



Please reply to:

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Date: 6 September 2021

Notice of meeting

Planning Committee

Date: Wednesday, 15 September 2021

Time: 7.00 pm

Place: Council Chamber, Knowle Green, Staines-upon-Thames TW18 1XB

To the members of the Planning Committee

Councillors:

T. Lagden (Chairman)	N.J. Gething	S.C. Mooney
R.A. Smith-Ainsley (Vice-Chairman)	M. Gibson	R.J. Noble
C. Bateson	H. Harvey	R.W. Sider BEM
A. Brar	N. Islam	B.B. Spoor
J.T.F. Doran	J. McIlroy	J. Vinson

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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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 and Substitutions

To receive any apologies for non-attendance and notification of substitutions.

2. Minutes

5 - 20

To confirm the minutes of the meeting held on 27 July 2021 and reconvened on 11 August 2021 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 21/00388/FUL - Laleham Farm, Shepperton Road, Laleham, Staines-upon-Thames TW18 1SJ
Ward

21 - 46

Laleham and Shepperton Green

Proposal

Retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping

Recommendation

This application is recommended for approval subject to conditions.

5. Planning application 20/01533/FUL - Laleham Farm, Shepperton Road, Laleham, Staines-upon-Thames TW18 1SJ
Ward

47 - 72

Laleham and Shepperton Green

Proposal

Station of 6 No. agricultural workers caravans on the land for a temporary period of 5 years. (retrospective)

Recommendation

The application is recommended for approval subject to conditions.

- | | | |
|-----------|--|----------------|
| 6. | Tree Preservation Order 270/2021 - Land to north of Hanworth Road (Johnson & Johnson and Lok 'n Store), Hanworth Road, Sunbury-on-Thames TW16 5LN | 73 - 76 |
|-----------|--|----------------|

Ward

Sunbury Common

Proposal

To seek confirmation of Tree Preservation Order 270/2021 that was served with immediate effect on 21 April 2021 to protect one Oak Tree on a land to the north of Hanworth Road (Johnson & Johnson and Lok 'n Store), Sunbury-on-Thames, TW16 5LN.

Recommendation

Confirm without modification.

- | | | |
|-----------|--|----------------|
| 7. | Major Applications Report | 77 - 84 |
| | To note the details of future major planning applications. | |
| 8. | Glossary of Terms and Abbreviations | 85 - 90 |

**Minutes of the Planning Committee
11 August 2021**

Present:

Councillor T. Lagden (Chairman)
Councillor R.A. Smith-Ainsley (Vice-Chairman)

Councillors:

C. Bateson	N. Islam	B.B. Spoor
A. Brar	S.C. Mooney	J. Vinson
J.T.F. Doran	R.J. Noble	
M. Gibson	R.W. Sider BEM	

Apologies: Apologies were received from Councillor N.J. Gething, Councillor H. Harvey and Councillor J. McIlroy

298/21 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

There were none.

299/21 Planning application 20/01783/FUL - 487-491 Staines Road West, Ashford, TW15 2AB

Description:

Planning application for the erection of 11 no. apartments comprising 8 and no. 2 bed units, 1 no. one bed unit and 2 no. studio apartments with associated car parking, landscaping and amenity space following demolition of existing bungalows and outbuildings.

Additional Information:

The dimensions stated in paragraphs 7.21 and 7.29 regarding the distances between the eastern side of the new building and the eastern boundary, and the gap between the eastern side of the new building and the side of No. 485 Staines Road West, to be corrected:

- Eastern side of the new building to the eastern boundary: 6m (instead of 7.5m)
- Eastern side of the new building to the side of No 485 Staines Road West: 7.2m (instead of 9m)

Paragraph 7.64, last sentence to be amended:

- As such there are no adverse impacts that would significantly and demonstrably outweigh the benefits when taking the tilted balance into account and therefore the application is considered to be acceptable. The application is recommended for approval, ~~subject to a legal agreement to provide an off-site affordable housing contribution.~~

Additional informative to be added to the decision notice:

- The applicant is requested to give consideration to build the scheme in accordance with Part M4(“) or Part M4(3) of the Building Regulations.

Public Speaking:

There were no public speakers registered.

Debate:

During the debate the following key issues were raised:

- The proposed development is on brownfield land
- Good level of proposed parking
- Significant amenity space
- The size of the units meet the standards outlined in housing guidance
- Heat pumps are to be installed
- The Council is currently not delivering the amount of housing needed within the Borough

Decision: The application was **APPROVED**

300/21 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.

301/21 Future Major Planning Applications

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

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

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**Minutes of the Planning Committee
27 July 2021**

Present:

Councillor T. Lagden (Chairman)
Councillor R.A. Smith-Ainsley (Vice-Chairman)

Councillors:

C. Bateson	M. Gibson	R.W. Sider BEM
A. Brar	H. Harvey	B.B. Spoor
J.T.F. Doran	R.J. Noble	J. Vinson

Apologies: Apologies were received from Councillor N.J. Gething, Councillor N. Islam and Councillor S.C. Mooney

264/21 Minutes

The minutes of the meeting held on 23 June 2021 were approved as a correct record.

265/21 Disclosures of Interest

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

There were none.

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

Councillors C Bateson, A Brar, M Gibson, T Lagden, R Noble, R Sider BEM, R Smith-Ainsley, B Spoor and J Vinson reported that they had received correspondence and/or telephone calls from the applicant in relation to application 21/00010/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors C Bateson, M Gibson, T Lagden, R Smith-Ainsley and J Vinson reported that they had received correspondence and/or telephone calls from the applicant in relation to application 20/01112/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor R Smith-Ainsley reported that he had attend meetings with the Chief Executive, Residents Associations' representatives and residents in relation to application 20/01483/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

The Principal Planning Officer provided the Committee with an update to the National Planning Policy Framework that was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. The main changes that Members should be aware of are as follows:

Improve design quality, including a new requirement for councils to produce local design codes or guides

Updated policies aiming to improve the design of new developments:

- Changes to the overarching social objective of the planning system (paragraph 8b) to include the fostering of 'well-designed, beautiful and safe places'. The old version had merely required a 'well designed and safe built environment'
- Introducing a new test that development should be well-designed (paragraph 133). This says that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.
- It goes on to say that 'significant weight' should be given to 'development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'. Significant weight should also be given to 'outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area', the new paragraph 133 says.
- Para 128 states that in order to 'provide maximum clarity about design expectations at an early stage', all local planning authorities 'should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design code, and which reflect local character and design preferences'.

An emphasis on using trees in new developments – para 131

Adjusting the presumption in favour of sustainable development for plan-makers – para 11a

Meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.

New limits on the use of article 4 directions to restrict PD rights – Para 3

Should only be used where it is 'essential to avoid wholly unacceptable adverse impacts', for example the 'loss of the essential core of a primary

shopping area which would seriously undermine its vitality and viability. In 'all cases', article 4 directions should be 'based on robust evidence, and apply to the smallest geographical area possible'.

Councils should 'retain and explain' statues rather than remove them – para 198

Encouraging faster delivery of further education colleges, hospitals and prisons – para 96

266/21 Planning application 21/00010/FUL - Renshaw Industrial Estate, Mill Mead, Staines-upon-Thames, TW18 4UQ

Description:

Demolition of existing industrial buildings and redevelopment to provide 2 new buildings (5-13 storeys) comprising 397 build-to-rent residential apartments (Use Class C3) including affordable housing, ancillary residential areas (flexible gyms, activity space, concierge and residents lounge), landscaping, children's play area and cycle parking.

Additional Information:

Members will have received two briefing notes from the applicant that have sought to address specific planning issues. One of the issues the applicant has sought to improve is parking provision and they have submitted a revised basement parking layout Drwg L800 Rev P4 which provides an additional 11 parking spaces taking the provision to 0.51 spaces per unit (a total of 203 spaces). The applicant maintains their position that the level of parking is acceptable in planning terms and meets the operational needs.

As a result of this revised plan it is recommended that Condition 2 be revised to refer to drawing L(-)800 Rev P4.

It has been noted that after Condition 26 in the report, incomplete conditions have been appended. These should be deleted from the report as a drafting error.

The applicant has requested that certain conditions allow for demolition and/or site preparations works to be undertaken. It is therefore recommended that condition 10 (archaeology) and condition 17 (Travel Plan) be amended as follows:

10. No development, excepting demolition to slab level, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, submitted to and approved in writing by, the Local Planning Authority.

17. Prior to the commencement of the development, with the exception of demolition or site preparation works, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in accordance with the substantive development aims and objectives of the National Planning Policy Framework, and Surrey County Council's 'Travel Plans Good Practice Guide'. The approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Para 7.45 and 7.46 of the report refers to specific paragraphs within section 12 of the NPPF 2019 concerning design. The NPPF 2021 retains this guidance, but has altered the paragraph numbers and the section has put greater emphasis on the provision of good design in development. An additional Heads of Terms is to be added to the proposed Section 106 legal agreement (paragraph 8A of the report) to secure the development as 'Build to Rent'.

Public Speaking:

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

- The proposed development is higher than the consented scheme
- The flats are too small
- The proposed rent is too high
- Lack of adequate amenity space
- The children's play area is too small and badly sited
- Inaccessible to some people with mobility issues

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

- Planning for this site was agreed in 2018 but did not make efficient use of the site
- There will be a good mix of 1, 2 and 3 bedroom homes
- All of the flats meet the National Space Standards
- Affordable housing has been increased from 25 to 40
- Homes are fully furnished and rent includes utility bills and WiFi
- Development would positively contribute to the regeneration of the Town Centre.
- The homes are energy efficient with consumption-reducing technology and heat pumps providing at least 10% on-site renewable energy
- The proposed development provides 203 parking spaces

Debate:

During the debate the following key issues were raised:

- The Travel Plan statistics do not take into account visitors, delivery drivers so are flawed
- Outline planning permission granted in 2018 had parking provision of 1 car p/unit and this has now decreased
- The building does not make a positive contribution to the street scene as it is considered to be overbearing
- The development will provide much needed rental properties
- The increase in residents will have a positive economic impact on local businesses
- Lack of amenity space will be a problem for families with children
- The initial outline approval was acceptable but the revised plans are not
- The size of the proposed development is a reality due to the increasing population
- Residents with cars would be forced to park on surrounding residential streets causing unacceptable parking issues
- Density is too great
- British Telecom have expressed concerns over safety on the one road that would service Charter Square, London Square and this proposed development
- Being in a Town Centre would not necessarily lead to a reduction in residents using their cars

A recorded vote was requested by Councillor J Vinson. The voting was as follows:

For (4)	A Brar, H Harvey, T Lagden, R Smith-Ainsley
Against (6)	C Bateson, J Doran, M Gibson, R Sider BEM, B Spoor, J Vinson
Abstain (1)	R Noble

The motion to approve the application fell.

It was proposed by Councillor M Gibson and seconded by Councillor R Noble that the application be refused as it was in contravention of EN1a and CC3.

A recorded vote was requested by Councillor J Vinson. The voting was as follows:

For (7)	C Bateson, J Doran, M Gibson, R Noble, R Sider BEM, B Spoor, J Vinson
Against (3)	T Lagden, H Harvey, R Smith-Ainsley
Abstain (1)	A Brar

Decision: The application was **REFUSED** for the following reasons:

The proposal, by virtue of the variation in scale, height and bulk, the increase in density and the inadequate justification to support the reduction in car parking, represent an unacceptable overdevelopment of the site resulting in a development which is likely to result in unacceptable parking stress on residential roads in the locality which would be detrimental to the amenity of residential properties, contrary to Policies EN1(a) and CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document, 2009, and the Parking Standards Supplementary Planning Guidance, 2011.

267/21 Planning application 20/01112/FUL - Phase 1C Charter Square, High Street, Staines-upon-Thames, TW18 4BY

Description:

Redevelopment of the site to provide 64 new residential units (Use Class C3) with flexible commercial business and service floor space (Use Class E) and drinking establishment (Sui Generis) at ground floor, rooftop amenity space, associated highways works and other ancillary and enabling works.

Additional Information:

The final two paragraphs of the executive summary to be amended as follows:

With the exception of 1 disabled parking bay in the link road, and 3 disabled bays in the Phase 1A basement car park, the applicant initially proposed for the development to be 'car free'. During the application process, the applicant undertook an occupancy survey of the basement parking spaces in Phase 1A. Consequent to this survey, the applicant offered 20 of the parking spaces in the Phase 1A basement car park to the occupiers of Phase 1C, giving a total of 21 spaces, including the space on the link road.

Officers initially understood that such spaces could not be secured through the planning process. However, further legal advice has been sought indicating that this is possible. This would give a parking ratio at Phase 1C of 0.33 spaces per dwelling, and 0.67 spaces across Phase 1A and 1C developments combined. This alongside the sustainable location of the site, a £100,000 contribution to improved pedestrian facilities between the site and Staines Railway Station and Staines High Street and free membership to the car club for the first occupiers of each unit, is considered to be acceptable mitigation for the shortfall against the Council's minimum Parking Standards.

Paragraph 3.2 should refer to Grade I, Grade II and Grade III* Listed Buildings rather than Grade I*.

Paragraph 7.111 amended to:

The applicant initially stated that with the exception of 3 disabled parking bays in Phase 1A and 1 disabled parking bay proposed in the link road, the development would not provide any off-street parking spaces for the proposed

occupiers of Phase 1C. Therefore, with the exception of the disabled parking bays, the development would have been 'car free'.

As noted in paragraph 7.109, the applicant has submitted a Technical Notice, which includes an occupancy survey of the parking bays in Phase 1A. The applicant has also confirmed that 255 of the 260 units in Phase 1A have been sold. In a further email the applicant has also confirmed that they understand that 93% of the units in Phase 1A have been occupied.

The applicant conducted a day parking survey (2pm on 11 May 2021), which found that 93 of the basement parking spaces in Phases 1A were in occupation and 124 were unoccupied. A night time survey was also conducted (1am on 13 May 2021) and found that there were 124 spaces occupied and 95 spaces free.

When factoring in the 5 unsold units, 95 of the 217 spaces in Phase 1A would have been expected to have been in use at the point of the daytime survey and 125 spaces would have been expected to have been occupied at the time of the night time survey.

Following the undertaking of the occupancy survey, the applicant has confirmed that they are able to release 20 spaces in the basement car park of Phase 1A to the occupiers of Phase 1C. This would give a 0.33 off street parking ratio for the 64 units at Phase 1C and combines 0.67 parking space ratio across Phase 1A and 1B.

Officers initially understood that the spaces in the Phase 1A basement could not be secured through planning objections. However, following further legal advice, it is now understood that such spaces can now be secured through the planning process. It is understood that Census data from 2011 suggests that 35% of flats in the vicinity of the development do not have any vehicles associated with them, although this data is now 10 years old. As there would be a parking ratio of 0.67 spaces across the 64 units in Phase 1C and 260 units in Phase 1A (0.33 at Phase 1C alone), the securing of 20 spaces in Phase 1A and 1 further space in the link road, is considered to be an acceptable mitigation measure justifying a shortfall against the Council's Parking Standards minimum requirements, alongside the £100,000 contribution pedestrian facility improvements to Staines Railway Station and Staines High Street, and the provision of 5 years of free car club membership to the first occupiers of each unit.

Paragraph 7.116 amended to:

The CHA considered that owing to the absence of parking and lack of vehicle ownership amongst residents it is likely that the vehicular trip generation would be relatively low. The applicant has since offered 20 parking spaces in Phase 1C. As the occupants of the Phase 1A parking spaces would be utilising existing parking spaces, Officers do not consider that additional trip generation would cause significant harm.

Paragraph 7.119 final two sentences amended to:

Given this and the Council's own Parking Standards SPG, which allows for a reduction in parking standards in the town centre and given the particular circumstances of this site referred to above, it is considered that the shortfall in parking proposed in this particular case is acceptable. It is also relevant to note that the reduction in cars on site will be of benefit to the environment by minimising carbon emissions and the impact of air quality in the area.

Paragraph 7.120 final sentence amended to:

Clearly this does not apply in this particular case and it is considered that the shortfall in parking in this sustainable location is acceptable.

Paragraph 8A, an additional point 5 added:

5. To secure 20 car parking spaces of the ground floor basement of Phase 1A.

An additional condition and reason to be added to the Recommendation section:

Notwithstanding any demolition or site preparation works, the development hereby permitted shall not be commenced until a disabled parking bay has been provided in the link road. These elements shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that the disabled parking space on the link road is secured and thereafter maintained.

Paragraphs 7.2, 7.11, 7.13, 7.20, 7.34, 7.37, 7.52, 7.120 and 7.157 refer to specific paragraphs of the NPPF 2019. The NPPF 2021 retains this guidance, (different paragraph numbering) but with a greater emphasis on the provision of good design in development.

Public Speaking:

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

- Lack of open spaces and play area
- The 6 affordable flats has their own entrance with no lift

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

- Phase 1C will provide 64 affordable homes
- 100% of the homes will be affordable

- All dwellings meet or exceed the required space standards
- All dwellings have private external amenity and access to a communal roof garden
- Development is a short walk from Staines train station, local amenities and shops
- The scheme is underpinned by sustainable and energy efficient design principles
- This stage is lower in height compared to the previous two phases
- The parking ratio will be 0.67.
- Purchasers will receive 5 years of free car club membership and cycle parking
- Charging points within the cycle stores will be provided to allow charging of e-bikes and e-scooters
- A financial contribution of £1000,000 will be made towards pedestrian facility improvements between the site and Staines Railway Station and the High Street
-

Debate:

During the debate the following key issues were raised:

- This development would provide much needed housing
- Blocks 1a and 1b will suffer from lack of sunlight/daylight if Block 1c is built
- Concerns over poaching of car parking spaces from other blocks to provide parking for this phase
- The building is too large
- Family friendly piazza will be surrounded by flat
- Negative impact on air quality during construction
- The Planning Committee have already approved two similar blocks on this site
- The affordable units are segregated from the rest of the block and are not able to use the lift so would cause accessibility issues for some potential disabled/elderly residents
- The development is made up of 100% affordable units

A recorded vote was requested by Councillor J Vinson. The voting was as follows:

For(4)	A Brar, H Harvey, T Lagden, R Smith-Ainsley
Against (6)	C Bateson, J Doran, M Gibson, R Sider BEM, B Spoor, J Vinson
Abstain (1)	R Noble

The motion to approve the application fell.

It was proposed by Councillor Gibson and seconded by Councillor Sider BEM that the application be refused as it was in contravention of Policies EN1b and

CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

A recorded vote was requested by Councillor J Vinson. The voting was as follows:

For (7)	C Bateson, J Doran, M Gibson, R Noble, R Sider BEM, B Spoor, J Vinson
Against (3)	A Brar, T Lagden, R Smith-Ainsley
Abstain (0)	

Decision: The application was **REFUSED** for the following reasons:

The proposal is considered to have an unacceptable overbearing impact on neighbouring residential properties causing a harmful loss of light, contrary to Policy EN1b of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

The proposal is considered likely to result in unacceptable parking stress on residential roads in the locality, which would be detrimental to the amenity of residential properties, contrary to Policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and the Parking Standards Supplementary Planning Guidance 2011.

Councillor H Harvey left the meeting at 9.30pm

Councillor R Sider left the meeting at 9.45pm

268/21 Planning application 19/01731/FUL, Brett Aggregates Limited, Littleton Lane, Shepperton, TW17 0NF

Description:

Demolition of the existing buildings, retention of existing buildings 1, 15 and 17 and part retention of building 10 (as defined in CLUED 18/01054/CLD), creation of new buildings ranging between 1 and 2 storeys providing up to approximately 4,358.7sqm of floorspace for use classes A3, B1, B2 and B8, creation of outside storage areas for use class B2, creation of hardstanding and access routes, car parking, cycle storage, servicing, plant areas, creation of green areas and landscaping and other associated works.

Additional Information:

There was none.

Public Speaking:

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

- The proposed development is similar in size and layout to the existing industrial estate
- The proposed site layout seeks to mitigate impact at the site boundaries with single storey units to the edges
- Landscape buffer will be incorporated within the site
- Landscaped areas are proposed within the site
- The buildings are of a contemporary agricultural barn style
- There would be less Heavy Good Vehicle movements because of the revised layout
- Different types of businesses will be grouped together
- No harmful impacts in respect of contamination, archaeology, flood risk and drainage, ecology and biodiversity, lighting, noise and air quality as a result of the development
- The proposal was subject to extensive consultation with local community groups and feedback was incorporated into the design scheme

Debate:

During the debate the following key issues were raised:

- The site will continue as a small business park to alleviate the impact on local residents
- The proposed alterations to the site are a vast improvement on what is currently there
- The site will not be accessible to Heavy Good Vehicles
- The scheme is imaginative and will greatly improve the appearance of the site
- There is currently only 22 Electric Charging Points planned but would like an informative added requiring either more to be provided or the provision to be built in for future points to be added.

Decision: The application was **APPROVED**

269/21 Planning Application 20/01483/FUL - 487-491 Staines Road West, Ashford, TW15 2AB

Description:

Planning application for the erection of 11 no. apartments comprising 8 and no. 2 bed units, 1 no. one bed unit and 2 no. studio apartments with associated car parking, landscaping and amenity space following demolition of existing bungalows and outbuildings.

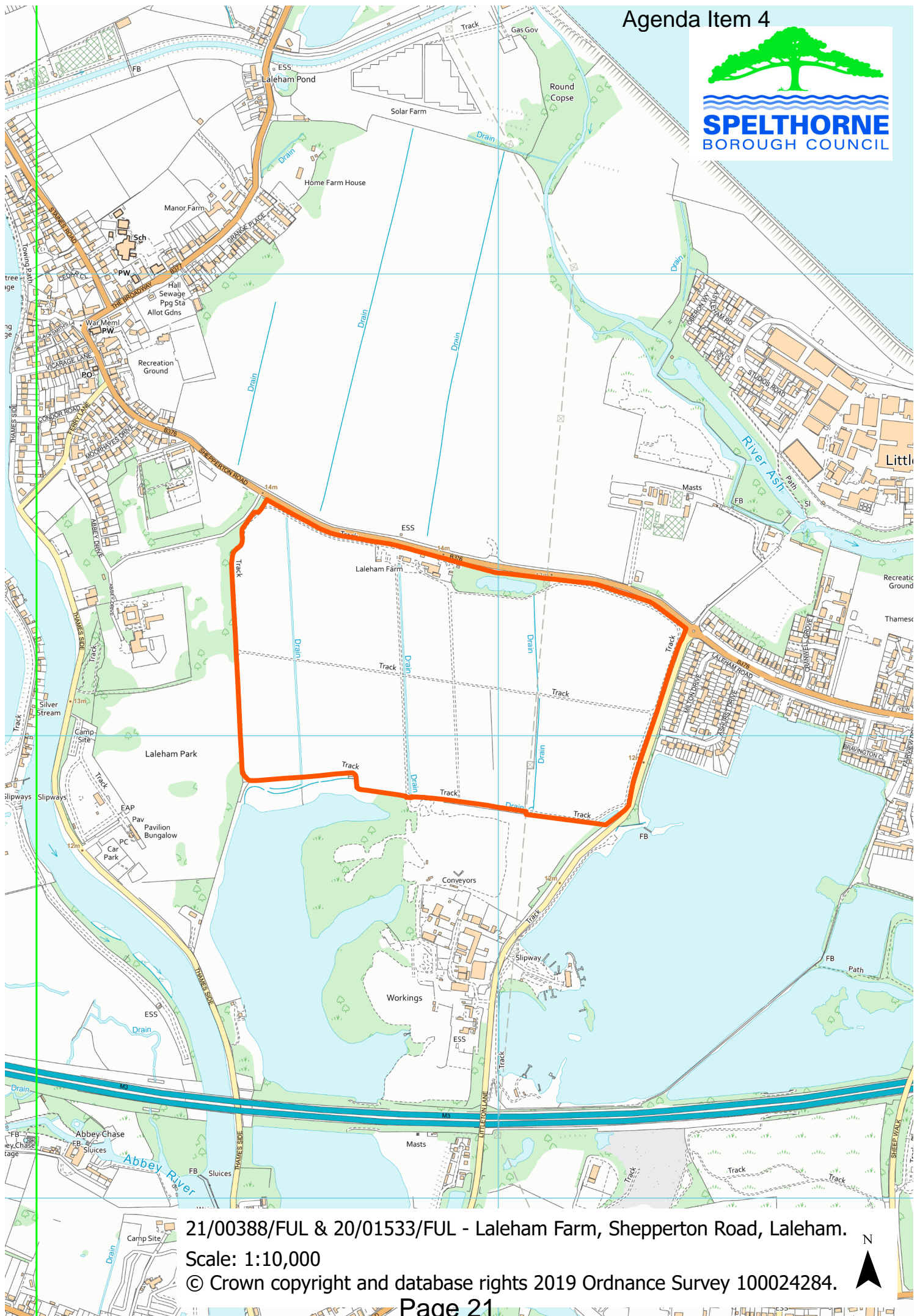
This item was deferred to the next meeting of the Planning Committee, the date of which is to be confirmed.

270/21 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 Principal Planning Officer.

271/21 Future Major Planning Applications Report

The Principal Planning Officer presented a report outlining the major applications that may be brought before the Planning Committee for determination.



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Planning Committee

15 September 2021



Application No.	21/00388/FUL and 20/01533/FUL		
Site Address	Laleham Farm, Shepperton Road, Laleham, Staines-upon-Thames TW18 1SJ		
Applicant	Mr T Chambers on behalf W. B Chambers Farms Ltd		
Proposal	<p><u>21/00388/FUL</u> - Retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping.</p> <p><u>20/01533/FUL</u> - Stationing of 6 No. agricultural workers caravans on the land for a temporary period of 5 years.</p>		
Officer	Kelly Walker		
Ward	Laleham and Shepperton Green		
Call in details	N/A		
Application Dates	Valid: 16.12.2020 08.03.2021	Expiry: 16.04.2021 05.08.2021	Target: Extension of time agreed
Executive Summary	<p>These two planning applications relate to Laleham Farm, which is located on the southern side of Shepperton Road. Both applications are retrospective and have already commenced. The planning applications are retrospective and seek consent for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries, together with temporary screening, drainage, and landscaping works. The polytunnels will be covered in polythene sheeting from March to November each year.</p> <p>In addition, the proposals seek consent for the siting of one caravan for security/farm worker accommodation and the siting of five caravans for seasonal worker accommodation. The security/farm worker caravan will provide accommodation for three agricultural workers to live on-site full time and provide security and carry out farm work during the winter months. The five caravans will be used as seasonal worker accommodation during the months of March to December and be stored on the land unused and unoccupied for the rest of the year. The proposals are for a temporary five year period.</p> <p>The applications are considered to pay due regard to the design, scale and character of the area, and are for an agricultural use on an existing farm. The proposals are not inappropriate development in the Green Belt and will have an acceptable impact on the amenity of neighbouring</p>		

	properties, the Laleham Conservation Area and will not affect the setting of the listed building at Laleham Abbey. The applications are acceptable.
Recommended Decisions	The applications are both recommended for approval subject to conditions.

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:

- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN5 (Listed buildings)
- EN6 (Conservation Areas)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- LO1 (Flooding)

1.2 Also relevant is the following saved policy from the Spelthorne Borough Local Plan 2001:

- Saved Local Plan Policy GB1

1.3 The advice contained within the National Planning Policy Framework (NPPF) 2021 is also relevant.

2. Planning History

2.1	11/00407/FUL	Continued use of one caravan to house security/farm operative for a temporary period of five years.	Grant 12.08.2011
	03/00022/FUL	Continued siting of one caravan to house security/farm operative for temporary period of 5 years	Grant 11.04.2003
	97/00530/EXT	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 12.11.1997

92/00297/EXT	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 22.07.1992
SP/EXT/92/0297	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 22.07.1992
SPE/FUL/87/242	Continued use of one caravan to house security/farm operative for temporary period of 5 years.	Grant 01.07.1987
PLAN S/EXT/78/937	Continued use of one caravan for a temporary period of 3 years to house a security/farm operative.	Grant 17.01.1979
PLAN S/EXT/75/635	Parking and residential use of one caravan for a limited period of 3 years to house a security/farm operative.	Grant 22.09.1975

There are also some historical applications in relation to gravel extraction and restoration.

3. Description of Current Proposal

- 3.1 The application site is located on the southern side of Shepperton Road Laleham and is known as Laleham Farm. To the north, on the opposite side of the road is also farmland, part of which is subject to the Shepperton Studios expansion site. To the west is Laleham Park and Laleham Abbey (residential). To the south is Littleton Lane industrial area and lake, and to the east, on the opposite side of Littleton Lane, are residential properties located along Milton Drive. The site is located in the Green Belt, and within the flood zone, part 1 in 20, 1 in 100 and 1 in 1000 year chance of flooding, and also within a pipeline consultation zone. Laleham Farm extends to 47 hectares (116 acres). The site was a former gravel pit but the land has been restored and was previously used for arable crop production. The site also has several farm style storage buildings and static caravans located close to the entrance along Shepperton Road. There is also a lake running parallel to the road and the site has vegetation around the boundaries, screening views into the site, on Shepperton Road and Littleton Lane in particular.
- 3.2 Both applications are retrospective and have already commenced. Following a visit from the Council's Planning Enforcement Team, the planning applications were submitted. It is important to note that a retrospective planning application must be considered and determined in the same manner as one that has not commenced, and no weight can be given to the fact that what is proposed is already in existence or has commenced.

- 3.3 Application ref 21/00388/FUL is for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries in two areas (noted as Fields A and B), together with temporary screening, drainage, and landscaping works. The proposed polytunnels are each a 'hoop' shaped tubular steel frame, 8m wide and 4.25m high, with a 300mm gap between each tunnel. The applicant proposes that the tunnels will be covered in polythene sheeting from the beginning of March through to November each year and the covering will be rolled back and stored alongside the frames or stored on the farm during the winter period.
- 3.4 Application 20/01533/FUL proposes the siting of one caravan for security/farm worker accommodation and the siting of five caravans for seasonal worker accommodation for a temporary five year period. The security/farm worker caravan will provide accommodation for three agricultural workers to live on site full time and provide security and carry out farm work during the winter months. The five other caravans will be used as seasonal worker accommodation. They will provide accommodation for workers during March to December and be stored on the land unused and unoccupied from the end of December to the end of February each year.
- 3.5 The two planning applications are linked to one another, as the caravans proposed would house seasonal workers maintaining and picking raspberries growing in the proposed polytunnels. All produce is to be transported off site following harvest and placed in cold storage, quality checked, packed and distributed to supermarkets and the wholesale market from Oakdene Farm, Langley, Maidstone (owned by the Applicant).
- 3.6 It is important to note that caravans can be sited under permitted development for this purpose under Part 5, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to allow summer accommodation for seasonal workers such as fruit pickers in association with crop growing. In light of this, originally the applicant had submitted this application purely for the overwinter storage of the caravans, given the rest of the year they could be located on site, under permitted development, without the need for planning permission. However, officers advised that by leaving the caravans on site and not removing them over winter the permitted development criteria was exceeded and therefore, planning permission was required. The description was amended to reflect this.
- 3.7. The proposed indicative site layout and plans are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection recommends conditions
Agricultural Advisor	Concludes the proposals are reasonably necessary for the purposes of agriculture

Environment Agency	No objection recommends condition
Tree Officer	No objection
Esso Pipeline	No objection recommends an informative
Surrey Wildlife Trust	Replied to advise no ecological constraints, proposal will provide a benefit at the field margins.
Natural England	Replied to advise no comment to make
Environmental Health Officer (Contamination)	No objection

5. Public Consultation

5.1 A total of 62 properties were notified of the planning application. Furthermore, a statutory site notice was displayed, and the applications were advertised in the local press. A total of 3 letters of objection have been received from Shepperton Residents Association, Laleham Residents Association, and Spelthorne Natural History Society. The following issues were raised: -

- Retrospective
- Green Belt land
- Flooding/drainage
- Caravan refuse and sewerage
- Previous permissions
- Should be subject to conditions restriction use/applicant etc.
- Traffic movements
- Queries regarding rainwater, where will other staff come from
- Little ecological information
- Little benefit to local community
- Landscape plan deficient

6. Planning Issues

- Principle of the development
- Green Belt
- Design and appearance
- Highway issues
- Flooding
- Trees/Ecology
- Air quality/contaminated land

7. Planning Considerations

Principle of the development

7.1 National Planning Policy Guidance for development in the countryside and farms is set out in the National Planning Policy Framework 2021 (NPPF)

Section 4 of the NPPF is concerned with 'decision Making' and paragraph 38 notes:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

7.2 Section 5 of the NPPF is concerned with 'Delivering a sufficient supply of homes' and at paragraph 80 it notes:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;"

7.3 National Planning Practice Guidance 'Housing Needs of Different Groups' (July 2019) provides some guidance relevant to paragraph 80 of the NPPF in the section 'How can the need for isolated homes in the countryside for essential rural workers be assessed'?

These include:

- *"Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.*
- *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process.*
- *Whether the need could be met through improvements to existing accommodation on the site; providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *In the case of new enterprises whether it is appropriate to consider granting permission for a temporary dwelling for a trial period."*

It further notes that: *“Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”*

7.4 Paragraph 84 of the NPPF ‘Supporting a prosperous rural economy’ notes:

“Planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) The development and diversification of agricultural and other land-based businesses;*
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship”*

7.5 The above national policy supports development that is sustainable and improves the economic, social and environmental conditions of the area and says such development should be approved. Specially it refers to providing homes for rural workers, particularly on farms, to allow workers to live permanently at or near their place of work” (this is discussed in more detail in the Green Belt section below) The NPPF specifically refers to the need to support a prosperous rural economy by, *‘sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and ‘The development and diversification of agricultural and other land-based businesses;’* As such the proposals are considered to comply with the above national policy providing diversification and sustainable growth of an existing farm and the principle of such development is acceptable.

Green Belt

7.6 The National Planning Policy Framework states in relation to proposals affecting the Green Belt that, *‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’* It notes in paragraph 148 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.

7.7. In paragraph 149, it sets out some exceptions that are not inappropriate: - *‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (a) buildings for agriculture and forestry’*

- 7.8 Policy GB1 of the Spelthorne Borough Local Plan 2001 deals with Development Proposals within the Green Belt and states:

“The Green Belt shown on the Proposals Map will be permanent and within it development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. Subject to the above, development will not be permitted except for uses appropriate to the Green Belt, comprising:-

- a) agriculture and forestry {officer emphasis}*
- b) essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it*
- c) limited extension, alteration or replacement of existing dwellings appropriate re-use of buildings (see also Policy GB4)*
- d) appropriate engineering and other operations”*

- 7.9 As noted above, in both the NPPF and Saved Local Plan Policy GB1, development proposals in the Green Belt involving agricultural and forestry are exceptions and are not considered to be inappropriate development. However, this would be subject to the agricultural assessment.

- 7.10 Further advice was sought from an agricultural advisor in relation to the proposals and their merits as ‘agricultural’ development in the Green Belt. The proposals are discussed further below: -.

7.11 Siting of Polytunnels

Section 336 of the Town and Country Planning Act 1990 defines ‘agriculture’ as including:

- *“horticulture, fruit growing, seed growing, dairy farming;*
- *the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);*
- *the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and*
- *the use of land for woodlands where the use is ancillary to the farming of land for other agricultural purposes.”*

- 7.12 The agricultural advisor notes that, ‘...*The proposed polytunnels are typical structures seen in a rural location and commonly used in horticultural and agricultural production. They would be considered to support the needs of agriculture on the applicant’s holding in compliance with Local Policy GB1.*’

- 7.13 The applicant will be growing raspberries in the 21.19 hectares of polytunnels and will create a new area of planting for the applicant, supporting a well-established horticultural business. The development at Laleham Farm will enable the applicant to continue to meet an expanding market and customer

demand for British high quality soft fruit. The agricultural advisor notes that these crops can be readily grown in polytunnels in the UK and that it is generally accepted that the set up costs for the erection of polytunnels is a cheaper alternative to the erection of greenhouses which are a more permanent building. The advisor notes it is generally accepted that polytunnels retain more heat than an unheated greenhouse so can be used to extend the growing season of crops and plants. This extended growing season is a feature of the applicant's proposal with the polytunnels being covered from March to November each year. The polytunnels also protect growing crops from the elements of the weather, in particular high value and sensitive crops from rain, wind, snow and hail.

7.10 Siting of single caravan for Five Year Period

The agricultural advisor considers the siting of a caravan for a temporary period of five years and the overwinter storage of five caravans are appropriate in the Green Belt as an agricultural (horticultural) use of the land and complies with national and local planning policy.

7.11 The planning history of the site shows that there has been a caravan on site for a number of years, with the first application for such approved in 1975.

7.12 The primary test set out in the NPPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In order to demonstrate that there is an essential need for a worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.

7.13. The agricultural advisor notes that an assessment of the essential need for a rural worker to live at or near their place of work requires:-

- an evaluation of the risks involved;
- the frequency and type of out-of-hours emergency that might arise;
- the scale and loss that could be incurred should that emergency situation occur;
- the potential for an on-site worker to identify any problem; and
- the ability of that resident worker to rectify the problem effectively and expeditiously.

7.14 In addition, the National Planning Policy Guidance (NPPG) details the assessment of isolated homes in the countryside as including *“Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)”*.

7.15 The agricultural advisor notes she would consider in this case that the essential need for a rural worker to be on-site, *‘... relates to the management and production of fruit within the polytunnels and is concerned with the planting, growing and caring for the raspberry plants and harvesting the fruit.’* The advisor explains that changing weather conditions will require the polytunnels to be covered or uncovered manually by staff and issues with

automatic irrigation and ventilation system, could, potentially, reduce or stunt growth, reduce quality causing significant financial losses. She also notes other reasons include immediate response to changing weather and that whilst alarms could be installed, they only provide warnings, which takes time to respond to if located off site and could result in damage to crops.

- 7.16 The agricultural advisor also refers to the Agricultural Budgeting & Costing book (91st Edition) November 2020 which details labour requirement per hectare for types of crops/cultivation and that the number of staff and therefore caravans required for the amount of polytunnels proposed is relative.
- 7.17 As such the agricultural advisor considers that the provision of the caravan to be sited for a temporary period of five years is acceptable in reference to the NPPF and NPPG. The caravan will provide accommodation for three workers who will reside on site meeting the essential need of the raspberry plants and also provide an element of security for the site during the winter months.
- 7.18 Siting of five caravans for seasonal worker accommodation and overwinter storage
The agricultural advisor notes that the seasonal siting for the accommodation falls under Part 5 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and The Caravan Sites and Control of Development Act 1960.
- 7.19 She also notes that seasonal workers are an accepted and vital component of agricultural and horticultural businesses across the UK particularly in the soft fruit growing areas in South East England, and without them these rural sectors would be at risk of not being able to compete with the international markets.
- 7.20 The agricultural advisor also notes it is their experience is that it would be unlikely that local residents would wish to work for a rate close to national minimum wage, in horticulture, with very early starts with planting and harvesting, at weekends, and in hot or extremes of weather. This was evidenced in 2020 with the low number of local workers employed despite the increasing unemployment and calls from various organisations for labour in the agricultural/horticultural sector. In addition, it is accepted that for such horticultural enterprises there is great organisational, time and cost efficiency for employees and employers in having the labour force resident on site, as staff are reliably on hand for the early work starts.
- 7.21 The agricultural advisor concludes that, '*...the storage of these caravans is considered acceptable on the condition that they remain unoccupied for the out of season months of January and February each year.*'
- 7.22 In conclusion, the proposals are accepted to be an agricultural use and these are not inappropriate development within the Green Belt. As such, subject to conditions to restrict time frames and also the occupation of the seasonal worker caravans over the winter, the applications are considered to be acceptable in relation to the NPPF and Saved Local Plan Policy GB1 in regard to development in the Green Belt. However, we still need to consider

the other planning issues associated with this development and these are addressed below.

Design and appearance

- 7.23 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.”*
- 7.24 The NPPF in section 12 set out policies to ‘achieve well-designed places’. Paragraph 126 refers to good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 7.25 Paragraph 130 notes that planning policies and decisions should ensure that developments:
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- 7.26 Application 20/01533/FUL proposes the siting of six caravans for security/farm worker accommodation for a temporary five year period. and the siting of five caravans for seasonal worker accommodation. Although 5 of these caravans would remain unoccupied from the end of December to the end of February each year, the caravans would remain present on the site. As noted previously, there has been at least one caravan on the site for a number of years. The proposed caravans are located close to the entrance of the site, running parallel with Shepperton Road, and close to other buildings and hardstanding already present at the farm site. They are relatively small in scale, with a single storey in nature and each have a limited footprint. Although they will have some impact on visual amenity of the site, given their location close to other buildings near the boundary of the site and their temporary nature and size, this will be limited. In addition, the site is well screened with vegetation along the boundaries, including Shepperton Road although there are some gaps in this boundary including the entrances where visibility into the site is greater. However, the caravans will have a limited impact on the visual amenity of the location and are acceptable in terms of design and appearance.

- 7.27 Application ref 21/00388/FUL is for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries in two areas (Fields A and B), together with temporary screening. The proposed polytunnels are each a 'hoop' shaped tubular steel frame, 8m wide and 4.25m high, with a 300mm gap between each tunnel. The tunnels are located parallel to one another in a north south direction, running the length of fields A and B and have small gaps between each line, set in from the field margins by approx. 5-8m. The applicant proposes that the tunnels will be covered in polythene sheeting from the beginning of March through to November each year and the covering will then be rolled back and stored alongside the frames or stored on the farm during the winter period. In addition, the proposal includes a number of temporary mesh screens which are located next to the northern boundary of the site and also near to the farm entrance to help screen and break up any views of the polytunnels from views outside of the site from Shepperton Road. The screens are approximately 4 metres high and are made up of a number of timber/metal poles and a close texture mesh screen which is fixed to the poles.
- 7.28 Although the polytunnels are of a temporary nature and can be removed, and in addition have a gap between each tunnel, given the large area covered by the tunnels, they are viewed as one continuous structure, and can be reflective during the summer due to the polythene covering. However, they are relatively low in height of 4.25m and have been located on fields A and B which are set in from the side boundaries of the farm site from Laleham Park and Abbey and Littleton Lane. In addition, they are not an uncommon feature seen in fields and on farms and given the flat nature of the site and surrounding area, views of the entire site are not possible. Although they will have an impact on visual amenity of the site, given their location central to the site, away from the side boundaries, as well as their temporary nature and size, this will be limited. In addition, as noted above, the site is well screened with vegetation along the boundaries, including Shepperton Road although there are some gaps in this boundary including the entrances where visibility into the site is greater. The screening provided does also help in restricting views of the polytunnels. However, the polytunnels will have a limited impact on the visual amenity of the location on an existing farm and are acceptable on design and appearance.
- 7.29 The applicants have submitted a landscape plan to provide some additional native planting where there are currently gaps in the boundary vegetation. This will help to provide for better screening of the site, although it is acknowledged that views into the site are easier during the winter months when much of the vegetation loses its leaves. As such the proposed siting of the caravans and polytunnels for a temporary period of 5 years is considered to be acceptable in design terms and conforms to policy EN1. Laleham Abbey which is located to the west of the application site is a Listed Building and is also located within the Laleham Conservation Area. However, given the scale of the proposal and distance from the building, the proposal is not considered to have any impact on the setting of the listed building and will continue to preserve and enhance the Conservation Area, conforming to Policies EN5 and EN6. Therefore the proposals accord with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on neighbouring residential properties

7.30 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.”

7.31 The nearest residential properties to the application site are those on the opposite side of Littleton Lane at Milton Drive (over 250m away from field A polytunnels) and also Laleham Abbey to the west (over 280m to field B polytunnels). The proposal includes polytunnels set well in from the side boundaries of the application site, and as such are located too far from these dwellings to have any impact on their amenity. In addition, the caravans are located adjacent to Shepperton Road, away from residential development. As such the scale of the development and proximity to the existing properties is considered to be acceptable and there will be no adverse impact on the amenity of existing neighbouring residential properties, conforming to Policy EN1.

Highway and parking provision

7.32 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.”

7.33 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.

7.34 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.

7.35 The applicant has noted in the Planning Statement that the production of soft fruit (raspberries) on the land under the polytunnels will generate a number of traffic movements. Vehicle movements are spread out throughout the entire year with a larger number of movements in the months from April to November, when there will be an average of 10 van/car movements and 2 to 6 HGV/Bus movements per day. The applicant goes on to note that, ‘ *whilst the number vehicle movements generated by the production of fruit under polytunnels through increased yield is greater than more traditional growing methods, the overall increase in traffic movements directly associated with*

this proposal will be relatively low and will not give rise to a serve impact on the local roads, particularly bearing in mind that the greater number of the movements will be spread out from April to November.'

- 7.36 The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposal noting that, '*... It is considered possible that the proposal could result in a very minor increase in trip generation due to the heightened output potential of the farm and any required maintenance. This is likely to be a small number, and in any case no safety concerns have been identified with the site access.'*
- 7.37 Therefore the CHA has raised no objection to the proposed scheme on highway safety grounds or parking provision. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Flooding

- 7.38 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposal within Zones 2, 3a and 3b and development outside the area (Zone1) 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).
- 7.39 The site is located within Flood Zone 2, and 3a and b. The applicant has submitted a Flood Risk Assessment, as is required by Policy LO1 of the CS & P DPD.
- 7.40 The Environment Agency (EA) has been consulted and originally raised an objection to the polytunnel scheme and the siting of the caravans. However, with the amended FRA the EA noted it proposes that polytunnels will be excluded from Flood Zone 3b. The revised FRA now includes a topographic survey of the site to allow the flood extents and flood depths to be determined. The proposal is for polytunnels, which will only be present between the months of March to November and they are floodable structures. In relation to the siting of the caravans the EA has noted that based on the information in the FRA the objection on fluvial flood risk grounds can be removed ,subject to a condition requiring all caravans to continue to be raised above ground level by 700mm and allow free flow of water beneath them. The EA has subsequently withdrawn the objections, subject to the imposition of condition. None of the caravans are located in the high risk flood zone and given the temporary nature of the permission, they are considered to be acceptable on flooding grounds. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

Trees/Landscaping

- 7.41 As noted above, the applicant has submitted a landscape plan to provide some additional native planting where there are currently gaps in the boundary vegetation. This will help to provide for better screening of the site. The Council's Tree Officer has been consulted and raises no objection.

Biodiversity/Ecology

- 7.42 The proposal is for agricultural development on an existing farm. Polytunnels have been installed on existing crop fields and the proposal also includes additional planting along the boundaries which will help to improve the biodiversity and ecology of the site. Surrey Wildlife Trust has been consulted and note from the documents submitted there does not appear to be ecological constraints with regard to the proposals and the applicant will be seeding the field margins with a native grass mixture, providing a benefit at the field margins. Natural England has responded to say they make no comments about the application. It is considered that the proposal will have an acceptable impact in regard to ecology.

Contaminated Land

- 7.43 The Council's Pollution Control Officer has raised no objection but has noted that the application site is on a landfill site (Littleton Lane Lavenders) and is close to another (Home Farm landfill). As a result, the officer has noted a concern about the depth of the polytunnel fixtures in relation to the depth of the existing capping layer and in addition, ventilation in regard to gas protection. The EHO states that, *'... if the mobile unit is sited directly onto the ground or has any blocked voids (for example through use of 'skirts'), basic gas protection might be required. I would recommend that they are simply not placed directly onto the ground and no vents are blocked'*. The applications are retrospective, however an informative to this accord can be attached to any consent given. The proposal is considered acceptable in accordance with Policy EN15 and the NPPF.

Equality Act 2010

- 7.44 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 for:
- (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.
- 7.45 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.
- 7.46 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.

- 7.47 Person with protected characteristics may be affected by the scheme in terms of using the local roads and passing the site, however these impacts will be limited and the regard has been given to this issue.

Human Rights Act 1998

- 7.48 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.49 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.
- 7.50 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.
- 7.51 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 refusal 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

- 7.52 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. The proposal will generate Business rates payments which is not a material consideration in the determination of this proposal.

Conclusion

- 7.53 The proposals are considered to pay due regard to the design, scale and character of the area, and will have an acceptable impact on the visual amenity of the rural location.. The proposal is for an agricultural use on an existing farm and is not inappropriate development in the Green Belt. The proposals will have an acceptable impact on the amenity of neighbouring properties and are considered to be acceptable. The applications are recommended for approval.

8. Recommendation

21/00388/FUL - Part retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping

8.1 GRANT subject to the following conditions:

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

DHR-15141_01, 02, 03, 04 and 05 received on 8 March 2021 and 10 received on 16 December 2020

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

- 2 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) entitled Land at Laleham Farm, Staines, Surrey, Flood Risk Assessment & Drainage Proposals, Evans & Langford LLP, Rev D, June 2021; and the following mitigation measures it details:

- There shall be no polytunnels located in Flood Zone 3b as detailed on Figure 2 of the FRA (FRA Section 8.5);
- The polytunnels shall only be in place during the period between March and October inclusive each year. At all other times (being the typically wetter winter months) the tunnel sheeting is to be removed so the land will return to open fields as existing, with no impedance to flood flows compared to the present situation (FRA Sections 6.8 and 8.1);
- In accordance with Environment Agency guidance on Flood Openings, the polytunnels should not have fixed plastic sheeting below specific levels, for each field shown in Figure 2 of the FRA, for a 1 metre opening in every 5 metres length of wall on all sides of the polytunnel. Within Field G the lowest sheeting level at the openings should be 13.43metres Above Ordnance Datum (mAOD), and in Fields H & I the lowest sheeting level at the openings should be 13.03mAOD. As such, any flood water can flow below the tunnels in a very similar pattern to the existing situation (FRA Section 6.8);
- Polytunnels shall be of a type consistent with that illustrated on sketch DHA/15141/05 dated Nov 2020 which shows the typical arrangement of the polytunnel construction. These mitigation measures shall be fully implemented when the polytunnel sheeting is deployed. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by maintaining floodplain storage and conveyance. This condition is supported by Policy LO1: Flooding of the Spelthorne Core Strategy and Policies DPD, February 2009.

3. That this permission be for a limited period of 5 years only, expiring on 15 September 2026 when the use hereby permitted shall be discontinued and the polytunnels and works carried out under this permission removed and the land reinstated.

Reason: - In the interest of visual amenity of this rural location, to safeguard the Council's Green Belt and flooding policies in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Policies EN1 and LO1 of the Core Strategy and Policies DPD 2009.

4. The trees and shrubs shall be planted on the site in accordance with the approved plan DHR-15141_10 received on 16 December 2020, within a period of 6 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

Informatives

1) The Council's Pollution Control Officer has noted that there may be concerns about the depth of the polytunnel fixtures in relation to the depth of the existing capping layer which should not be penetrated given the previous use of the land for gravel extraction..

2) Land within the application site is proposed for the construction and operation of the Southampton to London Pipeline (SLP) project, a nationally significant infrastructure project. The Council strongly advises the Applicant to liaise closely with Esso Petroleum Company, Limited over the timing and detailed implementation of the application proposals and the SLP project, to seek to agree a detailed approach that avoids or reduces conflicts between the two development proposals, and that seeks to mitigate any impacts arising.

20/01533/FUL - Stationing of 6 No. agricultural workers caravans on the land for a temporary period of 5 years. (retrospective)

8.2 GRANT subject to the following conditions:

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

DHR-15141_01, 02 and 10 received on 16 December 2020

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

2. That this permission be for a limited period of 5 years only, expiring on 15 September 2026 when the use hereby permitted shall be discontinued and the caravans and works carried out under this permission removed and the land reinstated.

Reason: - In the interest of visual amenity of this rural location, to safeguard the Council's Green Belt and flooding policies in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Policies EN1 and LO1 of the Core Strategy and Policies DPD 2009..

3. The occupation of the caravans shall be limited to persons solely employed to work at the application site in agriculture as defined in Section 336 of the Town and Country Planning Act, 1990.

Reason:- To safeguard the Council's Green Belt policy in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001.

4. The 5 caravans for seasonal workers accommodation, as shown on approved plan number DHR-15141_10 received on 16 December 2020 shall only be occupied during the months March until December, with the rest of the year remaining unoccupied.

Reason:- To safeguard the Council's Green Belt policy in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001

5. The trees and shrubs shall be planted on the site in accordance with the approved plan DHR-15141_10 received on 16 December 2020, within a period of 6 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. The development shall continue to be carried out in accordance with the submitted flood risk assessment Flood Risk Assessment and drainage proposals caravan scheme at land at Laleham Farm dated April 2021 ref 15451, produced by Evans and Langford LLP and the following mitigation measures it details: - The FRA states that all

caravans will be raised above ground level by 700mm and allowing free flow of water beneath them. This is then above the appropriate climate change level. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

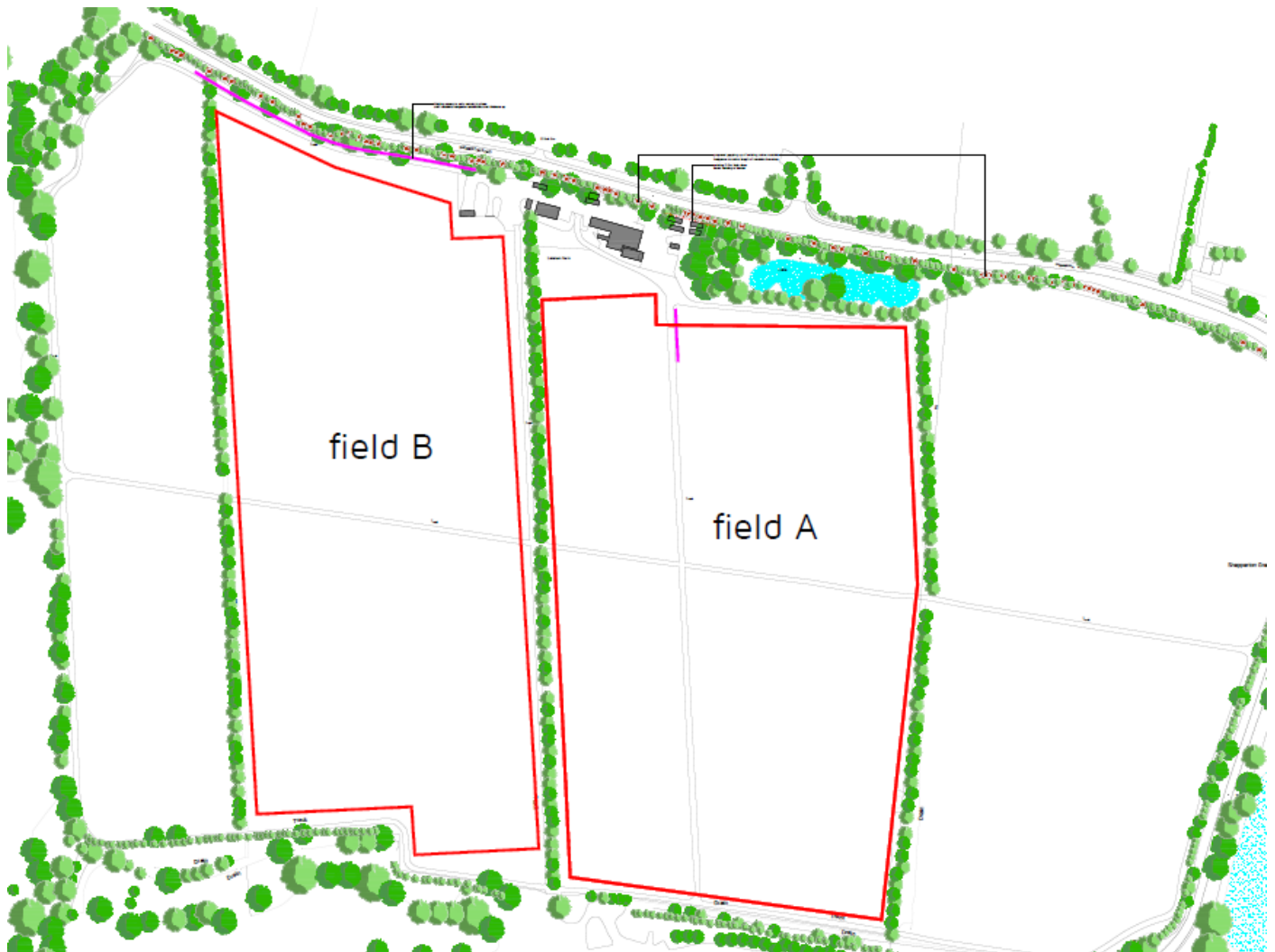
Reason: To reduce the risk of flooding to the proposed development and future occupants.

Informative

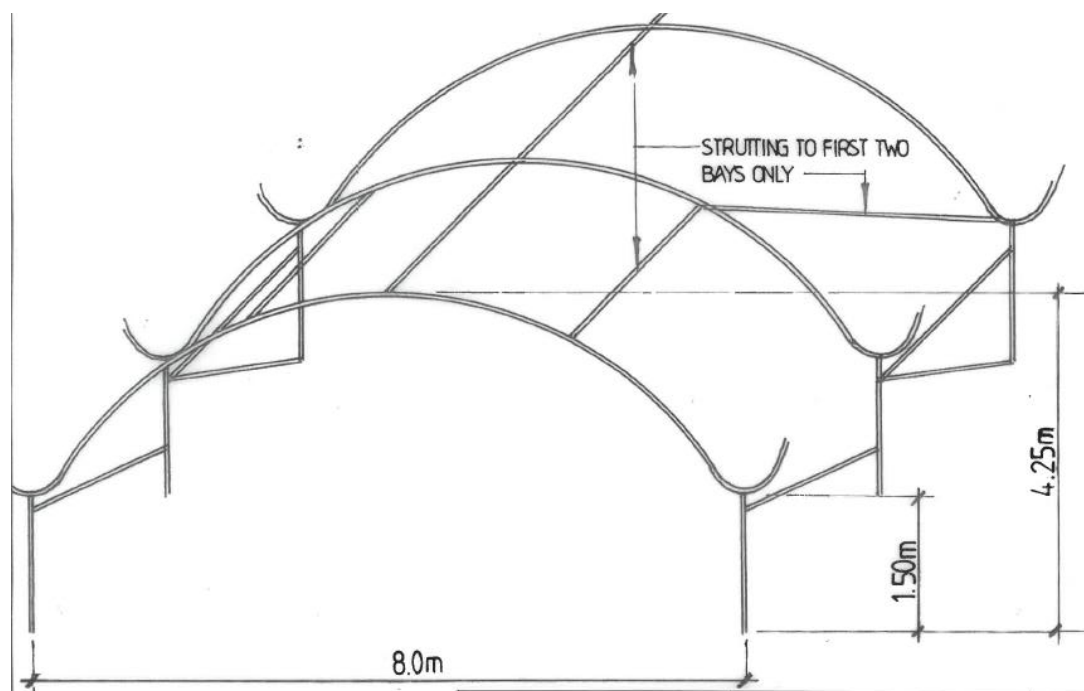
1. The Council's Pollution Control Officer has noted that there may be concerns about ventilation in regard to gas protection. If the mobile unit is sited directly onto the ground or has any blocked voids (for example through use of 'skirts'), basic gas protection might be required. It is recommended that the caravans are not placed directly onto the ground and no vents are blocked'
2. Land within the application site is proposed for the construction and operation of the Southampton to London Pipeline (SLP) project, a nationally significant infrastructure project. The Council strongly advises the Applicant to liaise closely with Esso Petroleum Company, Limited over the timing and detailed implementation of the application proposals and the SLP project, to seek to agree a detailed approach that avoids or reduces conflicts between the two development proposals, and that seeks to mitigate any impacts arising.

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Polytunnel position

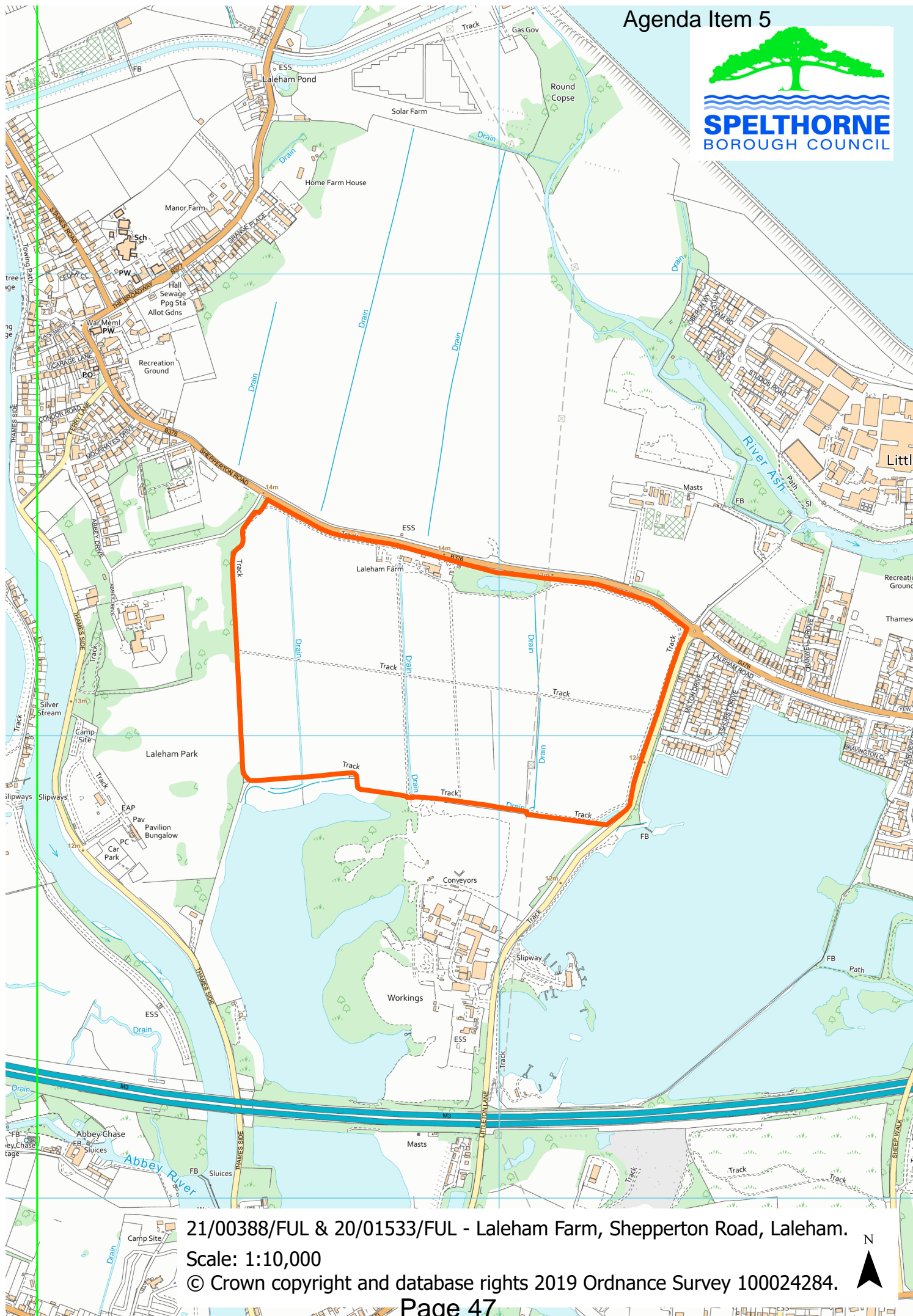


Polytunnel design



Caravan location





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Planning Committee

15 September 2021



Application No.	21/00388/FUL and 20/01533/FUL		
Site Address	Laleham Farm, Shepperton Road, Laleham, Staines-upon-Thames TW18 1SJ		
Applicant	Mr T Chambers on behalf W. B Chambers Farms Ltd		
Proposal	<p><u>21/00388/FUL</u> - Retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping.</p> <p><u>20/01533/FUL</u> - Stationing of 6 No. agricultural workers caravans on the land for a temporary period of 5 years.</p>		
Officer	Kelly Walker		
Ward	Laleham and Shepperton Green		
Call in details	N/A		
Application Dates	Valid: 16.12.2020 08.03.2021	Expiry: 16.04.2021 05.08.2021	Target: Extension of time agreed
Executive Summary	<p>These two planning applications relate to Laleham Farm, which is located on the southern side of Shepperton Road. Both applications are retrospective and have already commenced. The planning applications are retrospective and seek consent for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries, together with temporary screening, drainage, and landscaping works. The polytunnels will be covered in polythene sheeting from March to November each year.</p> <p>In addition, the proposals seek consent for the siting of one caravan for security/farm worker accommodation and the siting of five caravans for seasonal worker accommodation. The security/farm worker caravan will provide accommodation for three agricultural workers to live on-site full time and provide security and carry out farm work during the winter months. The five caravans will be used as seasonal worker accommodation during the months of March to December and be stored on the land unused and unoccupied for the rest of the year. The proposals are for a temporary five year period.</p> <p>The applications are considered to pay due regard to the design, scale and character of the area, and are for an agricultural use on an existing farm. The proposals are not inappropriate development in the Green Belt and will have an acceptable impact on the amenity of neighbouring</p>		

	properties, the Laleham Conservation Area and will not affect the setting of the listed building at Laleham Abbey. The applications are acceptable.
Recommended Decisions	The applications are both recommended for approval subject to conditions.

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:

- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN5 (Listed buildings)
- EN6 (Conservation Areas)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- LO1 (Flooding)

1.2 Also relevant is the following saved policy from the Spelthorne Borough Local Plan 2001:

- Saved Local Plan Policy GB1

1.3 The advice contained within the National Planning Policy Framework (NPPF) 2021 is also relevant.

2. Planning History

2.1	11/00407/FUL	Continued use of one caravan to house security/farm operative for a temporary period of five years.	Grant 12.08.2011
	03/00022/FUL	Continued siting of one caravan to house security/farm operative for temporary period of 5 years	Grant 11.04.2003
	97/00530/EXT	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 12.11.1997

92/00297/EXT	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 22.07.1992
SP/EXT/92/0297	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 22.07.1992
SPE/FUL/87/242	Continued use of one caravan to house security/farm operative for temporary period of 5 years.	Grant 01.07.1987
PLAN S/EXT/78/937	Continued use of one caravan for a temporary period of 3 years to house a security/farm operative.	Grant 17.01.1979
PLAN S/EXT/75/635	Parking and residential use of one caravan for a limited period of 3 years to house a security/farm operative.	Grant 22.09.1975

There are also some historical applications in relation to gravel extraction and restoration.

3. Description of Current Proposal

- 3.1 The application site is located on the southern side of Shepperton Road Laleham and is known as Laleham Farm. To the north, on the opposite side of the road is also farmland, part of which is subject to the Shepperton Studios expansion site. To the west is Laleham Park and Laleham Abbey (residential). To the south is Littleton Lane industrial area and lake, and to the east, on the opposite side of Littleton Lane, are residential properties located along Milton Drive. The site is located in the Green Belt, and within the flood zone, part 1 in 20, 1 in 100 and 1 in 1000 year chance of flooding, and also within a pipeline consultation zone. Laleham Farm extends to 47 hectares (116 acres). The site was a former gravel pit but the land has been restored and was previously used for arable crop production. The site also has several farm style storage buildings and static caravans located close to the entrance along Shepperton Road. There is also a lake running parallel to the road and the site has vegetation around the boundaries, screening views into the site, on Shepperton Road and Littleton Lane in particular.
- 3.2 Both applications are retrospective and have already commenced. Following a visit from the Council's Planning Enforcement Team, the planning applications were submitted. It is important to note that a retrospective planning application must be considered and determined in the same manner as one that has not commenced, and no weight can be given to the fact that what is proposed is already in existence or has commenced.

- 3.3 Application ref 21/00388/FUL is for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries in two areas (noted as Fields A and B), together with temporary screening, drainage, and landscaping works. The proposed polytunnels are each a 'hoop' shaped tubular steel frame, 8m wide and 4.25m high, with a 300mm gap between each tunnel. The applicant proposes that the tunnels will be covered in polythene sheeting from the beginning of March through to November each year and the covering will be rolled back and stored alongside the frames or stored on the farm during the winter period.
- 3.4 Application 20/01533/FUL proposes the siting of one caravan for security/farm worker accommodation and the siting of five caravans for seasonal worker accommodation for a temporary five year period. The security/farm worker caravan will provide accommodation for three agricultural workers to live on site full time and provide security and carry out farm work during the winter months. The five other caravans will be used as seasonal worker accommodation. They will provide accommodation for workers during March to December and be stored on the land unused and unoccupied from the end of December to the end of February each year.
- 3.5 The two planning applications are linked to one another, as the caravans proposed would house seasonal workers maintaining and picking raspberries growing in the proposed polytunnels. All produce is to be transported off site following harvest and placed in cold storage, quality checked, packed and distributed to supermarkets and the wholesale market from Oakdene Farm, Langley, Maidstone (owned by the Applicant).
- 3.6 It is important to note that caravans can be sited under permitted development for this purpose under Part 5, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to allow summer accommodation for seasonal workers such as fruit pickers in association with crop growing. In light of this, originally the applicant had submitted this application purely for the overwinter storage of the caravans, given the rest of the year they could be located on site, under permitted development, without the need for planning permission. However, officers advised that by leaving the caravans on site and not removing them over winter the permitted development criteria was exceeded and therefore, planning permission was required. The description was amended to reflect this.
- 3.7. The proposed indicative site layout and plans are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection recommends conditions
Agricultural Advisor	Concludes the proposals are reasonably necessary for the purposes of agriculture

Environment Agency	No objection recommends condition
Tree Officer	No objection
Esso Pipeline	No objection recommends an informative
Surrey Wildlife Trust	Replied to advise no ecological constraints, proposal will provide a benefit at the field margins.
Natural England	Replied to advise no comment to make
Environmental Health Officer (Contamination)	No objection

5. Public Consultation

5.1 A total of 62 properties were notified of the planning application. Furthermore, a statutory site notice was displayed, and the applications were advertised in the local press. A total of 3 letters of objection have been received from Shepperton Residents Association, Laleham Residents Association, and Spelthorne Natural History Society. The following issues were raised: -

- Retrospective
- Green Belt land
- Flooding/drainage
- Caravan refuse and sewerage
- Previous permissions
- Should be subject to conditions restriction use/applicant etc.
- Traffic movements
- Queries regarding rainwater, where will other staff come from
- Little ecological information
- Little benefit to local community
- Landscape plan deficient

6. Planning Issues

- Principle of the development
- Green Belt
- Design and appearance
- Highway issues
- Flooding
- Trees/Ecology
- Air quality/contaminated land

7. Planning Considerations

Principle of the development

7.1 National Planning Policy Guidance for development in the countryside and farms is set out in the National Planning Policy Framework 2021 (NPPF)

Section 4 of the NPPF is concerned with ‘decision Making’ and paragraph 38 notes:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

7.2 Section 5 of the NPPF is concerned with ‘Delivering a sufficient supply of homes’ and at paragraph 80 it notes:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;”

7.3 National Planning Practice Guidance ‘Housing Needs of Different Groups’ (July 2019) provides some guidance relevant to paragraph 80 of the NPPF in the section ‘How can the need for isolated homes in the countryside for essential rural workers be assessed’?

These include:

- *“Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.*
- *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process.*
- *Whether the need could be met through improvements to existing accommodation on the site; providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *In the case of new enterprises whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.”*

It further notes that: *“Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”*

7.4 Paragraph 84 of the NPPF ‘Supporting a prosperous rural economy’ notes:

“Planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) The development and diversification of agricultural and other land-based businesses;*
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship”*

7.5 The above national policy supports development that is sustainable and improves the economic, social and environmental conditions of the area and says such development should be approved. Specially it refers to providing homes for rural workers, particularly on farms, to allow workers to live permanently at or near their place of work” (this is discussed in more detail in the Green Belt section below) The NPPF specifically refers to the need to support a prosperous rural economy by, *‘sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and ‘The development and diversification of agricultural and other land-based businesses;’* As such the proposals are considered to comply with the above national policy providing diversification and sustainable growth of an existing farm and the principle of such development is acceptable.

Green Belt

7.6 The National Planning Policy Framework states in relation to proposals affecting the Green Belt that, *‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’* It notes in paragraph 148 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.

7.7. In paragraph 149, it sets out some exceptions that are not inappropriate: - *‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (a) buildings for agriculture and forestry’*

- 7.8 Policy GB1 of the Spelthorne Borough Local Plan 2001 deals with Development Proposals within the Green Belt and states:

“The Green Belt shown on the Proposals Map will be permanent and within it development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. Subject to the above, development will not be permitted except for uses appropriate to the Green Belt, comprising:-

- a) agriculture and forestry {officer emphasis}*
- b) essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it*
- c) limited extension, alteration or replacement of existing dwellings appropriate re-use of buildings (see also Policy GB4)*
- d) appropriate engineering and other operations”*

- 7.9 As noted above, in both the NPPF and Saved Local Plan Policy GB1, development proposals in the Green Belt involving agricultural and forestry are exceptions and are not considered to be inappropriate development. However, this would be subject to the agricultural assessment.

- 7.10 Further advice was sought from an agricultural advisor in relation to the proposals and their merits as ‘agricultural’ development in the Green Belt. The proposals are discussed further below: -.

7.11 Siting of Polytunnels

Section 336 of the Town and Country Planning Act 1990 defines ‘agriculture’ as including:

- *“horticulture, fruit growing, seed growing, dairy farming;*
- *the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);*
- *the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and*
- *the use of land for woodlands where the use is ancillary to the farming of land for other agricultural purposes.”*

- 7.12 The agricultural advisor notes that, ‘...*The proposed polytunnels are typical structures seen in a rural location and commonly used in horticultural and agricultural production. They would be considered to support the needs of agriculture on the applicant’s holding in compliance with Local Policy GB1.**

- 7.13 The applicant will be growing raspberries in the 21.19 hectares of polytunnels and will create a new area of planting for the applicant, supporting a well-established horticultural business. The development at Laleham Farm will enable the applicant to continue to meet an expanding market and customer

demand for British high quality soft fruit. The agricultural advisor notes that these crops can be readily grown in polytunnels in the UK and that it is generally accepted that the set up costs for the erection of polytunnels is a cheaper alternative to the erection of greenhouses which are a more permanent building. The advisor notes it is generally accepted that polytunnels retain more heat than an unheated greenhouse so can be used to extend the growing season of crops and plants. This extended growing season is a feature of the applicant's proposal with the polytunnels being covered from March to November each year. The polytunnels also protect growing crops from the elements of the weather, in particular high value and sensitive crops from rain, wind, snow and hail.

7.10 Siting of single caravan for Five Year Period

The agricultural advisor considers the siting of a caravan for a temporary period of five years and the overwinter storage of five caravans are appropriate in the Green Belt as an agricultural (horticultural) use of the land and complies with national and local planning policy.

7.11 The planning history of the site shows that there has been a caravan on site for a number of years, with the first application for such approved in 1975.

7.12 The primary test set out in the NPPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In order to demonstrate that there is an essential need for a worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.

7.13. The agricultural advisor notes that an assessment of the essential need for a rural worker to live at or near their place of work requires:-

- an evaluation of the risks involved;
- the frequency and type of out-of-hours emergency that might arise;
- the scale and loss that could be incurred should that emergency situation occur;
- the potential for an on-site worker to identify any problem; and
- the ability of that resident worker to rectify the problem effectively and expeditiously.

7.14 In addition, the National Planning Policy Guidance (NPPG) details the assessment of isolated homes in the countryside as including *“Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)”*.

7.15 The agricultural advisor notes she would consider in this case that the essential need for a rural worker to be on-site, *‘... relates to the management and production of fruit within the polytunnels and is concerned with the planting, growing and caring for the raspberry plants and harvesting the fruit.’* The advisor explains that changing weather conditions will require the polytunnels to be covered or uncovered manually by staff and issues with

automatic irrigation and ventilation system, could, potentially, reduce or stunt growth, reduce quality causing significant financial losses. She also notes other reasons include immediate response to changing weather and that whilst alarms could be installed, they only provide warnings, which takes time to respond to if located off site and could result in damage to crops.

- 7.16 The agricultural advisor also refers to the Agricultural Budgeting & Costing book (91st Edition) November 2020 which details labour requirement per hectare for types of crops/cultivation and that the number of staff and therefore caravans required for the amount of polytunnels proposed is relative.
- 7.17 As such the agricultural advisor considers that the provision of the caravan to be sited for a temporary period of five years is acceptable in reference to the NPPF and NPPG. The caravan will provide accommodation for three workers who will reside on site meeting the essential need of the raspberry plants and also provide an element of security for the site during the winter months.
- 7.18 Siting of five caravans for seasonal worker accommodation and overwinter storage
The agricultural advisor notes that the seasonal siting for the accommodation falls under Part 5 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and The Caravan Sites and Control of Development Act 1960.
- 7.19 She also notes that seasonal workers are an accepted and vital component of agricultural and horticultural businesses across the UK particularly in the soft fruit growing areas in South East England, and without them these rural sectors would be at risk of not being able to compete with the international markets.
- 7.20 The agricultural advisor also notes it is their experience is that it would be unlikely that local residents would wish to work for a rate close to national minimum wage, in horticulture, with very early starts with planting and harvesting, at weekends, and in hot or extremes of weather. This was evidenced in 2020 with the low number of local workers employed despite the increasing unemployment and calls from various organisations for labour in the agricultural/horticultural sector. In addition, it is accepted that for such horticultural enterprises there is great organisational, time and cost efficiency for employees and employers in having the labour force resident on site, as staff are reliably on hand for the early work starts.
- 7.21 The agricultural advisor concludes that, *'...the storage of these caravans is considered acceptable on the condition that they remain unoccupied for the out of season months of January and February each year.'*
- 7.22 In conclusion, the proposals are accepted to be an agricultural use and these are not inappropriate development within the Green Belt. As such, subject to conditions to restrict time frames and also the occupation of the seasonal worker caravans over the winter, the applications are considered to be acceptable in relation to the NPPF and Saved Local Plan Policy GB1 in regard to development in the Green Belt. However, we still need to consider

the other planning issues associated with this development and these are addressed below.

Design and appearance

- 7.23 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.”*
- 7.24 The NPPF in section 12 set out policies to ‘achieve well-designed places’. Paragraph 126 refers to good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 7.25 Paragraph 130 notes that planning policies and decisions should ensure that developments:
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- 7.26 Application 20/01533/FUL proposes the siting of six caravans for security/farm worker accommodation for a temporary five year period. and the siting of five caravans for seasonal worker accommodation. Although 5 of these caravans would remain unoccupied from the end of December to the end of February each year, the caravans would remain present on the site. As noted previously, there has been at least one caravan on the site for a number of years. The proposed caravans are located close to the entrance of the site, running parallel with Shepperton Road, and close to other buildings and hardstanding already present at the farm site. They are relatively small in scale, with a single storey in nature and each have a limited footprint. Although they will have some impact on visual amenity of the site, given their location close to other buildings near the boundary of the site and their temporary nature and size, this will be limited. In addition, the site is well screened with vegetation along the boundaries, including Shepperton Road although there are some gaps in this boundary including the entrances where visibility into the site is greater. However, the caravans will have a limited impact on the visual amenity of the location and are acceptable in terms of design and appearance.

- 7.27 Application ref 21/00388/FUL is for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries in two areas (Fields A and B), together with temporary screening. The proposed polytunnels are each a 'hoop' shaped tubular steel frame, 8m wide and 4.25m high, with a 300mm gap between each tunnel. The tunnels are located parallel to one another in a north south direction, running the length of fields A and B and have small gaps between each line, set in from the field margins by approx. 5-8m. The applicant proposes that the tunnels will be covered in polythene sheeting from the beginning of March through to November each year and the covering will then be rolled back and stored alongside the frames or stored on the farm during the winter period. In addition, the proposal includes a number of temporary mesh screens which are located next to the northern boundary of the site and also near to the farm entrance to help screen and break up any views of the polytunnels from views outside of the site from Shepperton Road. The screens are approximately 4 metres high and are made up of a number of timber/metal poles and a close texture mesh screen which is fixed to the poles.
- 7.28 Although the polytunnels are of a temporary nature and can be removed, and in addition have a gap between each tunnel, given the large area covered by the tunnels, they are viewed as one continuous structure, and can be reflective during the summer due to the polythene covering. However, they are relatively low in height of 4.25m and have been located on fields A and B which are set in from the side boundaries of the farm site from Laleham Park and Abbey and Littleton Lane. In addition, they are not an uncommon feature seen in fields and on farms and given the flat nature of the site and surrounding area, views of the entire site are not possible. Although they will have an impact on visual amenity of the site, given their location central to the site, away from the side boundaries, as well as their temporary nature and size, this will be limited. In addition, as noted above, the site is well screened with vegetation along the boundaries, including Shepperton Road although there are some gaps in this boundary including the entrances where visibility into the site is greater. The screening provided does also help in restricting views of the polytunnels. However, the polytunnels will have a limited impact on the visual amenity of the location on an existing farm and are acceptable on design and appearance.
- 7.29 The applicants have submitted a landscape plan to provide some additional native planting where there are currently gaps in the boundary vegetation. This will help to provide for better screening of the site, although it is acknowledged that views into the site are easier during the winter months when much of the vegetation loses its leaves. As such the proposed siting of the caravans and polytunnels for a temporary period of 5 years is considered to be acceptable in design terms and conforms to policy EN1. Laleham Abbey which is located to the west of the application site is a Listed Building and is also located within the Laleham Conservation Area. However, given the scale of the proposal and distance from the building, the proposal is not considered to have any impact on the setting of the listed building and will continue to preserve and enhance the Conservation Area, conforming to Policies EN5 and EN6. Therefore the proposals accord with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on neighbouring residential properties

7.30 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.”

7.31 The nearest residential properties to the application site are those on the opposite side of Littleton Lane at Milton Drive (over 250m away from field A polytunnels) and also Laleham Abbey to the west (over 280m to field B polytunnels). The proposal includes polytunnels set well in from the side boundaries of the application site, and as such are located too far from these dwellings to have any impact on their amenity. In addition, the caravans are located adjacent to Shepperton Road, away from residential development. As such the scale of the development and proximity to the existing properties is considered to be acceptable and there will be no adverse impact on the amenity of existing neighbouring residential properties, conforming to Policy EN1.

Highway and parking provision

7.32 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.”

7.33 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.

7.34 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.

7.35 The applicant has noted in the Planning Statement that the production of soft fruit (raspberries) on the land under the polytunnels will generate a number of traffic movements. Vehicle movements are spread out throughout the entire year with a larger number of movements in the months from April to November, when there will be an average of 10 van/car movements and 2 to 6 HGV/Bus movements per day. The applicant goes on to note that, ‘ *whilst the number vehicle movements generated by the production of fruit under polytunnels through increased yield is greater than more traditional growing methods, the overall increase in traffic movements directly associated with*

this proposal will be relatively low and will not give rise to a serve impact on the local roads, particularly bearing in mind that the greater number of the movements will be spread out from April to November.'

- 7.36 The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposal noting that, '*... It is considered possible that the proposal could result in a very minor increase in trip generation due to the heightened output potential of the farm and any required maintenance. This is likely to be a small number, and in any case no safety concerns have been identified with the site access.'*
- 7.37 Therefore the CHA has raised no objection to the proposed scheme on highway safety grounds or parking provision. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Flooding

- 7.38 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposal within Zones 2, 3a and 3b and development outside the area (Zone1) 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).
- 7.39 The site is located within Flood Zone 2, and 3a and b. The applicant has submitted a Flood Risk Assessment, as is required by Policy LO1 of the CS & P DPD.
- 7.40 The Environment Agency (EA) has been consulted and originally raised an objection to the polytunnel scheme and the siting of the caravans. However, with the amended FRA the EA noted it proposes that polytunnels will be excluded from Flood Zone 3b. The revised FRA now includes a topographic survey of the site to allow the flood extents and flood depths to be determined. The proposal is for polytunnels, which will only be present between the months of March to November and they are floodable structures. In relation to the siting of the caravans the EA has noted that based on the information in the FRA the objection on fluvial flood risk grounds can be removed ,subject to a condition requiring all caravans to continue to be raised above ground level by 700mm and allow free flow of water beneath them. The EA has subsequently withdrawn the objections, subject to the imposition of condition. None of the caravans are located in the high risk flood zone and given the temporary nature of the permission, they are considered to be acceptable on flooding grounds. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

Trees/Landscaping

- 7.41 As noted above, the applicant has submitted a landscape plan to provide some additional native planting where there are currently gaps in the boundary vegetation. This will help to provide for better screening of the site. The Council's Tree Officer has been consulted and raises no objection.

Biodiversity/Ecology

- 7.42 The proposal is for agricultural development on an existing farm. Polytunnels have been installed on existing crop fields and the proposal also includes additional planting along the boundaries which will help to improve the biodiversity and ecology of the site. Surrey Wildlife Trust has been consulted and note from the documents submitted there does not appear to be ecological constraints with regard to the proposals and the applicant will be seeding the field margins with a native grass mixture, providing a benefit at the field margins. Natural England has responded to say they make no comments about the application. It is considered that the proposal will have an acceptable impact in regard to ecology.

Contaminated Land

- 7.43 The Council's Pollution Control Officer has raised no objection but has noted that the application site is on a landfill site (Littleton Lane Lavenders) and is close to another (Home Farm landfill). As a result, the officer has noted a concern about the depth of the polytunnel fixtures in relation to the depth of the existing capping layer and in addition, ventilation in regard to gas protection. The EHO states that, *'... if the mobile unit is sited directly onto the ground or has any blocked voids (for example through use of 'skirts'), basic gas protection might be required. I would recommend that they are simply not placed directly onto the ground and no vents are blocked'*. The applications are retrospective, however an informative to this accord can be attached to any consent given. The proposal is considered acceptable in accordance with Policy EN15 and the NPPF.

Equality Act 2010

- 7.44 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 for:
- (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.
- 7.45 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.
- 7.46 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.

- 7.47 Person with protected characteristics may be affected by the scheme in terms of using the local roads and passing the site, however these impacts will be limited and the regard has been given to this issue.

Human Rights Act 1998

- 7.48 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.49 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.
- 7.50 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.
- 7.51 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 refusal 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

- 7.52 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. The proposal will generate Business rates payments which is not a material consideration in the determination of this proposal.

Conclusion

- 7.53 The proposals are considered to pay due regard to the design, scale and character of the area, and will have an acceptable impact on the visual amenity of the rural location.. The proposal is for an agricultural use on an existing farm and is not inappropriate development in the Green Belt. The proposals will have an acceptable impact on the amenity of neighbouring properties and are considered to be acceptable. The applications are recommended for approval.

8. Recommendation

21/00388/FUL - Part retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping

8.1 GRANT subject to the following conditions:

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

DHR-15141_01, 02, 03, 04 and 05 received on 8 March 2021 and 10 received on 16 December 2020

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

- 2 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) entitled Land at Laleham Farm, Staines, Surrey, Flood Risk Assessment & Drainage Proposals, Evans & Langford LLP, Rev D, June 2021; and the following mitigation measures it details:

- There shall be no polytunnels located in Flood Zone 3b as detailed on Figure 2 of the FRA (FRA Section 8.5);
- The polytunnels shall only be in place during the period between March and October inclusive each year. At all other times (being the typically wetter winter months) the tunnel sheeting is to be removed so the land will return to open fields as existing, with no impedance to flood flows compared to the present situation (FRA Sections 6.8 and 8.1);
- In accordance with Environment Agency guidance on Flood Openings, the polytunnels should not have fixed plastic sheeting below specific levels, for each field shown in Figure 2 of the FRA, for a 1 metre opening in every 5 metres length of wall on all sides of the polytunnel. Within Field G the lowest sheeting level at the openings should be 13.43metres Above Ordnance Datum (mAOD), and in Fields H & I the lowest sheeting level at the openings should be 13.03mAOD. As such, any flood water can flow below the tunnels in a very similar pattern to the existing situation (FRA Section 6.8);
- Polytunnels shall be of a type consistent with that illustrated on sketch DHA/15141/05 dated Nov 2020 which shows the typical arrangement of the polytunnel construction. These mitigation measures shall be fully implemented when the polytunnel sheeting is deployed. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by maintaining floodplain storage and conveyance. This condition is supported by Policy LO1: Flooding of the Spelthorne Core Strategy and Policies DPD, February 2009.

3. That this permission be for a limited period of 5 years only, expiring on 15 September 2026 when the use hereby permitted shall be discontinued and the polytunnels and works carried out under this permission removed and the land reinstated.

Reason: - In the interest of visual amenity of this rural location, to safeguard the Council's Green Belt and flooding policies in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Policies EN1 and LO1 of the Core Strategy and Policies DPD 2009.

4. The trees and shrubs shall be planted on the site in accordance with the approved plan DHR-15141_10 received on 16 December 2020, within a period of 6 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

Informatives

1) The Council's Pollution Control Officer has noted that there may be concerns about the depth of the polytunnel fixtures in relation to the depth of the existing capping layer which should not be penetrated given the previous use of the land for gravel extraction..

2) Land within the application site is proposed for the construction and operation of the Southampton to London Pipeline (SLP) project, a nationally significant infrastructure project. The Council strongly advises the Applicant to liaise closely with Esso Petroleum Company, Limited over the timing and detailed implementation of the application proposals and the SLP project, to seek to agree a detailed approach that avoids or reduces conflicts between the two development proposals, and that seeks to mitigate any impacts arising.

20/01533/FUL - Stationing of 6 No. agricultural workers caravans on the land for a temporary period of 5 years. (retrospective)

8.2 GRANT subject to the following conditions:

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

DHR-15141_01, 02 and 10 received on 16 December 2020

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

2. That this permission be for a limited period of 5 years only, expiring on 15 September 2026 when the use hereby permitted shall be discontinued and the caravans and works carried out under this permission removed and the land reinstated.

Reason: - In the interest of visual amenity of this rural location, to safeguard the Council's Green Belt and flooding policies in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Policies EN1 and LO1 of the Core Strategy and Policies DPD 2009..

3. The occupation of the caravans shall be limited to persons solely employed to work at the application site in agriculture as defined in Section 336 of the Town and Country Planning Act, 1990.

Reason:- To safeguard the Council's Green Belt policy in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001.

4. The 5 caravans for seasonal workers accommodation, as shown on approved plan number DHR-15141_10 received on 16 December 2020 shall only be occupied during the months March until December, with the rest of the year remaining unoccupied.

Reason:- To safeguard the Council's Green Belt policy in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001

5. The trees and shrubs shall be planted on the site in accordance with the approved plan DHR-15141_10 received on 16 December 2020, within a period of 6 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. The development shall continue to be carried out in accordance with the submitted flood risk assessment Flood Risk Assessment and drainage proposals caravan scheme at land at Laleham Farm dated April 2021 ref 15451, produced by Evans and Langford LLP and the following mitigation measures it details: - The FRA states that all

caravans will be raised above ground level by 700mm and allowing free flow of water beneath them. This is then above the appropriate climate change level. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

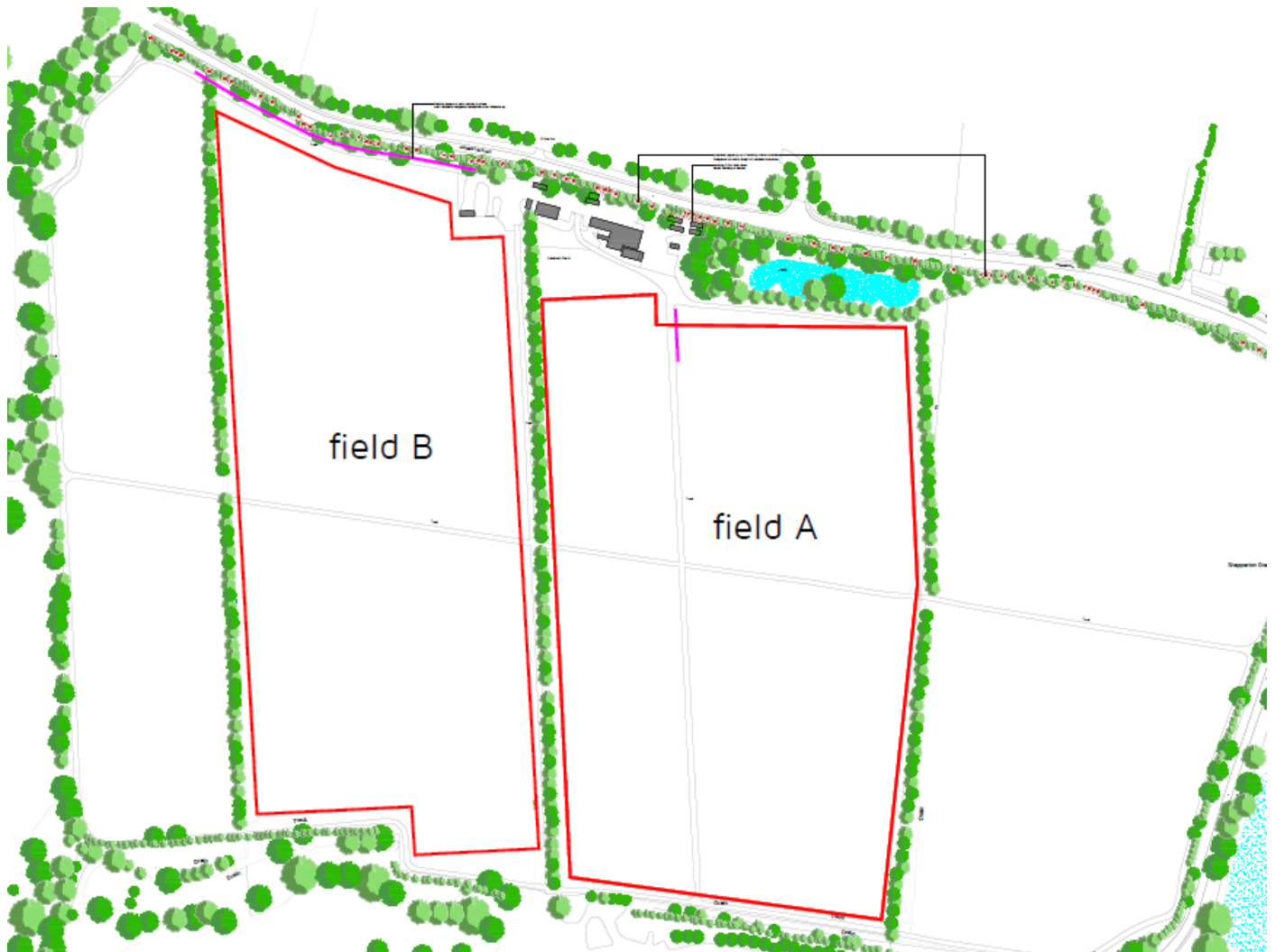
Reason: To reduce the risk of flooding to the proposed development and future occupants.

Informative

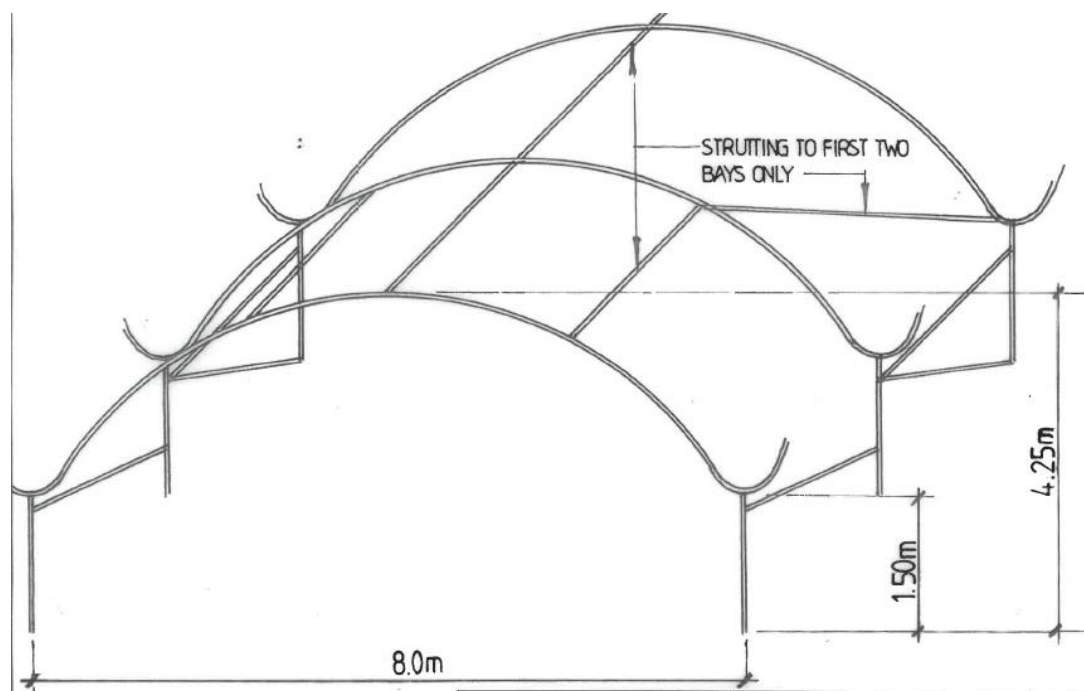
1. The Council's Pollution Control Officer has noted that there may be concerns about ventilation in regard to gas protection. If the mobile unit is sited directly onto the ground or has any blocked voids (for example through use of 'skirts'), basic gas protection might be required. It is recommended that the caravans are not placed directly onto the ground and no vents are blocked'
2. Land within the application site is proposed for the construction and operation of the Southampton to London Pipeline (SLP) project, a nationally significant infrastructure project. The Council strongly advises the Applicant to liaise closely with Esso Petroleum Company, Limited over the timing and detailed implementation of the application proposals and the SLP project, to seek to agree a detailed approach that avoids or reduces conflicts between the two development proposals, and that seeks to mitigate any impacts arising.

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Polytunnel position



Polytunnel design



Caravan location



Key

T1: Oak



TPO 270/2021

**Land to the north of Hanworth Road
(Johnson & Johnson and Lok N Store), Sunbury-on-Thames, TW16 5LN**



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Scale: 1:2,500

Date: 12 April 2021

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Planning Committee

15 September 2021



	Tree Preservation Order
TPO No.	TPO270/2021
Site Address	Land to north of Hanworth Road (Johnson and Johnson and Lok 'n Store), Hanworth Road, Sunbury on Thames, TW16 5LN
Date Served	21 April 2021
Expiry Date	21 October 2021
Ward	Sunbury Common
Executive Summary	Confirmation of TPO270/2021
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 21 April 2021 Tree Preservation Order 270/2021 was served with immediate effect to protect one Oak Tree (T1) on a land to the north of Hanworth Road (Johnson & Johnson and Lok 'n Store), Sunbury-on-Thames, TW16 5LN.

2. Background

- 2.1 A planning application (ref. 20/01555/FUL) for the 'Demolition of existing buildings and structures and redevelopment of the site to include the erection of two new warehouse buildings for flexible use within Classes B2, B8 and/or light industrial (Class E), revised junction layout (A316 slip lane) and associated parking, servicing, landscaping and access and infrastructure works' was submitted in December 2020.
- 2.2 The Oak tree is mature and over 100 years old located on the northern boundary next to the aqueduct. During pre-application stage, the applicant was advised to retain the Oak tree, they however declined to do so as the tree's Root Protection Area (RPA) would have interfered with the new road layout.

- 2.3 Although the tree is sited at the rear and largely screened by existing buildings, the Council's Tree Officer considered that the subject tree to be a mature grade B category appearing to be healthy and stable with no signs of disease or decay, which is visible from parts of Bingley Road and Windsor Road. It will also be seen from the new and existing service road. The Tree Officer also considered that the subject tree will become more visible from Hanworth Road with the new development. The tree will also help soften the appearance of the development when viewed from the properties at the rear.
- 2.4 Given the subject tree was under immediate threat from removal due to the current application and reluctance of the applicant to change the plans, it was therefore considered appropriate to make a Tree Preservation Order. This was to ensure that the amenity value of this tree was preserved and that it could not be felled without good reason.
- 2.5 Accordingly, a TPO was made and served on 21 April 2021 to protect the Oak Tree (T1). Planning application 20/01555/FUL has not been determined.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties, including Thames Water, were served with copies of the Tree Preservation Order. No representations have been received within the statutory period. It is therefore recommended that the TPO be confirmed as an unopposed order.

4. Recommendation

- 4.1 Tree Preservation Order TPO270/2021 relating to Land to north of Hanworth Road (Johnson and Johnson and Lok 'n Store), Hanworth Road, Sunbury on Thames, TW16 5LN be confirmed without modification.

Major Applications

This report is for information only

The list below comprises current major applications which may be brought before Planning Committee for determination. These applications have either been submitted some time ago but are still not yet ready for consideration or are recently received applications that are not ready to be considered by the Planning Committee. The background papers for all the applications are contained on the Council's website (Part 1 Planning Register).

All planning applications by Spelthorne Borough Council and Knowle Green Estates will be brought before the Planning Committee for determination, regardless of the Planning Officer's recommendation. Other planning applications may be determined under officers' delegated powers.

If you wish to discuss any of these applications, please contact the case officer(s) in the first instance.

App no	Site	Proposal	Applicant	Case Officer(s)
20/00802/FUL	Victory Place	Redevelopment of surplus hospital car park for 127 residential units comprising 122 flats and 5 terraced houses, in buildings ranging from 2 to 5 storeys in height, with associated access, parking, services, facilities and amenity space.	Spelthorne Borough Council	Matthew Churchill/Fiona Tebbutt

App no	Site	Proposal	Applicant	Case Officer(s)
20/01112/FUL	The Old Telephone Exchange, Masonic Hall and adjoining Land Elmsleigh Road Staines-upon-Thames	Demolition of the former Masonic Hall and redevelopment of site to provide 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works.	Inland Homes Ltd	Paul Tomson / Kelly Walker
19/01211/FUL	Benwell House 1 Green Street Sunbury On Thames TW16 6QS	Erection of 5 storey residential block to provide 39 units, with a mix of 12 x 1-bed, 24 x 2-bed and 3 x 3-bed units together with associated parking, landscaping and access.	Knowle Green Estates	Russ Mounty
20/00344/FUL	Thameside House South Street Staines-upon-Thames TW18 4PR	Demolition of existing office block and erection of 140 residential units in two buildings, with flexible commercial and retail space, associated landscaping, parking and ancillary facilities.	Spelthorne Borough Council	Russ Mounty/Vanya Popova
19/01731/FUL	Littleton Industrial Estate Littleton lane Shepperton	Demolition of the existing buildings, retention of existing buildings 1, 15 and 17 and part retention of building 10 (as defined in CLUED 18/01054/CLD), creation of new buildings ranging between 1 and 2 storeys providing up	Brett Aggregates Limited	Russ Mounty

App no	Site	Proposal	Applicant	Case Officer(s)
		to approximately 4,358.7sqm of floorspace for use classes A3, B1, B2 and B8, creation of outside storage areas for use class B2, creation of hardstanding and access routes, car parking, cycle storage, servicing, plant areas, creation of green areas and landscaping and other associated works.		
20/01112/FUL	Charter Square Phase 1C London Road Staines	Redevelopment of the site to provide 66 new residential units (Use Class C3) with flexible commercial, business and service floorspace (Use Class E) and drinking establishment floorspace (Sui Generis) at ground floor, rooftop amenity space; landscaping and enhancements to the central public square, associated highway works, and other ancillary and enabling works.	London Square Developments Ltd.	Matthew Churchill
20/00780/FUL	Hitchcock and King	Sub-division of existing retail warehouse and change of use to create an A1 food store and an A1 / D2 Use Class Unit, with reconfiguration of the site car park, elevational changes, installation of plant equipment, and other ancillary works.	Lidl Great Britain	Matthew Clapham
20/01486/FUL	Spelthorne Leisure Centre and Open Space to the east	Construction of a new leisure centre with associated parking, pedestrian access, landscaping and public realm, and the demolition of the existing leisure centre	Spelthorne Borough Council	Paul Tomson/Kelly Walker

App no	Site	Proposal	Applicant	Case Officer(s)
	Knowle Green Staines-upon- Thames TW18 1AJ			
20/01555/FUL	Land to the North of Hanworth Road (Lok N Store and Johnson and Johnson) Sunbury On Thames TW16 5LN	Demolition of existing buildings and structures and redevelopment of the site to include the erection of two new warehouse buildings for flexible use within Classes B2, B8 and/or light industrial (Class E), revised junction layout (A316 slip lane) and associated parking, servicing, landscaping and access and infrastructure works.	Diageo Pension Trust Ltd	Paul Tomson/Drishti Patel
20/01483/FUL	487 - 491 Staines Road West Ashford TW15 2AB	Erection of 11 no. apartments comprising 8 no. 2 bed units, 1 no. one bed units and 2 no. studio apartments, with associated car parking, landscaping and amenity space. following demolition of existing bungalows and outbuildings.	Heron's Rest Developments Limited	Kelly Walker
20/01533/FUL On committee agenda	Laleham Farm Shepperton Road Laleham	Stationing of caravans	W. B Chambers Farms Ltd	Kelly Walker

App no	Site	Proposal	Applicant	Case Officer(s)
21/00388/FUL On committee agenda	Laleham Farm Shepperton Road Laleham	Part retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping	W. B Chambers Farms Ltd	Kelly Walker
21/00560/RMA	Shepperton Studios Studios Road Shepperton	Approval of the reserved matters comprising details of car parking, landscaping and other works and is submitted pursuant to condition 1 of planning permission 18/01212/OUT dated 4th July 2019. Details to partially discharge conditions 3, 7, 13 and 14 pursuant to the outline consent.	Shepperton Studios Limited	Russ Mounty
21/00593/FUL	Land To The Rear Of 109 Ashgrove Road Ashford TW15 1NY	Erection of building over 3 floors to provide 12 flats, comprising 4 no. one bed flats and 8 no. two bed flats with associated parking, landscaping, and amenity space.	Eaton Homes of Surrey Ltd	Kelly Walker
21/00010/FUL	Renshaw Industrial Estate	Demolition of existing industrial buildings and redevelopment to provide 2 new buildings (5-13 storeys) comprising 397 build-to-rent residential apartments (Use Class C3) including affordable housing, ancillary residential areas (flexible gym, activity space, concierge and residents lounge), landscaping, children's play area and car and cycle parking.	Mill Mead Nom 1 And Mill Mead Nom 2 C/o Dandara Ltd	Russ Mounty

App no	Site	Proposal	Applicant	Case Officer(s)
21/00543/FUL	Crownage Court, 99 Staines Road West	Provision of a rooftop extension to provide 14 duplex apartments	Mr Harris Akhtar Richmond Collection	Kelly Walker
21/00811/FUL	Penton Hook Farm	Conversion of the existing outbuilding, currently used as garages, into two residential units with separate access, with associated parking spaces, refuse storage, and cycle storage.	Harleystone Properties Ltd	Matthew Clapham
21/00912/FUL	Works Langley Road	Demolition of existing works building and erection of 23 dwellings (14 dwelling houses and 9 apartments) including access, parking, landscaping and replacement substation'	Shanly Homes Ltd	Kelly Walker
21/00947/FUL	Cadline House, Drake Avenue	Demolition of existing building and construction of new build 2.5 storey residential building comprising of 14 flats and 15 under-croft car spaces.	Cadline Ltd	Matthew Churchill
21/00921/FUL	131 High Street	Demolition of existing structures and creation of retail unit and 9 no. flats facing the High Street together with a residential building providing 14 no. flats to the rear with associated parking and amenity space.	Burma House (Staines) Ltd	Kelly Walker
21/01103/FUL	Shepperton Studios	Use of up to 3.5ha (8.6 acres) of land as backlots in association with Shepperton Studios, for a temporary period of three years	Shepperton Studios Ltd	Russ Mounty

App no	Site	Proposal	Applicant	Case Officer(s)
21/01200/RMA	Renshaw Estate	Appearance and landscaping. Not an EIA application. Relating to planning permission 17/01365/OUT	Rachel Allwood	Russ Mounty

Esmé Spinks
Planning Development Manager
02/09/2021

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PLANNING GLOSSARY OF TERMS AND ABBREVIATIONS

TERM	EXPLANATION
ADC	Advert application
AMD	Amend (Non Material Amendment) – minor change to an application after planning permission has been given
AOD	Above Ordinance Datum. Height, in metres, above a fixed point. Used to assess matters of comparative heights in long distance views and flooding modelling
AQMA	Air Quality Management Area
BCN	Breach of Condition Notice. Formal enforcement action to secure compliance with a valid condition
CHA	County Highways Authority. Responsible for offering advice on highways issues relating to planning applications as well as highways maintenance and improvements
CIL	Community Infrastructure Levy – A levy on housing development to fund infrastructure in the borough
CLEUD/CLD	Certificate of Lawful Existing Use or Development. Formal procedure to ascertain whether a development which does not have planning permission is immune from enforcement action
CS&P DPD	Core Strategy and Policies Development Plan Document
COU	Change of use planning application
CPD	Certificate of Lawful Proposed Use or Development. Formal procedure to ascertain whether a development is permitted development and does not require planning permission
Conservation Area	An area of special architectural or historic interest designated due to factors such as the layout of buildings, boundaries, characteristic materials, vistas and open spaces
DAS	Design and Access Statement. This is submitted with a planning application and sets out the design principles that the applicant has adopted to make the proposal fit into its wider context
Development Plan	The combined policy documents of the Local Plan, Minerals and Waste Plans. The Minerals and Waste Plans are prepared by Surrey County Council who has responsibility for these functions

DM	Development Management – the area of planning service that processes planning applications, planning appeals and enforcement work
DMPO	Development Management Procedure Order - This Order provides for procedures connected with planning applications, consultations in relation to planning applications, the determination of planning applications and appeals
DPH	Dwellings per Hectare (density)
EA	Environment Agency. Lead government agency advising on flooding and pollution control
EIA	Environmental Impact Assessment – formal environmental assessment of specific categories of development proposals
EHO	Environmental Health Officer
ES	Environmental Statement prepared under the Environmental Impact Assessment Regulations
FRA	Flood Risk Assessment
FUL	Full planning application
GPDO	General Permitted Development Order. Document which sets out categories of permitted development (see 'PD' below)
HOU	Householder planning application
LBC	Listed Building Consent – consent to alter a listed building
LLFA	Lead Local Flood Authority
Local Plan	The current development policy document
LPA	Local Planning Authority
Material Considerations	Matters which are relevant in the determination of planning applications
MISC	Miscellaneous applications (usually a consultation by adjoining boroughs)
NPPF	National Planning Policy Framework, 2019. This is Policy issued by the Secretary of State detailing national planning policy within existing legislation
OUT	Outline planning application – obtaining the principle of development

PAP	Prior Approval application
PCN	Planning Contravention Notice. Formal notice, which requires information to be provided in connection with an enforcement investigation. It does not in itself constitute enforcement action
PD	Permitted development – works which can be undertaken without the need to submit a planning application
PDDC	Permitted Development New Dwelling in commercial or mixed use
PDDD	Permitted Development prior approval new dwelling on detached buildings
PDDN	Permitted Development prior approval demolish and construct new dwellings
PDDS	Permitted Development prior approval enlarge dwelling by additional storeys
PDDT	Permitted Development prior approval new dwelling on terraced buildings
PDH	Permitted Development Householder prior approval
PDNF	Permitted Development prior approval new dwellings on flats
PDO	Permitted Development prior approval conversion of office to residential.
PINS	Planning Inspectorate responsible for determining planning appeals on behalf of the Secretary of State
PIP	Permission in Principle application
POCA	Proceeds of Crime Act. Used by LPAs to obtain confiscation orders against those committing offences under the Town and County Planning Act 1990 following successful conviction
PPG	National Planning Practice Guidance. This is guidance issued by the Secretary of State detailing national planning practice and guidance within existing legislation. It is also known as NPPG <i>National Planning Practice Guidance</i>
Ramsar Site	A wetland of international importance
RIPA	Regulation of Investigatory Powers Act. Provides limitation on covert surveillance relating to enforcement investigation
RMA	Reserved Matters application – this follows on from an outline planning permission and deals with some or all of the outstanding details of the outline application including: appearance, means of access, landscaping, layout and scale

RVC	Removal or Variation of Condition on a planning permission
SAC	Special Area of Conservation – an SSSI additionally designated as a Special Area of Conservation under the European Community’s Habitats Directive 1992 in order to maintain or restore priority natural habitats and wild species
SCAMD	Surrey County Council amended application (minor changes following planning permission)
SCC	Surrey County Council planning application
SCI	Statement of Community Involvement. The document and policies that indicate how the community will be engaged in the preparation of the new Local Plan and in the determination of planning applications
Section 106 Agreement	A legal agreement for the provision of facilities and/or infrastructure either directly by a developer or through a financial contribution, to meet the needs arising out of a development. Can also prevent certain matters
SLAA	Strategic Land Availability Assessment
SNCI	Site of Nature Conservation Importance. A non-statutory designated area of county or regional wildlife value
SPA	Special Protection Area. An SSSI additionally designated a Special Protection Area under the European Community’s Directive on the Conservation of Wild Birds 1979. The largest influence on the Borough is the Thames Basin Heath SPA (often referred to as the TBH SPA)
SPD	Supplementary Planning Document – provides additional advice on policies in Local Development Framework (replaces SPG)
SSSI	Site of Special Scientific Interest is a formal conservation designation, usually due to the rare species of flora or fauna it contains
SuDS	Sustainable Urban Drainage Systems. Providing urban drainage systems in a more environmentally sensitive way by systems designed to reduce the quantity of run-off, slow its velocity or provide for filtering, sedimentation and biological degradation of the water
Sustainable Development	Sustainable development is the core principle underpinning planning. It is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”
T56	Telecom application 56 days to determine

TA	Transport Assessment – assessment of the traffic and transportation implications of a development proposal
TCA	Trees in a conservation area – six weeks' notice to the LPA is required for works to trees in a conservation area. This gives an opportunity for the LPA to consider whether a tree preservation order should be made to protect the trees
TPO	Tree Preservation Order – where a tree or trees are formally protected, and prior consent is needed for pruning or felling
TRICS	Computerised database and trip rate analysis used to estimate traffic flows to and from a variety of land uses, to assess transportation implications of new development in southern England
Further definitions can be found in Annex 2 of the NPPF	

Esmé Spinks 13/01/2021

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