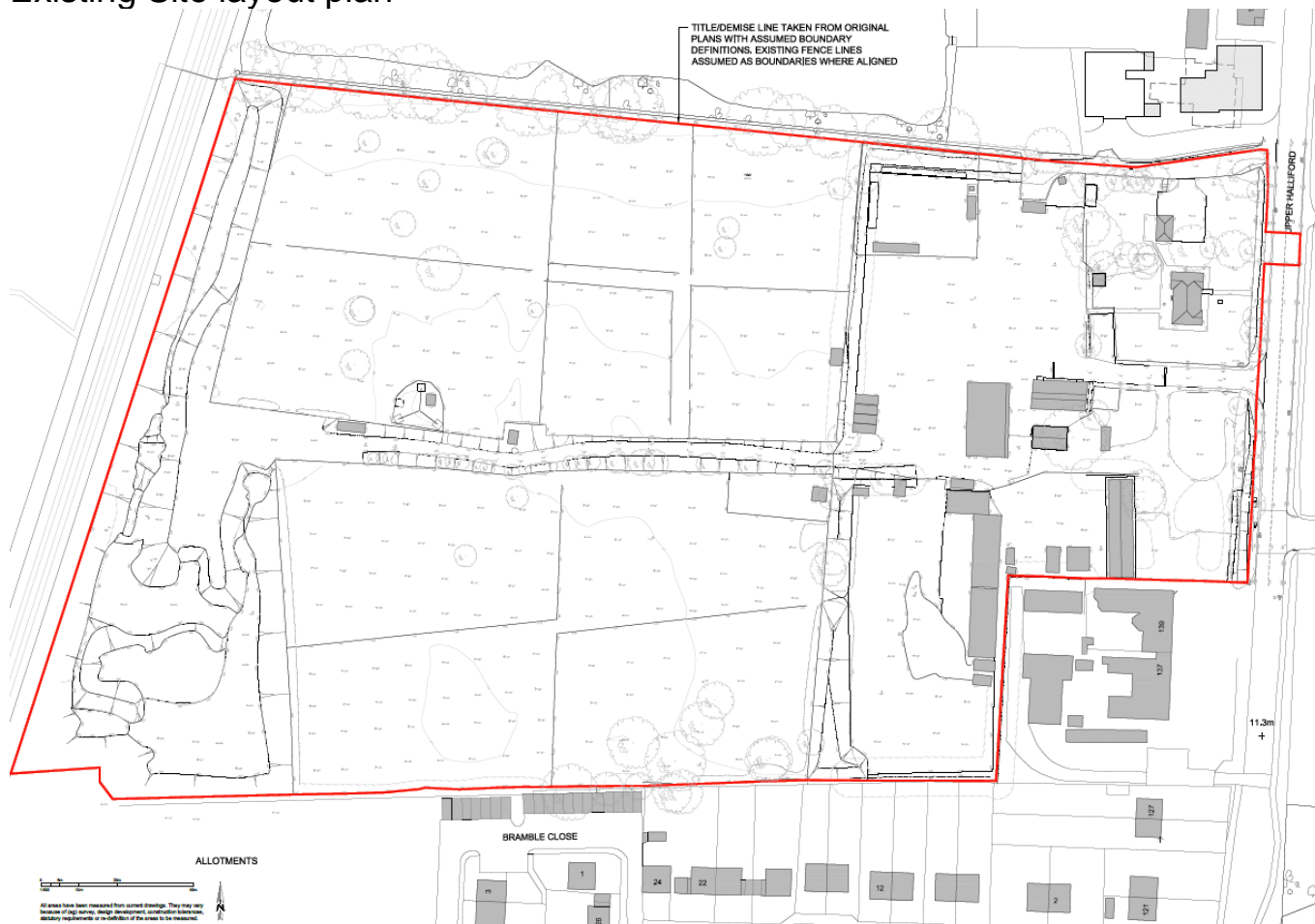
## **8. Recommendation**

8.1 REFUSE the planning application for the following reason:

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, and to prevent neighbouring towns merging together. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2019.

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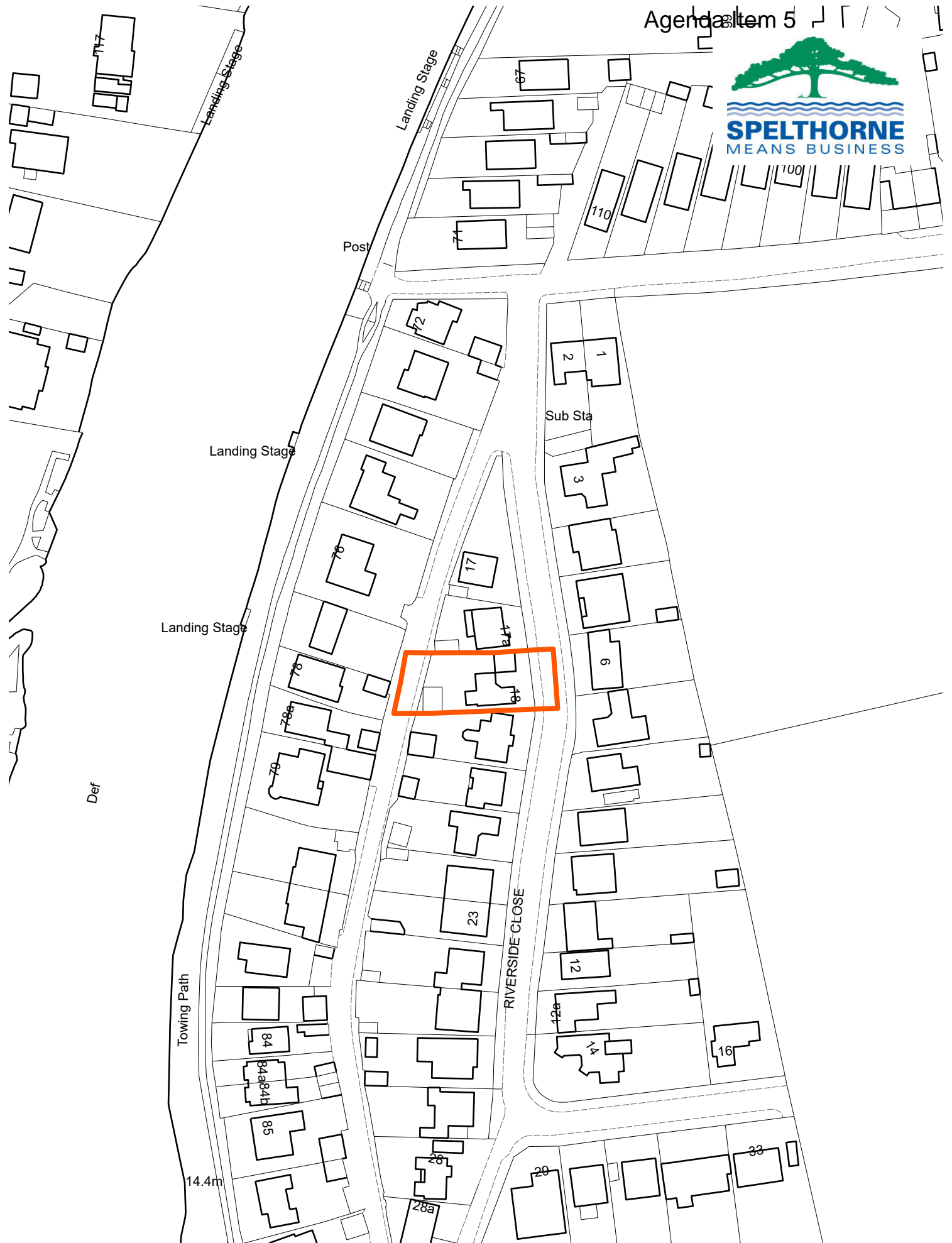
## Existing Site layout plan



## Proposed site layout plan



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20/00874/RVC- 18 Riverside Close, Staines-upon-Thames. TW18 2LW

Scale: 1:1,250

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# Planning Committee

11 November 2020



<b>Application Nos.</b>	20/00874/RVC		
<b>Site Address</b>	18 Riverside Close, Staines-upon-Thames, TW18 2LW		
<b>Proposal</b>	The variation of Condition 2 (approved plans) imposed upon planning permission 19/00186/HOU, to allow for alterations to the garage to include an increase in eaves height, the installation of 4 roof lights and alterations to the proposed door and window openings.		
<b>Applicant</b>	Mr Andy Ash		
<b>Ward</b>	Riverside and Laleham		
<b>Call in details</b>	The application has been called in by Councillor Harman as a result of concerns over the impact upon the character of the area.		
<b>Case Officer</b>	Matthew Churchill		
<b>Application Dates</b>	Valid: 10.08.2020	Expiry: 05.10.2020	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This application is seeking planning permission retrospectively for works to a garage that have been constructed at variance to the approved plans of planning permission 19/00186/HOU, which was granted in April 2019.</p> <p>It was drawn to the Local Planning Authority's attention that the garage had been constructed at variance to the approved plans. Following a visit by the Council's Planning Officers, the officers are satisfied that the garage has been constructed in the correct location. The ridge height (4.5 metres) is also correct. However, the following alterations have been constructed that were not approved in the consented scheme:</p> <ul style="list-style-type: none"> <li>• The eaves height (2.75 metres approx.) is 0.2 metres higher than the consented scheme (2.55 metres approx.).</li> <li>• An oriel window has been inserted into the front elevation above the garage door.</li> <li>• 3 roof lights have been inserted into the western flank elevation.</li> <li>• A further roof light has been inserted into the eastern flank elevation.</li> <li>• A doorway has been incorporated in the eastern flank and a window in this elevation has been revised.</li> <li>• Cedar Cladding panels (0.4 x 6.5 metres) have been introduced to both flank elevations.</li> </ul> <p>This application is seeking planning permission to retain the above alterations, which were not approved in the original scheme. A further application for a wall and gates between the garage and the northern</p>		

	<p>boundary wall is also pending consideration at the site (20/00876/HOU), which has also been called into Planning Committee.</p> <p>Whilst the garage has been constructed at variance to the plans approved in planning permission 19/00186/HOU, this in itself is not a planning reason to justify a recommendation for refusal. Instead it is important to carefully consider whether the alterations to the consented scheme would be acceptable in planning terms.</p> <p>There are a number of domestic scale garages at surrounding properties, which are accessed through Riverside Drive. It is considered that the 0.2 metre increase in eaves height, the insertion of roof lights, the incorporation of cedar cladding, and the insertion of a door and window in the western flank and an oriel window in the front elevation, would have a satisfactory impact upon the character of the area.</p> <p>It is further considered that the alterations have an acceptable impact upon residential amenity, the flood event area and parking provision. The proposal is therefore considered to be in accordance with policies EN1, CC2, CC3, and LO1 and is recommended for approval.</p>
<b>Recommended Decision</b>	This application is recommended for approval subject to conditions.

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P DPD) 2009 are considered relevant to this proposal:

- SP1 - Location of Development
- SP6 – Maintaining and Improving the Environment
- EN1 - Design of New Development
- LO1 – Flooding
- CC2 - Sustainable Travel
- CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2019.

### 2. Relevant Planning History

The relevant planning history of 18 Riverside Close is outlined in the table below:

Application No.	Proposal	Decision
PLAN N/FUL/75/712	Erection of a two-storey side extension measuring approximately 14 ft 9 ins (4.5 m) by 31 ft 2 ins (9.5 m) to provide new lounge with bedroom and bathroom over.	Grant Conditional 24.11.1975
98/00164/FUL	Erection of garage at front	Grant Conditional 11.05.1998
98/00571/FUL	Erection of rear conservatory.	Grant Conditional 17.11.1998
18/01573/HOU	Erection of a two-storey side extension following removal of existing garage, the erection of a first floor extension to the eastern elevation, and roof alterations including the installation of two east facing and three west facing dormers following removal of existing dormers.	Grant Conditional 07.01.2018
19/00160/CPD	Certificate of Lawfulness for the proposed development of a single storey extension to the western elevation (following removal of existing conservatory)	Grant Certificate 01.04.2019
19/00186/HOU	Erection of a detached garage following demolition of existing garage.	Grant Conditional 08.04.2019
20/00876/HOU	The erection of a new boundary wall and gate at the western boundary	Pending Consideration

### 3. Description of Current Proposal

- 3.1 The application site is occupied by a two storey detached dwelling situated in Riverside Close in Staines-upon-Thames. The property has street frontages at both the front and rear of site, with a garage and off-street parking contained at the front of the dwelling (Riverside Close), and a further garage under construction at the rear of the site fronting onto Riverside Drive. A number of planning permissions have recently been granted at the property and the main dwelling is currently being extended.
- 3.2 The surrounding dwellings in Riverside Close are predominantly detached or semi-detached and are set over two storeys. The properties located to the west of the site, whilst being situated in Thames Side and facing the River Thames, generally contain a form of road frontage onto Riverside Drive. A number of surrounding properties in both Thames Side and Riverside Close

contain ancillary outbuildings and garages at the rear. Some of the surrounding dwellings also contain driveways, fences, gates and parking areas, which adjoin the roadway. Other properties contain grass verges, which leave a gap to the roadway.

- 3.3 Planning permission was granted at the site in April 2019 for the erection of a detached garage, which was to be constructed following the demolition of the existing garage (19/00186/HOU). The previous garage has since been demolished and construction has commenced on the new garage. It was drawn to the Local Planning Authority's (LPA's) attention that the garage has not been constructed in accordance with the approved plans.
- 3.4 The Council's Planning Officers have visited the site and are satisfied that the garage has been constructed in the correct location when measured from the main dwelling house. However, the following changes are proposed in this application, which were not granted in the consented scheme:
- The eaves measure approximately 2.75 metres in height which is 0.2 metres taller than the eaves height approved in the existing planning permission (2.55 metres approx.).
  - An oriel window has been inserted into the front elevation.
  - Three roof lights have been inserted into the western roof slope
  - A further roof light has been inserted into the eastern roof slope.
  - A revised window and new doorway have been incorporated within the eastern flank elevation.
  - Cedar Cladding panels have been incorporated in the eastern and western flanks.
- 3.5 Whilst the garage has been constructed at variance to the approved plans of planning permission 19/00186/HOU, this is not a planning reason in itself to recommend the application for refusal. The Local Planning Authority must instead carefully consider whether the alterations constructed at variance to the approved plans would be acceptable in planning terms.

#### 4. Consultations

Consultee	Comment
Environmental Health	No comments
County Highway Authority	The site is accessed from Riverside Close, which is a private road and falls outside of the County Highway Authority's Jurisdiction.

#### 5. Public Consultation

- 5.1 The Local Planning Authority has consulted the occupiers of the neighbouring properties. A total of letters 7 of representation have been received, which object to the proposal on the following grounds:
- The garage projects beyond the boundary onto the footpath and highway (Officer Note: The Council's Planning Officers are satisfied that the garage has been constructed in the correct location).

- Concerns over the scale and bulk of the garage.
- The eaves height is out of character with the street scene.
- The garage has an unacceptable impact upon the amenity.
- Boundary treatment has not been provided (Officer Note: A wall and gates are proposed in planning application 20/00186/HOU).
- Concerns over the storage of waste and refuse.
- The application will have an adverse impact upon flooding and Substantiable Urban Drainage Systems (SUDS).
- Concerns over the impact upon highway safety.
- The applicant should have submitted a flood risk assessment (Officer Note: flood risk assessments are only requested where an extension is proposed in flood zone 3b).
- The garage is contrary to the property's deeds (Officer Note: This is not a planning matter).
- A site notice has not been displayed (Officer Note: A site notice is optional for this development type and is not required to be displayed).
- Guttering will be added, which will increase the projection of the garage.
- The roof lights provide opportunities for overlooking.
- The works have already taken place.
- The garage could be used for more than just storage.
- Concerns that the garage could be used for habitable accommodation.
- The garage has an overbearing impact upon the street scene.
- Objections that the alterations have been constructed without planning permission.

5.2 It should be noted that the Council received revised plans during the application process, which were advertised to the occupiers of neighbouring and adjoining dwellings on 06.10.2020. Further plans were also received on 21.10.2020, which clarify the position of the northern boundary wall. It was not considered necessary to re-advertise such plans, as they do not materially alter the proposal.

## 6. Planning Issues

- The character and appearance of the development
- Amenity
- Parking provision
- Flooding

## 7. Planning Considerations

## Design & Appearance

- 7.1 Policy EN1 of the CS&P DPD, states that the LPA will require a high standard in the design and layout of new development. The policy further states that development proposals should demonstrate that they will create buildings and places that are attractive with their own distinct identity, and should make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, height, layout, materials and other characteristics of adjoining buildings and land.
- 7.2 The NPPF states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and are sympathetic to the local character and history and surrounding built environment, whilst not preventing or discouraging appropriate innovation or change.
- 7.3 In April 2019, planning permission was granted at the property for the erection of a detached garage, which would have been constructed following demolition of the existing garage (19/00186/HOU). The previous garage has been demolished and works to construct the new garage have commenced. The Council's Planning Officers have undertaken a site visit and are satisfied that the garage has been constructed in the correct location when measured from the main dwelling. The ridge over the garage has also been constructed to the correct height (4.5 metres).
- 7.4 However, the following alterations have been constructed at variance to the approved plans:
- The eaves height measures 2.75 metres (0.2 metres greater than approved in planning permission 19/00186/HOU).
  - 3 roof lights have been inserted into the western roof slope.
  - 1 roof light has been inserted into the eastern roof slope.
  - An 'oriel' window has been incorporated into the front elevation.
  - Cedar cladding has been included in the eastern and western flanks.
  - A door has been inserted into the western flank and there have been alterations to the proposed window.
- 7.5 Planning permission has already been granted for a garage in this location. The applicant is seeking planning permission for the variations listed above, which have been constructed at variance to the consented scheme. Whilst the garage has been constructed at variance to the approved plans, this in itself, would not be a planning reason to justify a recommendation for refusal. The LPA must instead carefully consider whether the above alterations would cause undue harm to the character of the area, whether they would cause any other harm and whether the proposed alterations are acceptable or not in planning terms. It must also be acknowledged that a number of letters of representation have been received, which have raised concerns over the impact of the garage upon the character of the area and the perceived overbearing visual impact upon the street scene.

- 7.6 **Eaves Height** – It is considered that the proposed increase in eaves height to 2.75 metres from the approved 2.55 metres, would have a satisfactory impact upon the character of the area. A number of garages are located at surrounding properties, which front onto Riverside Drive. Other planning permissions for garages in the immediate vicinity of the site have been looked at and where plans were available, the eaves heights generally ranged from between 2.4 to 2.65 metres (measured from ground level to point where the outside wall would meet the roof). This application is seeking planning permission for a 0.2 metre increase in eaves height in comparison to the consented scheme. The 2.75 metre eaves height is not considered to cause undue visual harm in the context of neighbouring garages and the existing planning permission at the site. Moreover, the eaves height is not viewed to result in an overbearing or over-dominant appearance and is considered to have a satisfactory visual impact upon the wider street scene.
- 7.7 **Roof Lights** – The garage contains 3 roof lights in the western flank elevation (road facing) and 1 roof light in the eastern flank (dwelling facing). The roof lights are not considered to cause harm to the character of the area as a result of their siting and scale in the roof.
- 7.8 **Oriel Window** – The oriel window is contained in the front elevation of the garage and is be situated 2.96 metres (approx.) above ground level. Given the relatively modest scale of this window and its position within the front elevation, it is considered to have an acceptable visual impact on the surrounding locality.
- 7.9 **Cedar Cladding** – A cedar cladding panel measuring 0.4 x 6.5 metres has been incorporated in both the eastern and western flanks. It is considered that this would have an acceptable impact upon the surrounding character.
- 7.10 **Door & Window** – The door and window in the western flank elevation are not visible from the public street scene and are not considered to have an adverse impact upon visual amenity
- 7.11 The footprint and location of the garage were accepted in planning permission 19/00186/HOU. As the garage has been constructed in the correct approved location, a recommendation for refusal could not be justified on the basis that the location of the garage and its proximity to the roadway.
- 7.12 Whilst the garage has been constructed at variance to the approved plans, this is not a planning reason in itself to justify a recommendation for refusal. Instead the LPA must make a planning judgement as to whether the alterations outlined above would cause demonstrable planning harm in comparison to the consented scheme (19/00186/HOU). It is considered that the cumulative impact of the increased eaves height, the insertion of roof lights, and oriel window, cedar cladding and doorway & window in the western flank, would have an acceptable impact upon the character of the area, and the proposal is considered to be in accordance with policy EN1 in design terms.

#### The Amenity of Neighbouring Occupiers

- 7.13 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.14 The NPPF states that planning decisions should create places with a high standard of amenity for existing and future users.
- 7.15 As highlighted above, planning permission has been granted for a garage in this location and the principle of a garage in this part of the site has been accepted. The LPA must carefully consider whether the alterations in comparison to the consented scheme would cause harm to the amenity of any adjoining dwellings.
- 7.16 The increase in eaves height by 0.2 metres is considered to have an acceptable impact upon the light entering no.19 Riverside Road situated to the south of the site. Moreover, the increase in eaves height is not considered to cause an overbearing impact upon the occupiers of this property, particularly as the ridge height (4.5 metres) remains unchanged.
- 7.17 The garage is also located some 8 metres from the boundary with no.17A Riverside Close and is considered to have an acceptable impact upon the light of this property. At such a distance the increased eaves height would also not have an overbearing impact. The increase in eaves height is also considered to have an acceptable impact upon all further properties in the surrounding locality.
- 7.18 The LPA has received a number of letters of representation, which raise concerns that the proposed roof lights would lead to opportunities for overlooking. The garage has a single storey and the roof lights would be more than 1.7 metres above floor level. It is not considered that an objection could be reasonably sustained on the grounds of overlooking. The oriel window in the front elevation would also be in excess of 1.7 metres above floor level and is also considered to have an acceptable impact upon privacy.
- 7.19 The cedar cladding and door and window openings in the western elevation are also considered to have an acceptable impact upon amenity. The proposal is therefore considered to have an acceptable impact upon the amenity of all neighbouring and adjoining dwellings.

#### Parking Provision & Highway Impacts

- 7.20 Policy CC2 of the CS&P DPD states that the LPA will seek to secure more sustainable travel by only permitting traffic generating development where it can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety. Additionally, policy CC3 states that the LPA will require that sufficient provision is made for off-street parking in accordance with its Parking Standards.



- 7.21 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety or if the residual cumulative impacts on the road network would be severe.
- 7.22 The garage is in adherence to the LPA's minimum internal garage dimensions as set out in the Council's Parking Standards (2.4 x 4.8 metres). As the garage has replaced a previous garage, it is considered to have an acceptable impact upon parking provision across the site. Further off-street parking spaces are also available at the front of the dwelling.
- 7.23 The applicant has provided a vehicle tracking plan, which demonstrates that it is possible for a car to leave and enter the garage. It must also be noted that the previous garage was situated in a similar position to the current garage.
- 7.24 The LPA has received a number of letters of representation, which object to the proposal on the grounds that the garage projects further towards the highway than the previous garage, with particular concerns also raised over access to Riverside Drive for emergency vehicles.
- 7.25 The application is seeking planning permission for alterations to planning permission 19/00186/HOU, which have been constructed at variance to the approved plans. The Council's Planning Officers have undertaken a site visit and are satisfied that the garage has been constructed in the correct location, as shown in the approved plans of planning permission 19/00186/HOU. As the applicant is not applying to vary the location of the garage, a recommendation for refusal could not be justified on the grounds of the projection towards the highway.
- 7.26 It should also be noted that whilst there is a gap between some properties in Thames Side and Riverside Close and the roadway of Riverside Drive, other properties contain features such as driveways, parking areas and fences and gates, which project up to the roadway.
- 7.27 The proposal is therefore considered to have an acceptable impact upon parking provision and the highway and is considered to be in adherence to policy CC2 and CC3.

#### Flooding

- 7.28 The application site is located in the 1 in 100 year flood event area (Flood Zone 3a). The garage has been constructed in the correct location and it also has the same footprint as the consented garage (19/00186/HOU). It is therefore not considered that an objection could reasonably be sustained on flooding grounds.
- 7.29 It is also considered that the garage will have an acceptable impact upon the flood event area provided that it adheres to the conditions recommended by the Environment Agency in its Standing Advice, which are recommended to be attached to the decision notice.

- 7.30 It is noted that the LPA received a letter of representation in regards to the absence of a Flood Risk Assessment (FRA). An FRA is not considered to be required in this instance, providing that the applicant adheres to the conditions in the Environment Agency's Standing Advice.

#### Other Matters

- 7.31 The LPA has received a total of 7 letters of representation in objection to the proposal. Of the objections not already covered in this report, requirements in the property's deeds fall outside of planning legislation and would not be a planning reason to justify a recommendation for refusal.
- 7.32 A concern has been raised in the letters of representation that the garage would be used for habitable accommodation. The application is proposing a garage and must be determined on this basis. However, it is recommended that a condition is attached to the decision notice which requires the garage to remain ancillary to the host dwelling. It is also not considered reasonable given the nature of the works, for the LPA to require the applicant to provide details of waste and recycling.

#### Equalities Act 2010

- 7.33 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

The garage has an internal width of 4.3 metres and an internal depth of 6.5 metres, which exceeds the minimum dimensions for a disabled parking space outlined in the Council's Parking Standards (3.6 x 4.8 metres).

#### Human Rights Act 1998

- 7.34 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.35 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

- 7.36 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.37 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

#### Finance Considerations

- 7.38 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are 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.
- 7.39 In consideration of S155 of the Housing and Planning Act 2016, the proposal is not CIL liable.

### **8. Conclusions**

- 8.1 The garage has been constructed at variance to the approved plans of planning permission 19/00186/HOU. The eaves height has been increased from 2.55 metres in the consented scheme (approx.) to 2.75 metres (approx.) in the current application. In the context surrounding garages and outbuildings, the increase eaves height is considered to have an acceptable impact visual impact upon the character of the surrounding street scene. The roof lights, oriel window, cedar cladding and door and window in the eastern flank elevation are also considered to have an acceptable impact upon the character of the area.
- 8.2 The 0.2 metre increase in eaves height is considered to have an acceptable impact upon the light of neighbouring and adjoining dwellings and is not considered to result in an overbearing impact. The roof lights and oriel window are situated in excess of 1.7 metres above floor level and the garage is set over a single storey. The door and window in the western flank elevation would be at ground floor level and are not considered to provide opportunities for overlooking. The development is therefore considered to have an acceptable impact upon light, privacy and amenity.

- 8.3 The alterations are not considered to have an adverse impact upon parking provision. The application would also have an acceptable impact upon the 1 in 100 year flood event area provided it adheres to the conditions recommended by the Environment Agency in its Standing Advice, which will be attached to the decision notice.
- 8.4 The proposal is therefore considered to be in accordance with the objectives of policy EN1, policy CC2, policy CC3, policy LO1 and the NPPF.

## **9. Recommendation**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 05-EX-GAR-000 Revision 14, 05-EX-GAR-001 Revision 14, 05-PR-GAR-000 Revision 14, 05-PR-GAR-001 Revision 14, 05-PR-GAR-002 Revision 14 (Received 22.09.2020) 02-PR-GAR-000 Revision 16, 03-EX-GAR-000 Revision 16, 03-PR-GAR-000 Revision 16, 05-PR-GAR-002 Revision 16 (Received 21.10.2020) 02-EX-000 Revision 17 (Received 30.10.2020)

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

- 2 That the garage development hereby permitted be used only for purposes ancillary to the existing dwelling and not for any other purposes without prior planning consent of the Local Planning Authority

**Reason:** In the interests of residential amenity and the character of the area.

- 3 There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

**Reason:** To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 4 All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

**Reason:** To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

## **INFORMATIVES TO APPLICANT**

- 1 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).

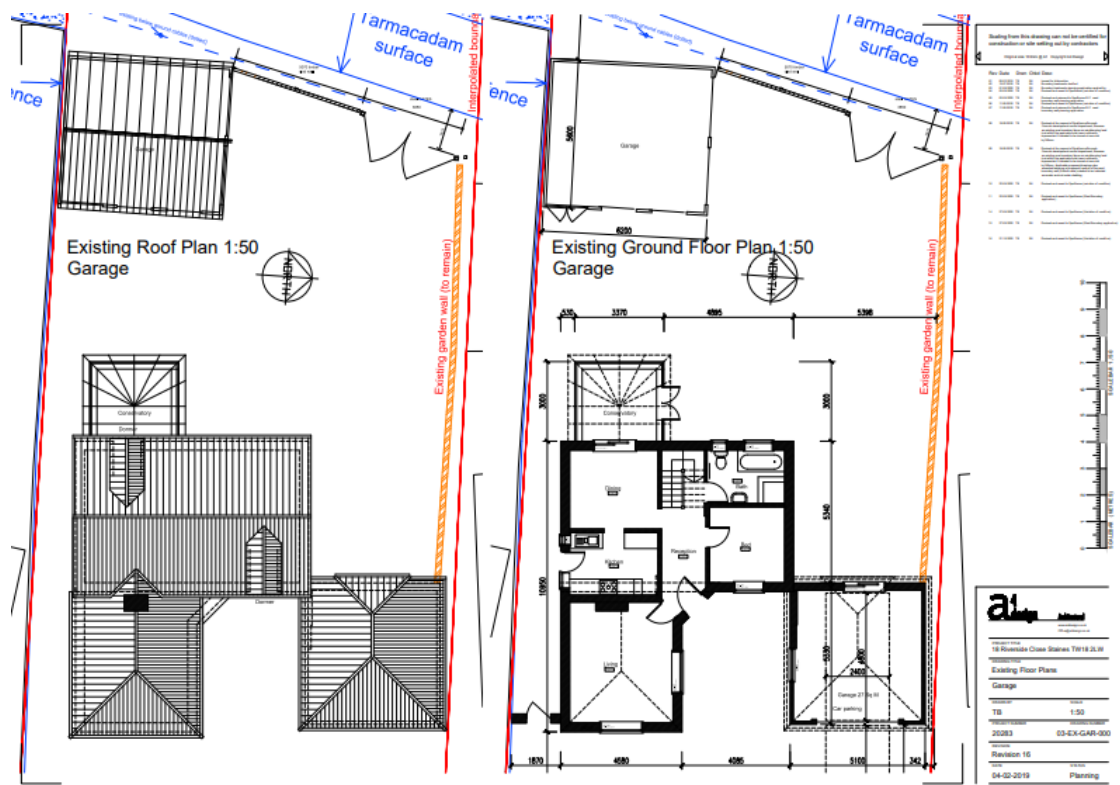
- 2 The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.

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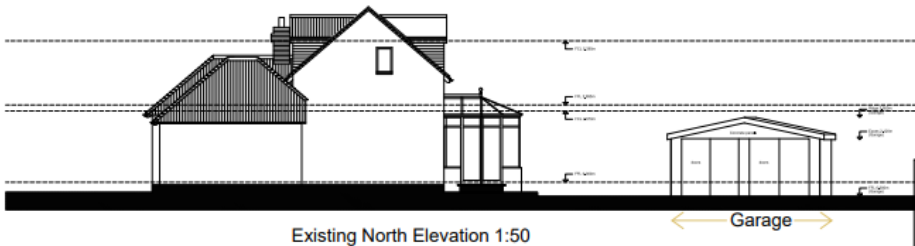
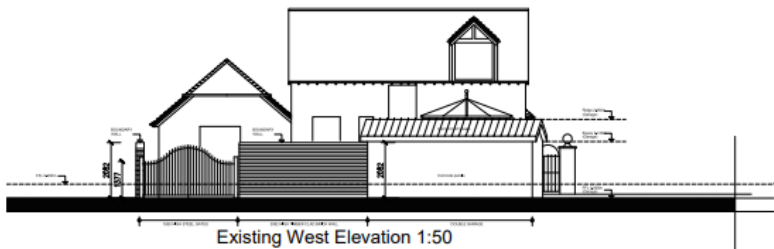
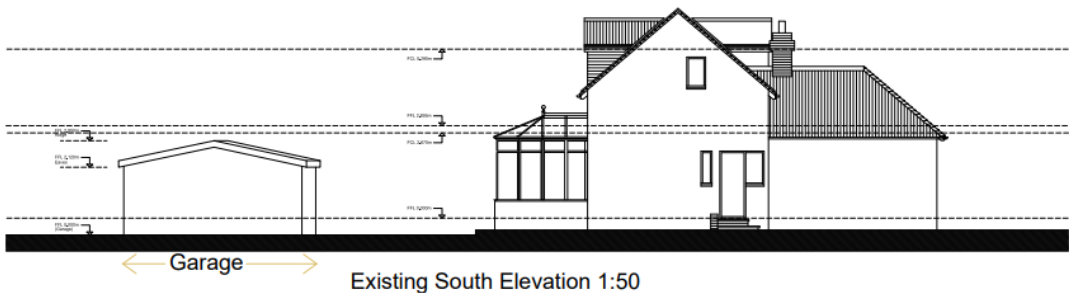
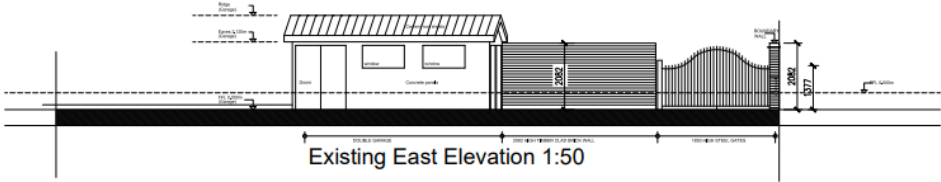
# Existing Site Plans



# Existing Floor Plans



Existing Elevations



Building from this drawing can not be certified for construction or other building and fire codes.

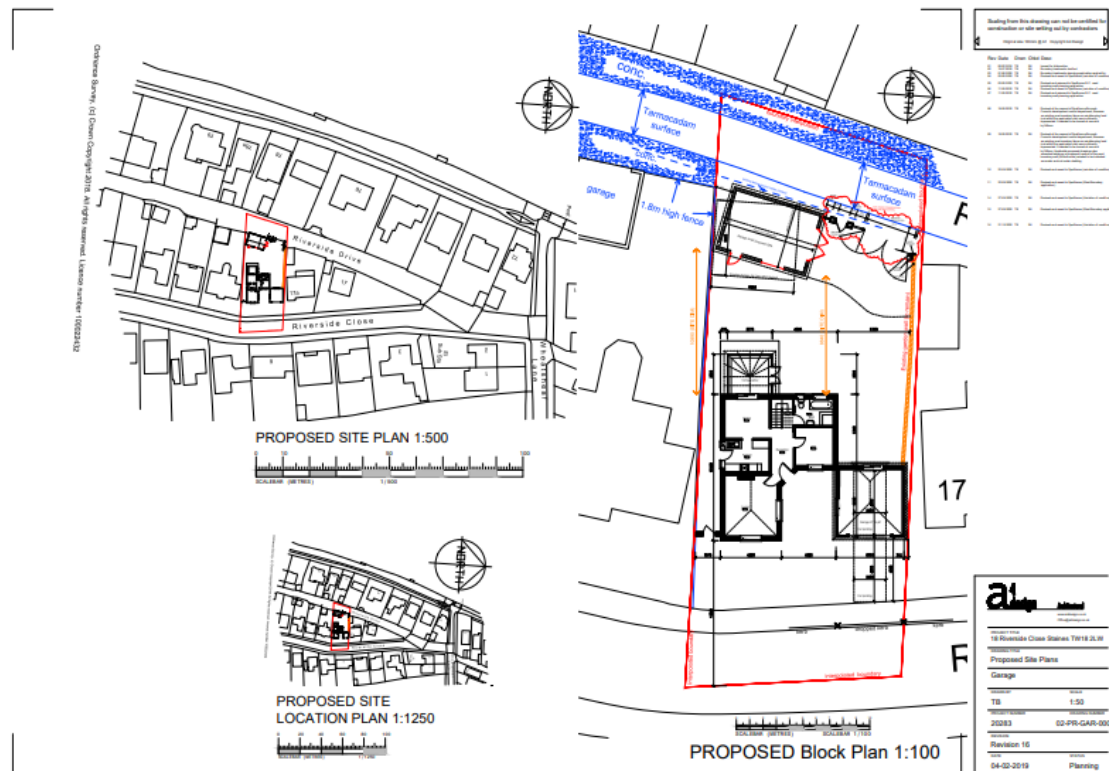
Not for Construction



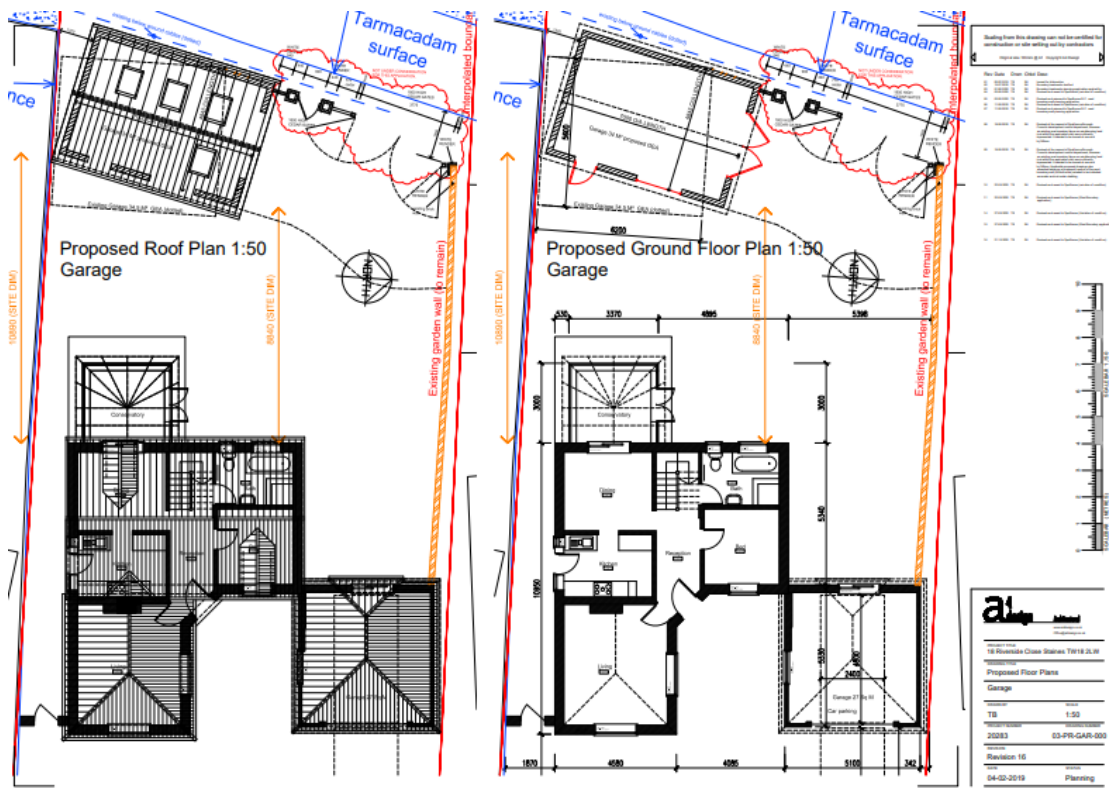
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Proposed
West and North Elevations Garage
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Revision 02
04-02-2018
Planning



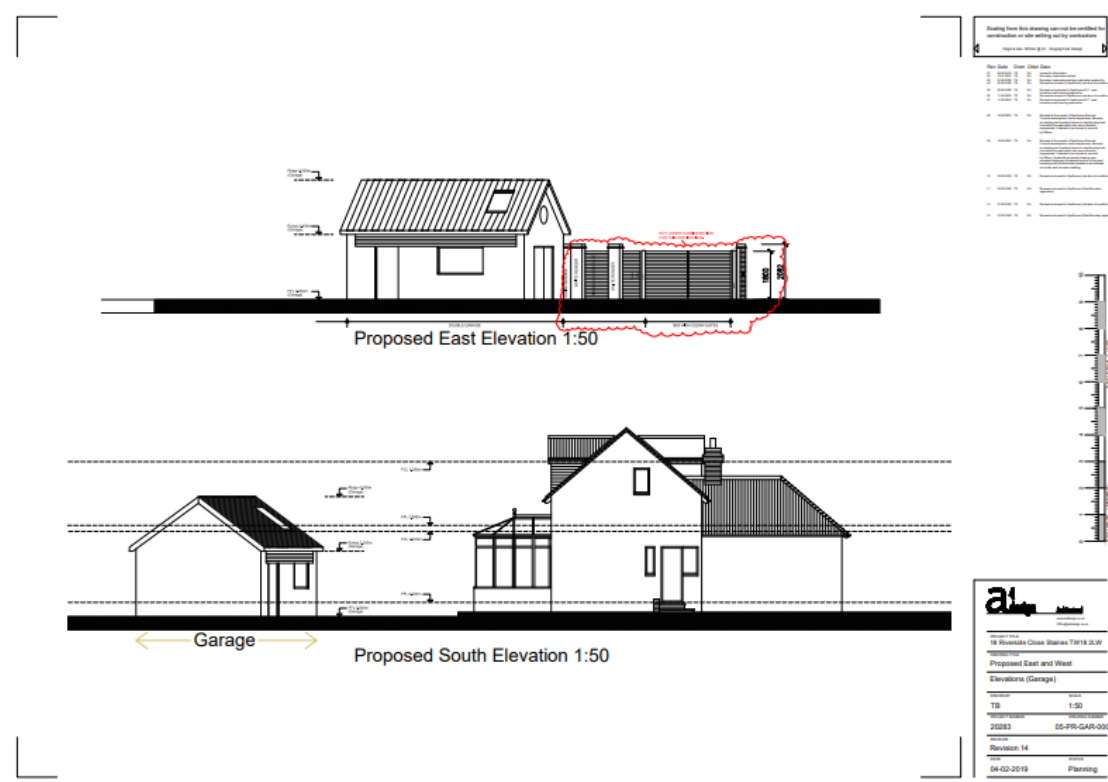
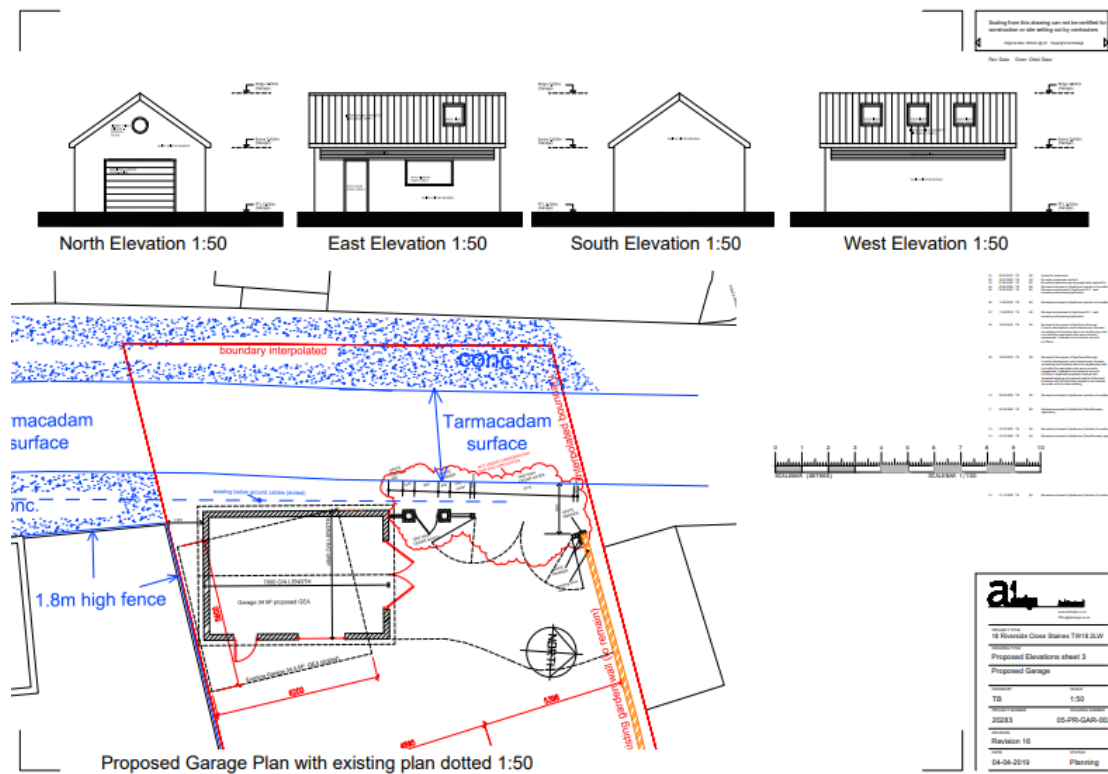
## Proposed Site Plans

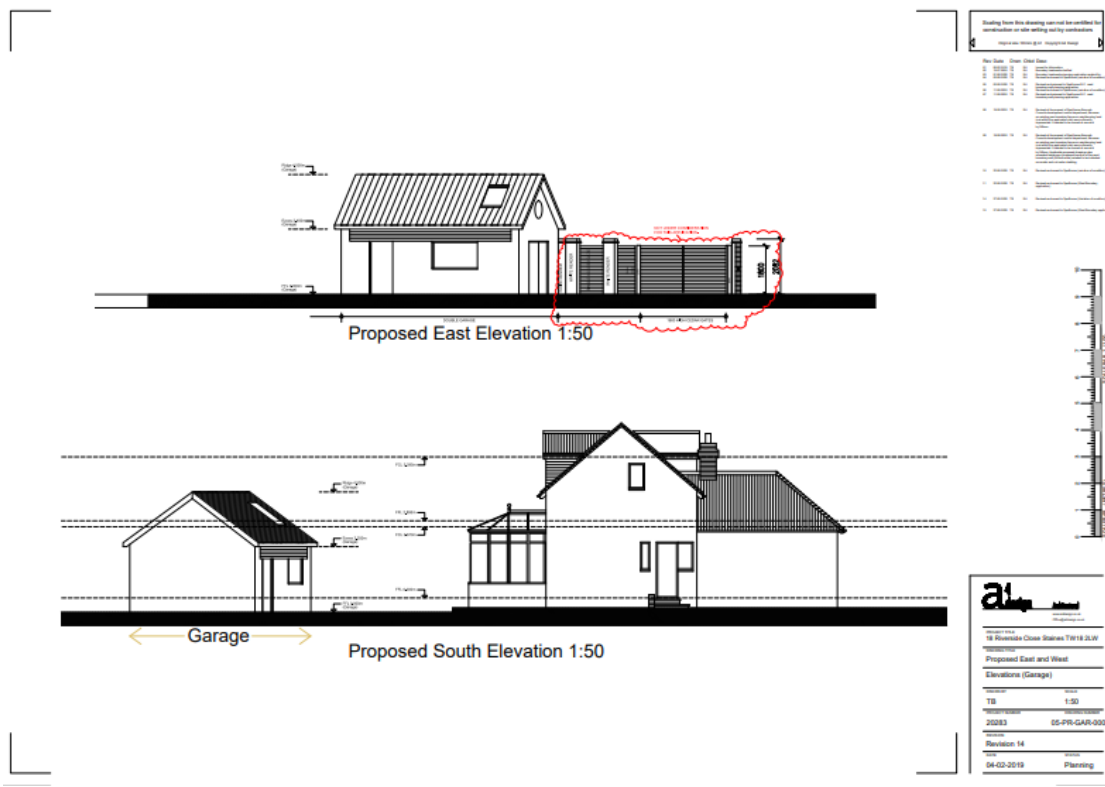


## Proposed Floor Plans

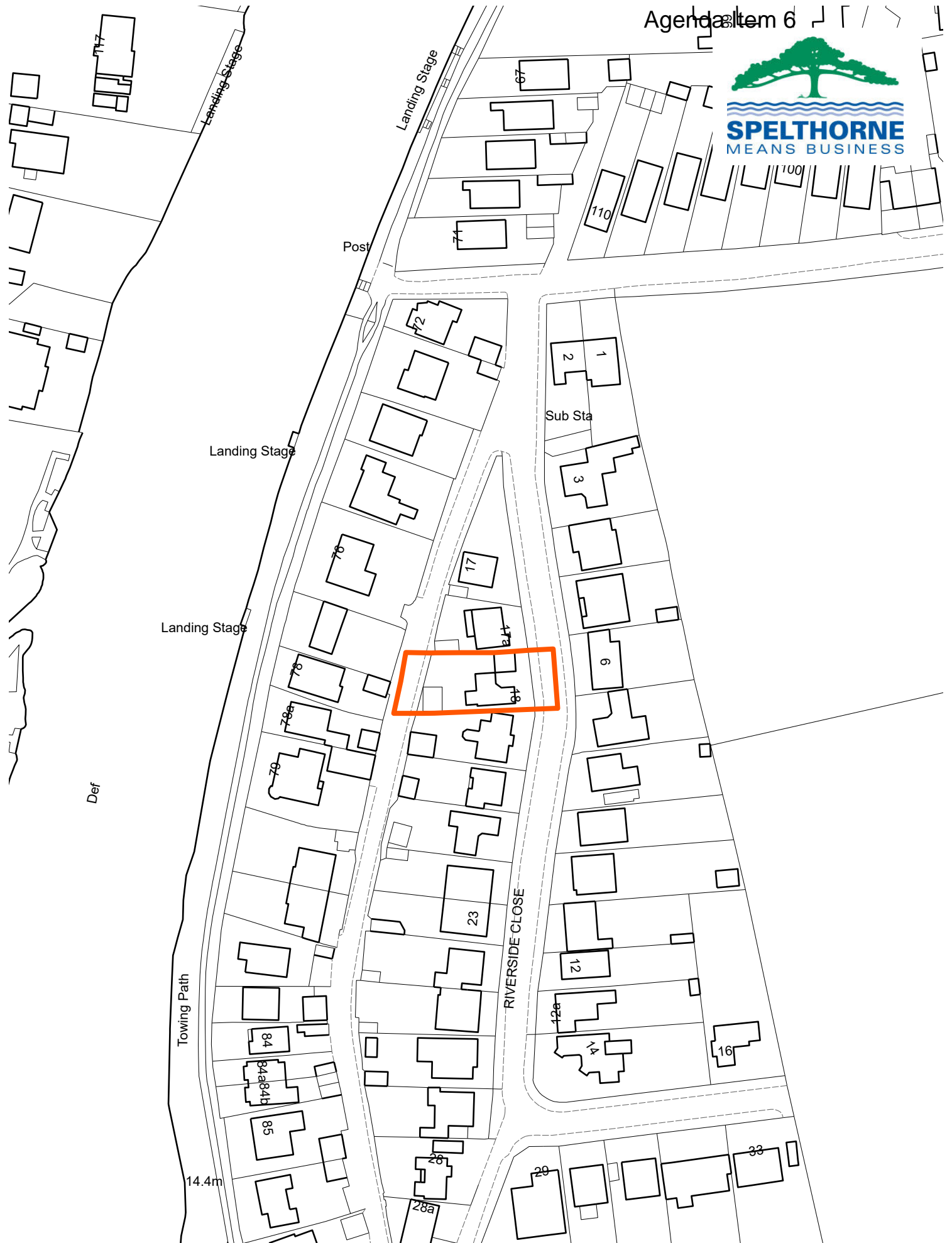


# Proposed Elevation Plans





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20/00876/HOU - 18 Riverside Close, Staines-upon-Thames. TW18 2LW

Scale: 1:1,250

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# Planning Committee

11 November 2020



<b>Application Nos.</b>	20/00876/HOU		
<b>Site Address</b>	18 Riverside Close, Staines-upon-Thames, TW18 2LW		
<b>Proposal</b>	The erection of a new boundary wall and gate at the western boundary		
<b>Applicant</b>	Mr Andy Ash		
<b>Ward</b>	Riverside and Laleham		
<b>Call in details</b>	The application has been called in by Councillor Harman as a result of concerns over the impact upon the character of the area.		
<b>Case Officer</b>	Matthew Churchill		
<b>Application Dates</b>	Valid: 10.08.2020	Expiry: 05.10.2020	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This application is seeking planning permission for the erection of a wall and gates at the west of 18 Riverside Close, which would front onto Riverside Drive. The wall and gates would be situated between the existing garage and the northern boundary wall. The wall would measure a maximum height of 2.082 metres and would incorporate white render. The application also proposes cedar gates. At the time of the site visit the wall had been partially constructed, although the gates had not been installed.</p> <p>The wall adjoins a garage which was originally granted planning permission in April 2019 (19/00186/HOU). However, it has been constructed on site at variance to the approved plans. The alterations that do not benefit from planning permission, are currently under consideration in a further planning application (20/00874/RVC), which is also being considered at this Planning Committee meeting.</p> <p>The wall and gates are situated in a similar position to a previous fence and gates, which were removed when the current garage was constructed. The wall and gates would measure a maximum height of 2.082 metres, which would be similar to the height of the previous fence. Planning permission is required for the wall and gates as they would adjoin the highway and would exceed 1 metre in height.</p> <p>The wall and gates are considered to have an acceptable impact upon the character of the area. Walls, fences and gates are not uncommon features in this part of Riverside Drive and it is not considered that the wall and gates would be out of keeping with the surrounding locality in this regard.</p>		

	<p>The wall and gates are also considered to have an acceptable impact upon the light, privacy and amenity of all neighbouring and adjoining dwellings.</p> <p>In terms of the impact upon the highway, the wall and gates are located in a similar position to the previous wall and gates, which were removed prior to the construction of current garage. It is considered that the wall and gates would have an acceptable impact upon the highway as a result.</p> <p>The wall and gates are considered to be in accordance with the Council's planning policies and guidance and the application is recommended for approval.</p>
<b>Recommended Decision</b>	This application is recommended for approval subject to conditions.

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P DPD) 2009 are considered relevant to this proposal:

- SP1 - Location of Development
- SP6 – Maintaining and Improving the Environment
- EN1 - Design of New Development
- LO1 – Flooding
- CC2 - Sustainable Travel
- CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2019.

### 2. Relevant Planning History

The relevant planning history of 18 Riverside Close is outlined in the table below:

Application No.	Proposal	Decision
PLAN N/FUL/75/712	Erection of a two-storey side extension measuring approximately 14 ft 9 ins (4.5 m) by 31 ft 2 ins (9.5 m) to provide	Grant Conditional 24.11.1975



	new lounge with bedroom and bathroom over.	
98/00164/FUL	Erection of garage at front	Grant Conditional 11.05.1998
98/00571/FUL	Erection of rear conservatory.	Grant Conditional 17.11.1998
18/01573/HOU	Erection of a two-storey side extension following removal of existing garage, the erection of a first-floor extension to the eastern elevation, and roof alterations including the installation of two east facing and three west facing dormers following removal of existing dormers.	Grant Conditional 07.01.2018
19/00160/CPD	Certificate of Lawfulness for the proposed development of a single storey extension to the western elevation (following removal of existing conservatory)	Grant Certificate 01.04.2019
19/00186/HOU	Erection of a detached garage following demolition of existing garage.	Grant Conditional 08.04.2019
20/00874/RVC	Variation of Condition 2 (approved plans) imposed upon planning permission 19/00186/HOU, to allow for alterations to the garage to include an increase in eaves height, the installation of 3 roof lights and alterations to proposed window and door openings.	Pending Consideration

### 3. Description of Current Proposal

- 3.1 The application site is occupied by a two-storey detached dwelling that is situated in Riverside Close in Staines-upon-Thames. The property has street frontages at both the front and rear of site, with a garage and off-street parking contained at the front of the dwelling, and a further garage under construction at the rear of the site fronting onto Riverside Drive. A number of planning permissions have recently been granted at the property and the main dwelling is currently being extended.
- 3.2 The surrounding dwellings in Riverside Close are predominantly detached or semi-detached and are set over two storeys. The properties located to the west of the site, whilst being situated in Thames Side and facing the River Thames, generally contain a form of road frontage onto Riverside Drive. A number of surrounding properties in both Thames Side and Riverside Close contain ancillary outbuildings and garages at the rear. Some of the surrounding dwellings also contain driveways, fences, gates and parking

areas, which adjoin the roadway. Other properties contain grass verges, which leave a visual gap to the roadway.

- 3.3 The application proposes the erection of a wall and gates at the western boundary that would measure a maximum of 2.082 metres in height. The scheme proposes cedar gates and white rendered walls. The wall and gates front onto Riverside Drive and are located in a similar position to the previous fence and gates that were removed prior to the construction of the existing garage. The construction of the wall and gates had commenced at the time of the site visit, although the gates had not been installed.

#### 4. Consultations

Consultee	Comment
Environmental Health	No comments
County Highway Authority	The site is accessed from Riverside Close, which is a private road and falls outside of the County Highway Authority's jurisdiction.

#### 5. Public Consultation

- 5.1 The Local Planning Authority has consulted the occupiers of the neighbouring properties. A total of letters 8 of representation have been received, which object to the proposal on the following grounds:

- The boundary wall would not make a positive contribution to the street scene or character of the area and would encroach on the building line.
- The proposal would be contrary to property deeds (Officer Note: this is not a planning matter).
- The wall and gate are overbearing.
- The wall projects beyond the boundary (Officer Note: The location of the boundary is a civil matter).
- Flooding concerns.
- Concerns the planning department are not being fair and objective in the determination of this application (Officer Note: the application is being determined against the relevant planning policies and guidance).
- There may be damage to parked vehicles (Officer Note: this is not a planning matter).
- The boundary gate is a dominant feature.
- The scheme reduces the width of the highway (Officer Note: The wall and gates are in a similar position to the previous fence and gates).
- Concerns over access to the road for emergency vehicles.
- The area was previously used as a footway.
- A car may not be able to turn in the site.

- Work has already taken place.

5.2 It should be noted that the Council received revised plans during the application process, which were advertised to the occupiers of neighbouring and adjoining dwellings on 06.10.2020. Further plans were also on 21.10.2020, which clarify the position of the northern boundary wall. It was not considered necessary to re-advertise such plans, as they do not materially alter the proposal.

## **6. Planning Issues**

- The character and appearance of the development
- Amenity
- Parking provision
- Flooding

## **7. Planning Considerations**

### Design & Appearance

- 7.1 Policy EN1 of the CS&P DPD, states that the LPA will require a high standard in the design and layout of new development. The policy further states that development proposals should demonstrate that they will create buildings and places that are attractive with their own distinct identity, and should make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, height, layout, materials and other characteristics of adjoining buildings and land.
- 7.2 The NPPF states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and are sympathetic to the local character and history and surrounding built environment, whilst not preventing or discouraging appropriate innovation or change.
- 7.3 It is considered that the wall and gates have an acceptable impact upon the character of the area. It is noted that gates, walls and fences are prevalent features in Riverside Drive, and the siting, scale and maximum 2.082 metre height of the wall and gates is not considered to cause undue harm to visual amenity. The proposed materials consisting of white render and cedar gates are also considered to have an acceptable visual impact.
- 7.4 Some of the surrounding properties in Thames Side and Riverside Close, which incorporate vehicle accesses onto Riverside Drive, contain fences, gates, walls, driveway areas and parking areas, which project up to the roadway. Other properties contain grass verges which creates a gap to the roadway. Given this, the siting of the wall and gates is not considered out of keeping with the surrounding locality, particularly when viewed in the context of the previous wall and gates, which were situated in a similar position.

- 7.5 The wall and gates are therefore considered to be in accordance with the requirements of policy EN1 and the NPPF in design terms.

#### The Amenity of Neighbouring Occupiers

- 7.6 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.7 The wall and gates would be situated in a similar position to the previously removed gate and fence. It is not considered that they would have an adverse impact upon the light, privacy or amenity of any neighbouring and adjoining dwellings. The works are also not considered to have an overbearing impact upon the occupiers of any surrounding properties.

#### Parking Provision & Highway Impacts

- 7.8 Policy CC2 of the CS&P DPD states that the LPA will seek to secure more sustainable travel by only permitting traffic generating development where it can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety. Additionally, policy CC3 states that the LPA will require that sufficient provision is made for off-street parking in accordance with its Parking Standards.
- 7.9 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety or if the residual cumulative impacts on the road network would be severe.
- 7.10 The wall and gates would be situated in a similar position and would be of a similar height to the previously removed wall and fence and would not encroach upon the roadway. The applicant has also submitted a vehicle tracking plan, which demonstrates it would be possible for a vehicle to leave and enter the site using the gates.
- 7.11 It is noted that the LPA has received a number of letters of representation raising concerns that the wall and fence would reduce the roadway and footpath. The wall and gates would be situated in a similar position to the previous wall and fence and would not reduce the width of the roadway. It should also be noted that there is no formal pavement along Riverside Drive, with some of the properties in Riverside Close and Thames Side containing parking areas, driveways, fences, walls and gates that project up to the roadway of Riverside Drive and some properties containing grass verges, which leave a gap to the roadway.
- 7.12 It The proposal is therefore considered to be in accordance with policy CC2 and CC3.

### Flooding

- 7.13 The application site is located in the 1 in 100 year flood event area (flood zone 3a). The conditions recommended by the Environment Agency in its Standing Advice are recommended to be attached to the decision notice. These conditions are regularly attached to proposals for outbuildings and domestic extensions in the borough, which are located in flood zone 3a. The proposal is considered to be in accordance with policy LO1 provided that these conditions are adhered to.
- 7.14 It is noted that a letter of representation has been received, which raises concerns that other planning proposals in Riverside Close have been rejected on flooding grounds. Whilst specific application numbers have not been provided, it is noted that the flood risk varies across Riverside Close with some properties being situated in the 1 in 1000 year flood event area (flood zone 2), which is of lower flood risk than the application site, and a significant number of properties being located in the 1 in 20 year flood even area (flood zone 3b) which is the highest level of flood risk. In any event each planning application must be determined on its own particularly planning merits and the wall and gates are considered to be acceptable in flooding terms.

### Other Matters

- 7.15 The LPA has received a total of 8 letters of representation in objection to the proposal. Of the objections not already covered in this report, requirements in the property's deeds fall outside of planning legislation and would not be a planning reason to justify a recommendation for refusal.

### Equalities Act 2010

- 7.16 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

Given the nature of the proposal, the wall and gates are not considered to impede accessibility to the site for disabled individuals.

### Human Rights Act 1998

- 7.17 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.18 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.19 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.20 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

#### Finance Considerations

- 7.21 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are 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.
- 7.22 In consideration of S155 of the Housing and Planning Act 2016, the proposal is not CIL liable.

### **8. Conclusions**

- 8.1 It is noted that walls, gates and fences are prevalent features in Riverside Drive. Some of the properties in Thames Side and Riverside Close contain walls, gates, fences, driveways and parking areas that project up to the roadway of Riverside Drive, other properties contain grass verges that create a gap to the roadway. The siting and scale of wall and gates is considered to have an acceptable impact upon the character and appearance of the area in the context of surrounding walls, gates and fences and the fence and gates it would replace.
- 8.2 The wall and gates are considered to have an acceptable impact upon amenity of all neighbouring and adjoining properties owing to their siting, scale and location.

- 8.3 The wall and gates are situated in a similar position to the previous wall and gates and are not considered to have an adverse impact upon the highway. The wall and gates area also considered to have an acceptable impact upon the 1 in 100-year flood event area. The application is therefore considered to be in accordance with policies EN1, LO1, CC2 and CC3 and is recommended for approval subject to the following conditions:

**9. Recommendation**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 05-EX-GAR-000 Revision 15, 05-EX-GAR-001 Revision 15, 05-PR-GAR-000 Revision 15, 05-PR-GAR-001 Revision 15, (Received 22.09.2020) 02-PR-GAR-000 Revision 17, 03-EX-GAR-000 Revision 17, 03-PR-GAR-000 Revision 17 (Received 21.10.2020) 05-PR-GAR-002 Revision 17 (Received 30.10.2020)

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

- 2 There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

**Reason:** To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 3 All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

**Reason:** To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

**INFORMATIVES TO APPLICANT**

- 1 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).
- 2 The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's

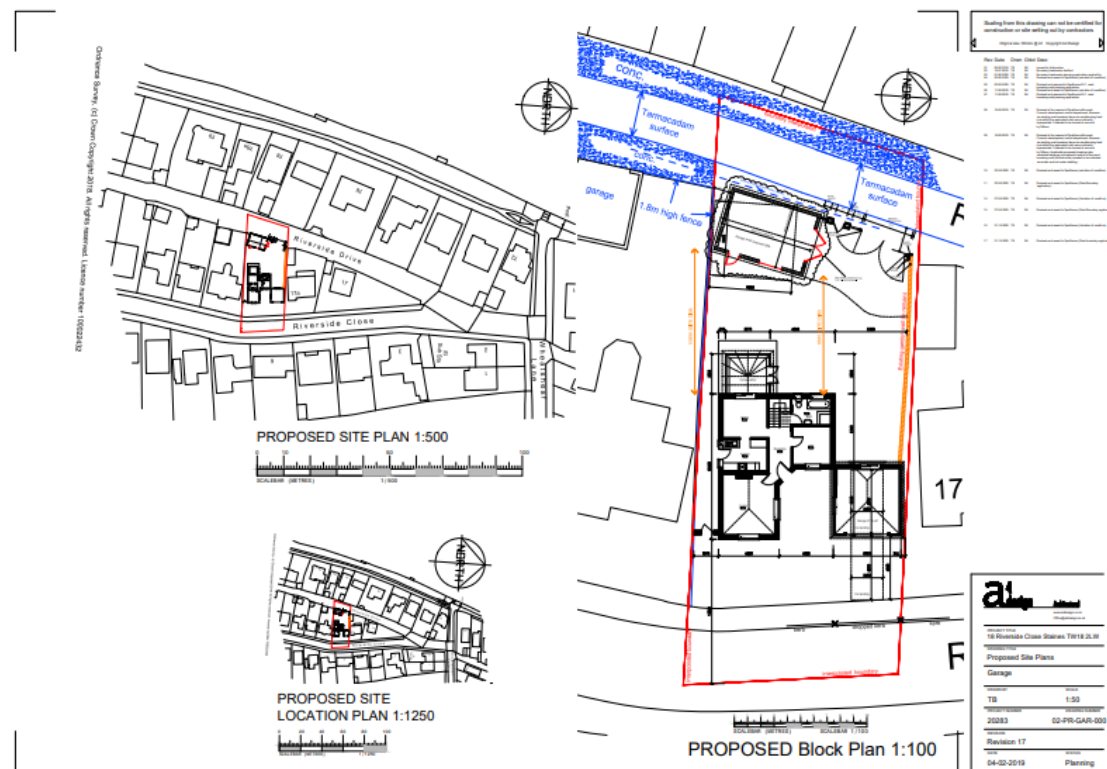
building/boundary. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.



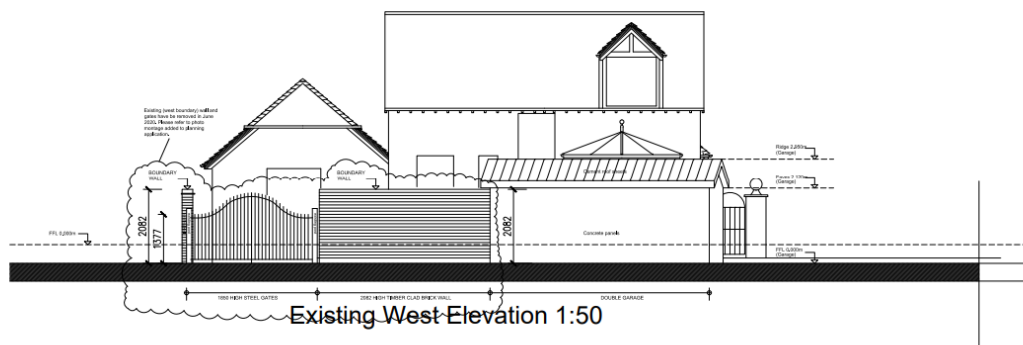
## Existing Site Plan



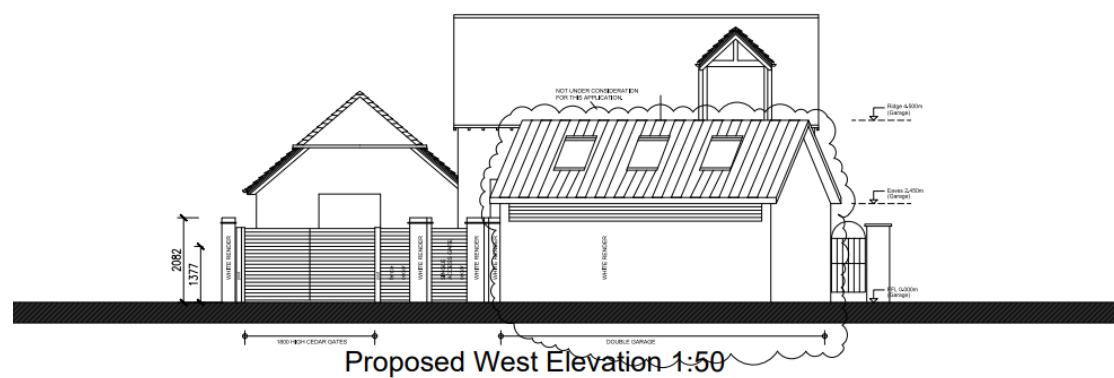
# Proposed Site Plan



### Existing Elevations (Previous Fence & Gate)



## Proposed Elevations





20/01035/HOU - 24 Wellington Road, Ashford. TW15 3RJ

Scale: 1:1,250

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# Planning Committee

11 November 2020



<b>Application No.</b>	20/01035/HOU
<b>Site Address</b>	24 Wellington Road, Ashford, TW15 3RJ
<b>Proposal</b>	Erection of a single storey side and rear extension
<b>Applicant</b>	Mr and Mrs Marland
<b>Case Officer</b>	Kiran Boparai
<b>Ward</b>	Ashford Town
<b>Call-in details</b>	The applicant is an employee of Spelthorne Borough Council and in accordance with the Planning Code (paragraph 38) this application is being reported to Committee for a decision.

<b>Application Dates</b>	Valid: 07.09.2020	Expiry: 13.11.2020	Target: Extension of time agreed
<b>Executive Summary</b>	This application relates to 24 Wellington Road which is a two-storey detached dwellinghouse in Ashford situated on the eastern side of the road. This application is for the erection of a single storey side and rear extension. The extension would wrap around the south east corner of the dwellinghouse extending 1.7 metres in width at the side of the house and 3.5 metres in depth from the rear wall of the property, following demolition of the existing single storey rear element. The extension is designed with a pitched roof with a maximum height of 4.25 metres. The proposal is considered to be acceptable in terms of its impact on the character of the area and impact on the amenity of neighbouring properties.		
<b>Recommended Decision</b>	Approve the application subject to conditions as set out at paragraph 8 of this report.		

## MAIN REPORT

### 1. Development Plan

- 1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (2009) are considered relevant to this proposal:
- Policy EN1 (Design of new development)
- 1.2 It is also considered that the following Supplementary Planning Document (SPD) is relevant:
- Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011

### 2. Relevant Planning History

- 2.1 There is no relevant planning history

### 3. Description of Current Proposal

- 3.1 This application relates to 24 Wellington Road which is a two-storey detached dwellinghouse in Ashford situated on the eastern side of the road. The properties to the south of the site are also two-storey detached houses. The properties to the north are detached bungalows.
- 3.2 The proposal is for the erection of a single storey side and rear extension. The extension would wrap around the south east corner of the dwellinghouse extending 1.7 metres in width and 3.5 metres in depth from the rear wall of the property, following demolition of the existing single storey rear element. The extension is designed with a pitched roof with a maximum height of 4.25 metres.

### 4. Consultations

- 4.1 The following table shows those bodies consulted and their response:

Consultee	Comment
Environmental Health	No objection to the proposal works. However, Pollution Control request an informative relating to a gas impermeable membrane is attached to the decision notice.

### 5. Public Consultation

- 5.1 No letters of representation have been received

## **6. Planning Issues**

- 6.1 The main planning consideration for this application is the impact of the proposed development on the character of the area and the impact on the amenity of neighbouring properties.

## **7. Planning Considerations**

### Character of the area

- 7.1 Policy EN1 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.
- 7.2 It is considered that the side extension does not detract from the street scene as the position and design of the side element will be well proportioned and will not over dominate the host building. The Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document April 2011 (SPD) recommends that single storey side extensions should appear subordinate to the host building through a set back from the front elevation. It also states that a minimum set-in of 250mm from the boundary is required and that the roof design should be pitched. It is considered that this proposed development complies with these guidelines.
- 7.3 The proposed single storey side extension will measure 1.7 metres in width, set-in from the property boundary by 1 metre and set-back from the front elevation by 1 metre. The design of the side extension will consist of a pitched roof element which will wrap around and join the rear extension forming a continuity with the roof. When viewed from the street scene, the design is considered acceptable as it will be narrow on the street frontage and integrate well. Nearest to the street the side element will measure 2.7 metres in height and slope up to a maximum height of 4.25 metres. It is considered that through a 1 metre set-back and 1 metre set-in the proposal will have an acceptable impact on the character of the area.
- 7.4 The existing single storey rear addition measures 1.7 metres in depth, 3.1 metres in height and 2.4 metres height to the eaves. The proposed rear extension will measure 3.5 metres in depth following demolition of the existing single storey rear element. The proposed depth complies with the recommendation in the SPD that single storey rear extensions should generally not exceed 4 metres on detached properties. The proposed four rooflights on the rear roof slope are considered acceptable. The materials for the proposed development are also shown to match the existing dwellinghouse and will therefore respect the appearance of the host building. Moreover, the rear element will not be visible on the street scene.

### Amenity of neighbouring properties

- 7.5 In regards to the impact on the amenity of neighbouring properties, Policy EN1 states that proposals for new development should demonstrate that they

will 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 of outlook.

- 7.6 The proposed side extension will include the installation of a utility window facing onto the neighbouring property no. 26 Wellington Road to the south of the application site. As no. 26 has no windows on its flank wall nearest to the proposed extension it is considered that the proposed window will not overlook or infringe privacy. The proposed extension will project past the rear elevation of no. 26 by 1.7 metres, however, as an appropriate separation distance of over 1 metre will be maintained between the extension and given that the distance is just 1.7 metres beyond no.26, the impact would be acceptable.
- 7.7 The neighbouring bungalow of no. 20 Wellington Road has an existing single storey rear extension which will exceed the proposed development by 1.4 metres depth and mitigates the impact of the proposal. Nearest to no. 20 Wellington Road the height of the proposed rear extension will measure 3.7 metres. The SPD states that the height of extensions nearest the property boundary should generally not exceed 3 metres. Although the proposed development exceeds this recommendation by 0.7 metres it is to be noted that as the roof design is sloping for the most part, the extension will be 3 metres or below. Furthermore, the bungalow has no windows on its side elevation therefore the proposed works will not result in a loss of sunlight, daylight, or outlook.
- 7.8 The works will not have an impact upon the existing parking space.

#### Conclusion

- 7.9 Overall, it is considered that the proposed development respects the character of the area, amenities of the neighbouring properties and no objections to the works have been received.
- 7.10 The proposal is considered acceptable in accordance with Policy EN1.

#### Equality Act 2010

- 7.11 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

#### Human Rights Act 1998

- 7.12 This planning This planning application has been considered against the provisions of the Human Rights Act 1998.



- 7.13 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.14 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.15 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

## **8. Recommendation**

8.1 To GRANT planning permission subject to the following conditions:

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 extension hereby permitted shall be carried out in facing materials to match those of the existing building in colour and texture.

**Reason:** To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: WR/24/01, WR/24/02 received 07.09.2020.

**Reason:** For the avoidance of doubt and to ensure the development is completed as approved.

## **INFORMATIVES TO APPLICANT:**

1. This development is situated within 250 metres of a current or historic landfill site or gravel pit. A gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services,

plus details of the sub-floor ventilation should be submitted to the Local Planning Authority for approval prior to the works being carried out. On completion, documentation (such as photographs, inspection reports, etc) shall be submitted to the Local Planning Authority to demonstrate that the gas impermeable membrane has been installed in accordance with the approved plans. The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

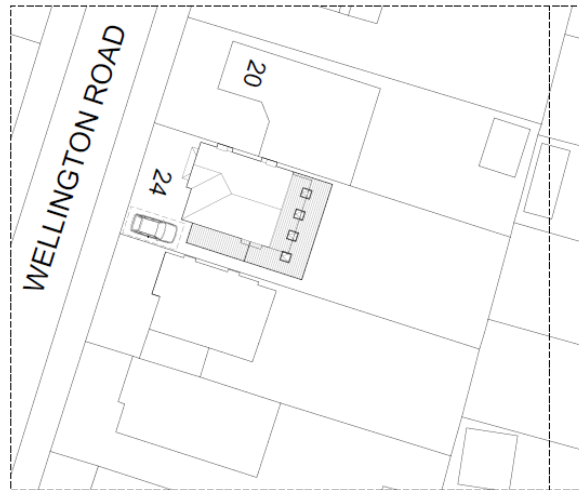
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Spelthorne Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process.

However, Spelthorne Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application are required. Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

### **Existing and Proposed Site Plan:**

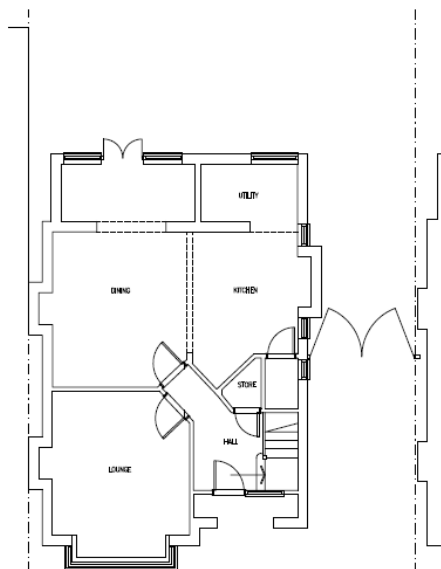


EXISTING SITE PLAN 1:200

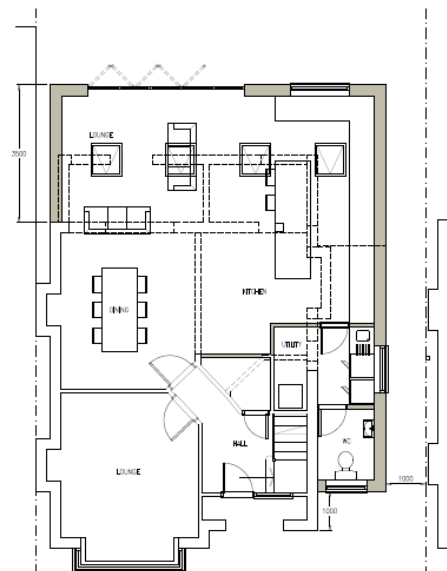


PROPOSED SITE PLAN 1:200

### **Existing and Proposed Ground Floor Plan:**

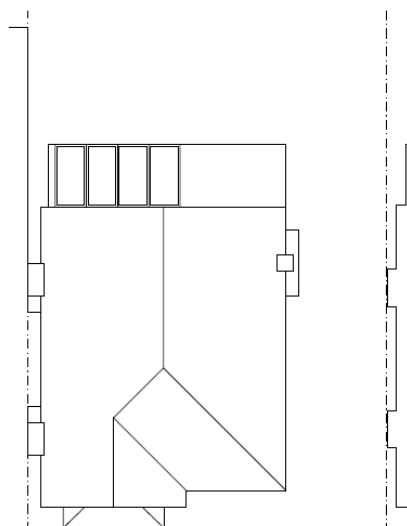


EXISTING GROUND FLOOR 1:50

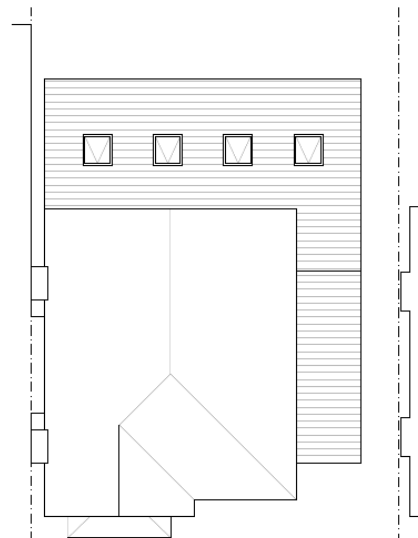


PROPOSED GROUND FLOOR 1:50

### **Existing and Proposed Roof Plan:**

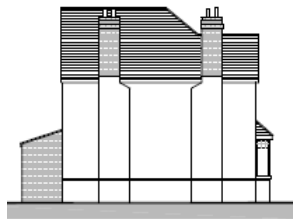


EXISTING ROOF PLAN 1:50



PROPOSED ROOF PLAN 1:50

## **Existing and Proposed Elevations:**



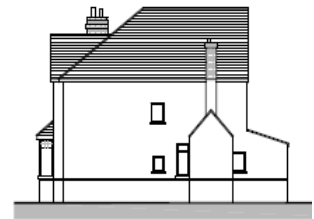
EXISTING SIDE ELEVATION



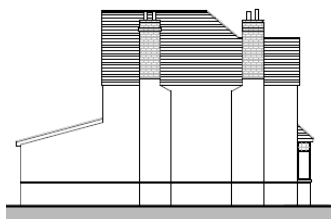
EXISTING REAR ELEVATION 1:100



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION 1:100



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION