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Date: 14 June 2024

## Notice of meeting

### Planning Committee

**Date:** Wednesday, 26 June 2024

**Time:** 7.00 pm

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

#### To the members of the Planning Committee

Councillors:

M. Gibson (Chair)

D.L. Geraci (Vice-Chair)

M.J. Lee

R. Chandler

D.C. Clarke

K. Howkins

P.N. Woodward

C. Bateson

L. E. Nichols

M. Beecher

K.E. Rutherford

T. Burrell

S.N. Beatty

J. Button

Substitute Members: Councillors N. Islam, A. Mathur, K.M. Grant, S.A. Dunn, A. Gale and J.T.F. Doran

*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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# Agenda

Page nos.

1. **Apologies and Substitutions**

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

2. **Minutes**

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To confirm the minutes of the meeting held on 8 May 2024 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 - 24/00017/FUL, Land North-East of Eco Park, Charlton Lane, Shepperton, TW17 8QA**

11 - 40

**Ward**

Halliford and Sunbury West

**Proposal**

The construction of and operation of a Battery Energy Storage System of up to 200 megawatts electrical output, associated site access and cable route with connection point at the existing National Grid/SSE 132 kV Laleham GSP (Grid Supply Point), with associated works.

**Recommendation**

The application is recommended for refusal.

5. **Planning Appeals Report**

41 - 58

To note details of the Planning appeals submitted and decisions received between 23 April 2024 – 12 June 2024.

6. **Major Planning Applications**

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To note the details of future major planning applications.

7. **Glossary of Terms and Abbreviations**

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**Minutes of the Planning Committee  
8 May 2024**

**Present:**

Councillor M. Gibson (Chair)  
Councillor D.L. Geraci (Vice-Chair)

**Councillors:**

C. Bateson	T. Burrell	M.J. Lee
S.N. Beatty	R. Chandler	L. E. Nichols
M. Beecher	D.C. Clarke	K.E. Rutherford
M. Buck	S.A. Dunn	P.N. Woodward

**Apologies:** Apologies were received from Councillor A. Mathur and Councillor H.R.D. Williams

**Substitutions:** K.Howkins (In Place of A.Mathur)

**In Attendance:** Councillor J.R. Boughtflower

**14/23 Minutes**

The minutes of the meeting held on 3 April 2024 were approved as a correct record.

**15/23 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.

**16/23 Planning application - 24/00170/FUL Crownage Court, 99 Staines Road West, Sunbury**

**Description:** Provision of a rooftop extension to provide 14 apartments (resubmission of PA 21/01742/FUL).

**Additional Information:**

Kelly Walker, Principal Planning Officer reported that there were no additional updates.

**Public Speaking:**

There were no public speakers.

**Debate:**

During the debate the following key issues were raised:

- The proposal did not offer affordable housing
- There were issues with the interior and quality of the existing flats

The Committee voted on the application was follows:

**For:** 15

**Against:** 0

**Abstain:** 0

**Decision:**

The application was **approved**.

**17/23 Planning application - 24/00119/FUL Desborough Sailing Club, Ferry Lane, Shepperton**

**Description:** Erection of new boat shelter with green coated corrugated sheet metal roof and sides on scaffold pole framework with a maximum height of 2.3m standing on a 6m x 12m perimeter porous cinder base, adjacent to existing work shed.

**Additional Information:**

Matthew Clapham, Senior Planning Officer reported that there were no additional updates.

**Public Speaking:**

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

- This proposal would benefit the only Skiff Club in Spelthorne
- A shelter was necessary as the seven skiffs owned by the club were becoming damaged in the open
- A shelter would improve the club and invite further members to join

**In accordance with the Council's procedure for speaking at meetings, John Boughtflower spoke as Ward Councillor on the proposed development raising the following key points:**

- A number of objections had been received on this application by neighbouring properties and Shepperton Residents Association
- This was a further development on Green Belt Land which was also part of the flood plane
- The metal structure will spoil the natural area and openness of the site
- The shelter will be more visible in winter months when the trees were not in leaf
- The site overlooked the conservation area of Old Shepperton
- The structure would be permanent and visible to neighbours all year round even when the club was not in use during the winter months
- The material used for the shelter will not blend with the natural area
- This was an overdevelopment on the site

**Debate:**

During the debate the following key issues were raised:

- The land will still remain as Green Belt
- The shelter will be an eyesore and impacted on the character of the area
- The Landowner had served notice on the sailing club to vacate this site
- The site was subject to flooding

-There was a porous cinder base already existing on the site

A recorded vote was requested by Councillor Howkins in accordance with Standing Order 21.5(a). Votes were recorded as follows:

**FOR the Officers' recommendation (10)**

Cllrs Gibson, Beatty, Beecher, Buck, Burrell, Dunn, Geraci, Nichols, Rutherford, Woodward

**AGAINST the Officers' recommendation (4)**

Cllrs Bateson, Chandler, Howkins, Lee

**ABSTENTIONS (1)**

Cllr Clarke

**Decision:** The application was **approved** subject to conditions as set out at paragraph 8 of the report.

**18/23 Planning application - 24/00178/FUL Harper House, 29-31 Fordbridge Road, Ashford**

**Description:** Erection of a fence with a trellis along the boundary wall with the neighbouring property (33 Fordbridge Road).

As shown on location plan received 15.03.2024 and existing and proposed elevations of fence received 01.03.2024.

**Additional Information:**

Susanna Angell, Planning Officer reported that there were no additional updates.

**Public Speaking:**

There were no public speakers.

**Debate:**

During the debate the following key issues were raised:

-The Committee queried why the fencing was originally requested. Susanna Angell, Planning Officer clarified that this was in response to requests from the adjacent neighbour at 33 Fordbridge Road to add height to the boundary wall between their property and Harper House

-The Committee queried when the fence was erected. Susanna Angell, Planning Officer clarified that the fencing was erected in early March 2024.



The Committee voted on the application was follows:

**For:** 15

**Against:** 0

**Abstain:** 0

**Decision:** The application was **approved**.

### **19/23 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.

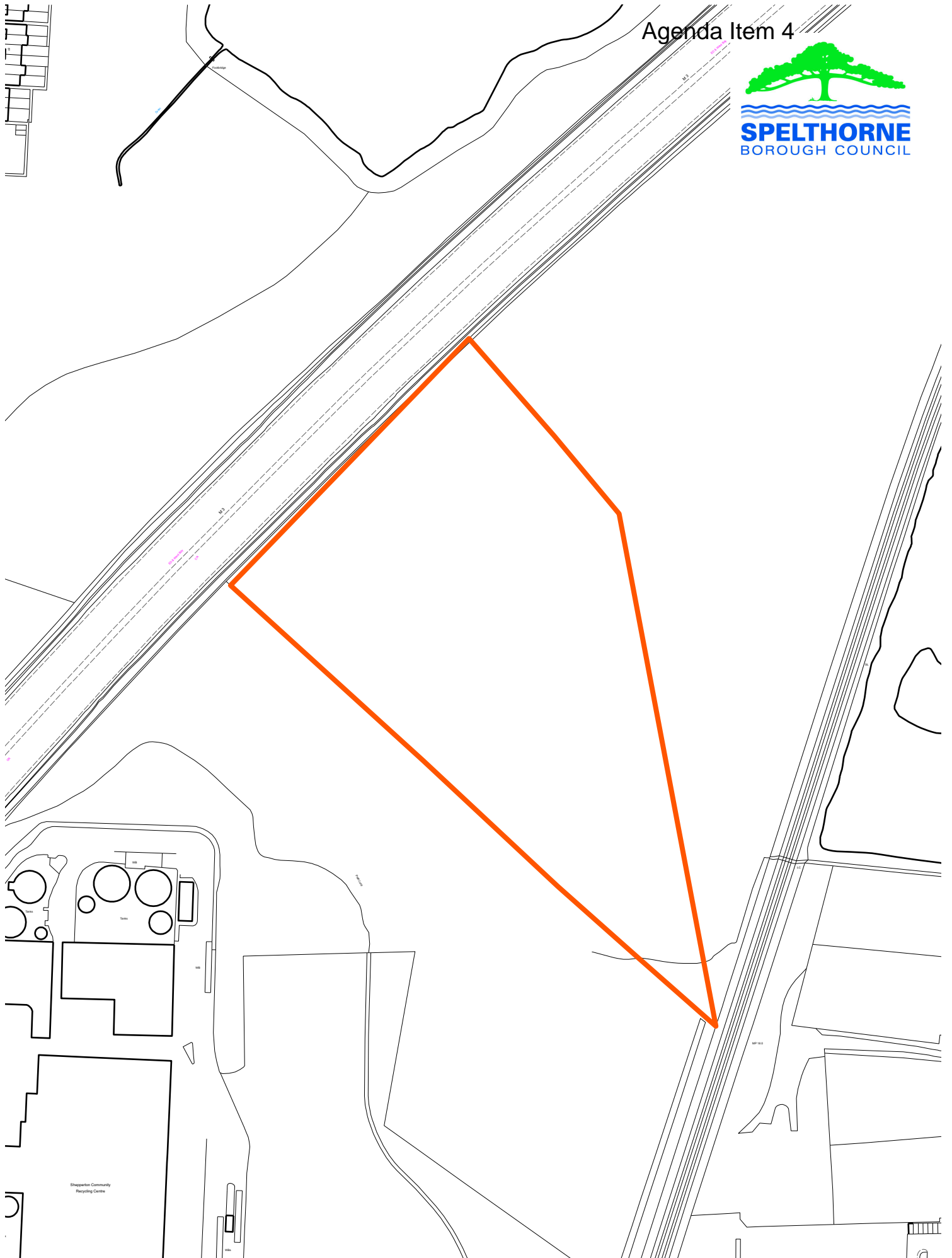
### **20/23 Major Planning Applications**

The Planning Development Manager submitted a report outlining major applications that may be brought before the Planning Committee for determination.

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

**The meeting ended at 20:05pm.**

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24/00017/FUL - Land North East of the Eco Park, Charlton Lane.  
Scale: 1:2,500

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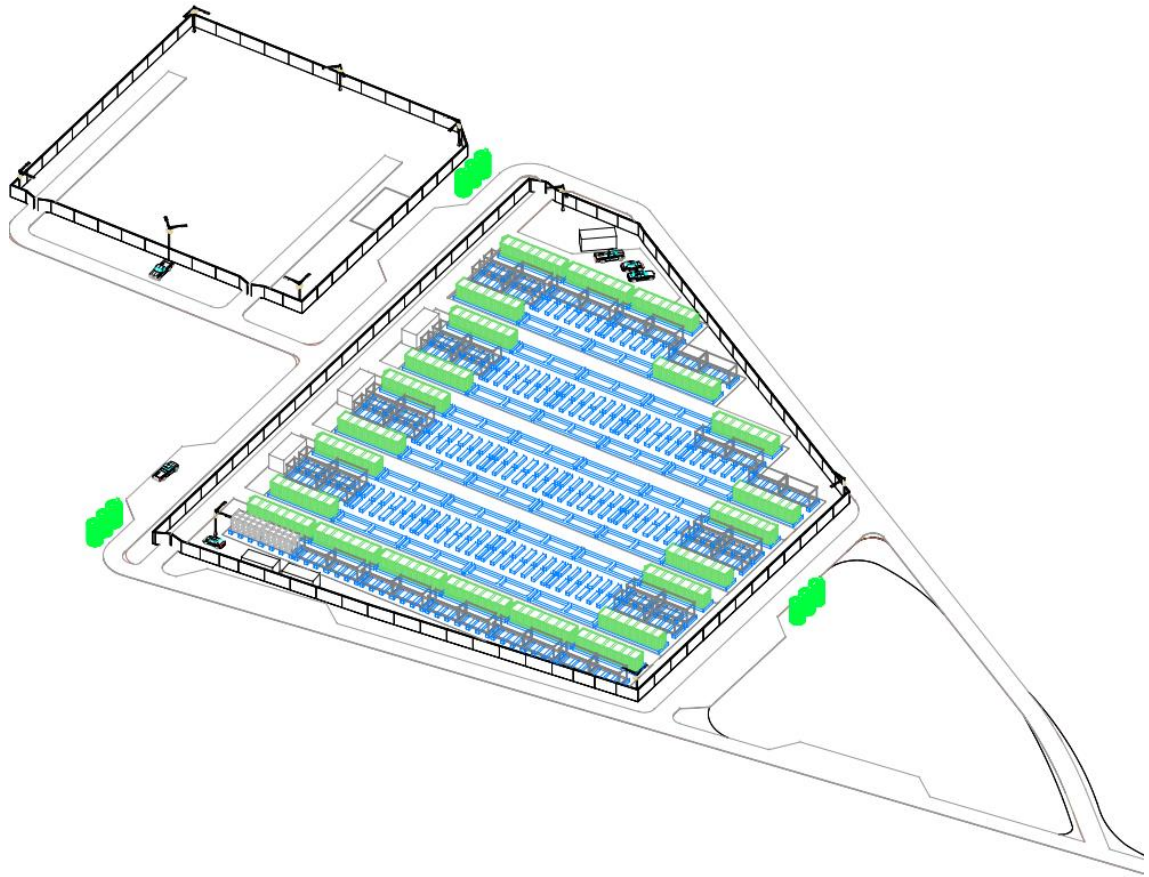


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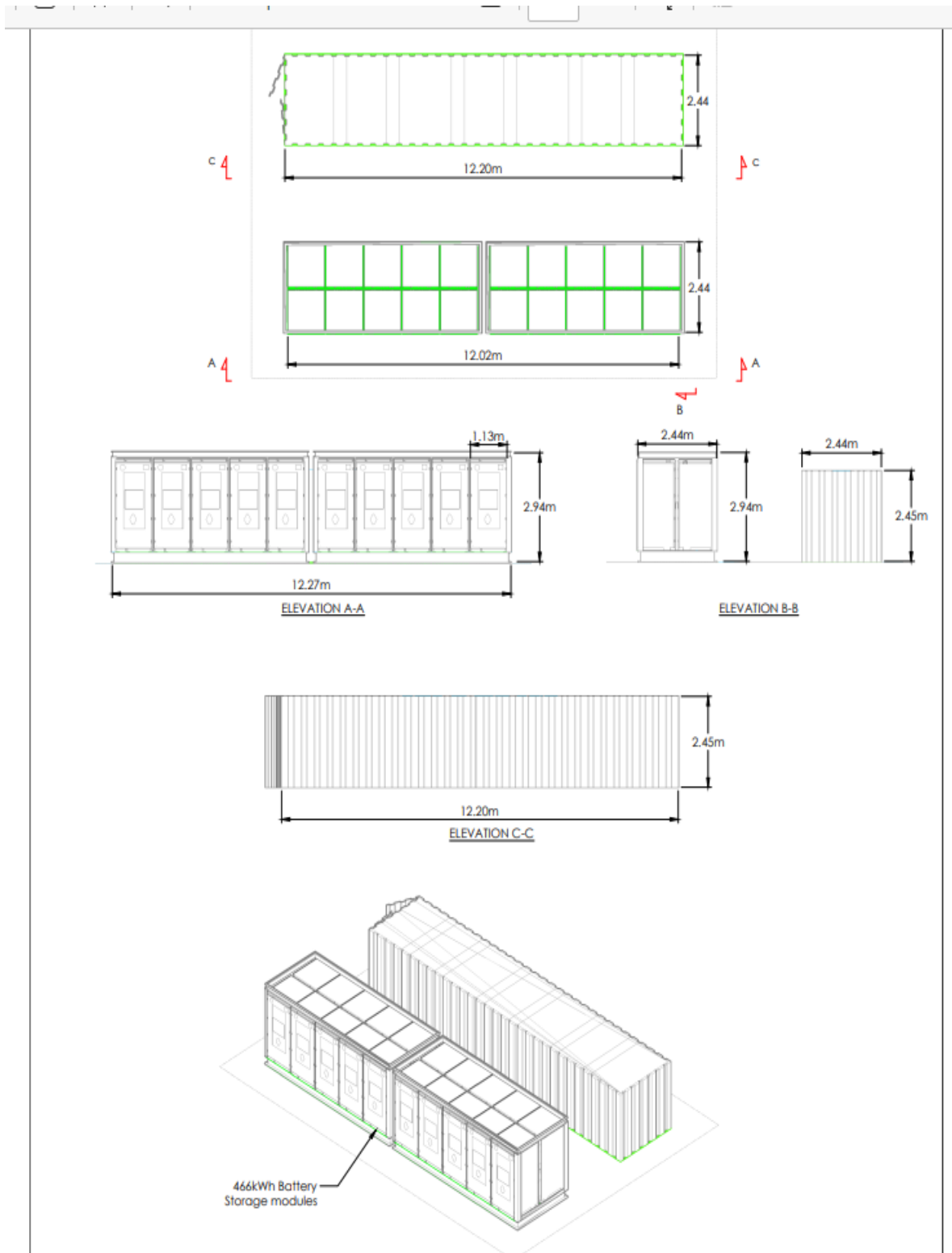
# SITE LAYOUT



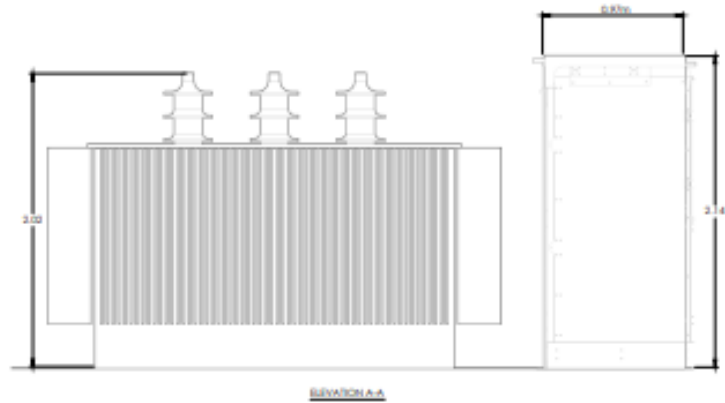
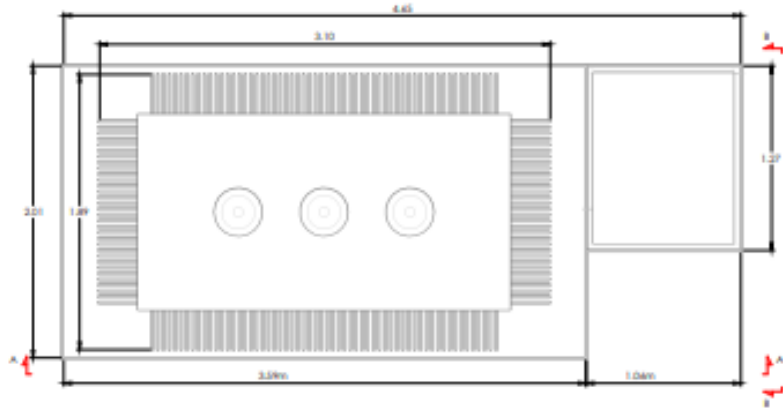
3D IMAGE



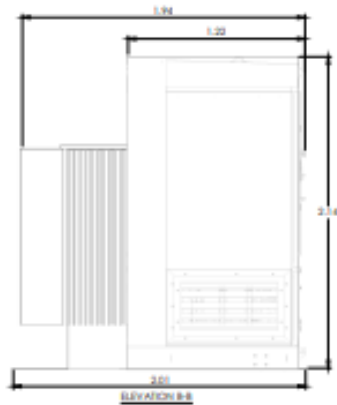
# ELEVATIONS – BATTERIES AND CONTAINERS



# ELEVATIONS - TRANSFORMERS



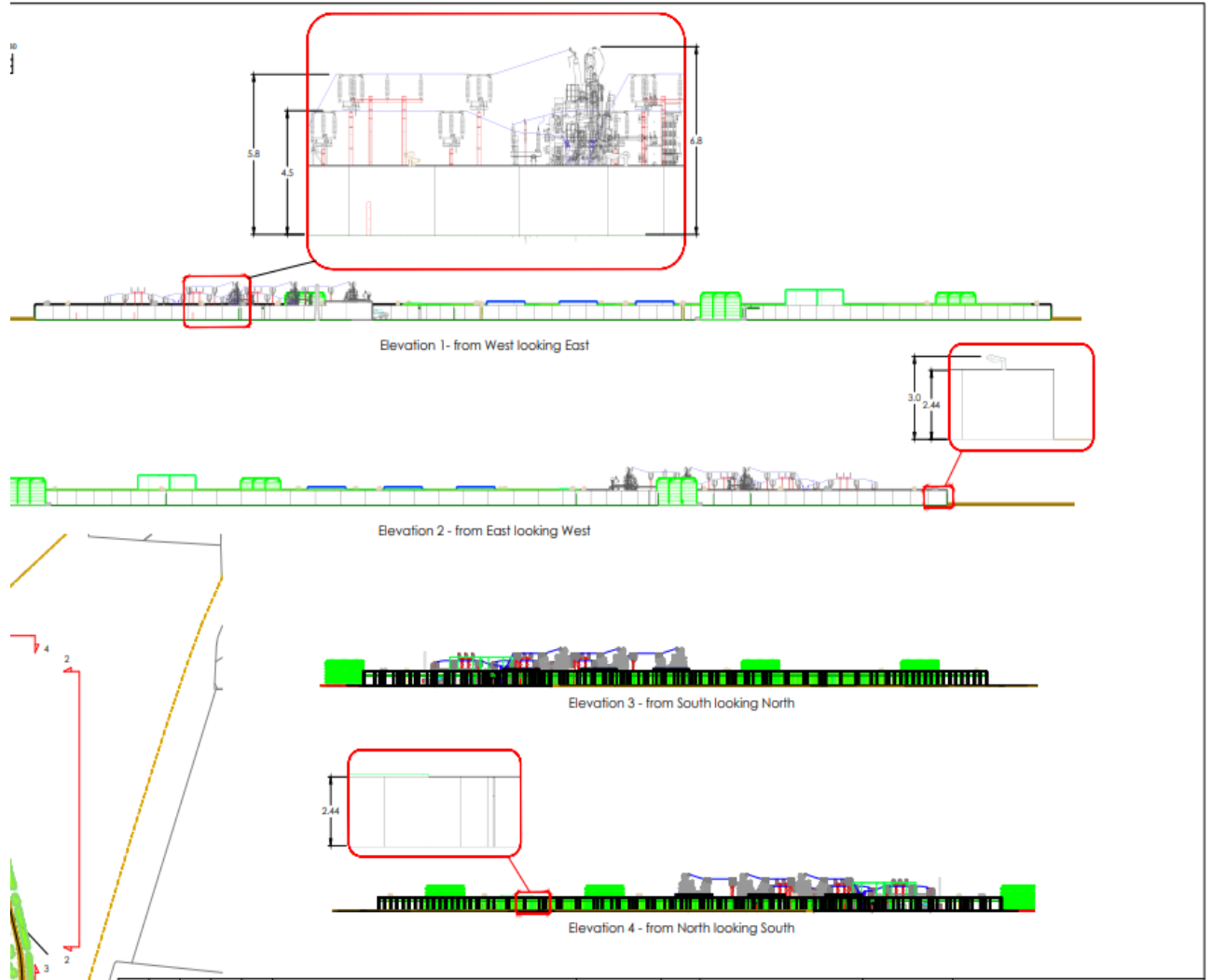
ELEVATION A-A



ELEVATION B-B



# SITE ELEVATIONS



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# Planning Committee

26 June 2024



<b>Application No.</b>	24/00017/FUL		
<b>Site Address</b>	Land North-East of Eco Park, Charlton Lane, Shepperton, TW17 8QA		
<b>Applicant</b>	Sunbury BESS Ltd		
<b>Proposal</b>	The construction of and operation of a Battery Energy Storage System of up to 200 megawatts electrical output, associated site access and cable route with connection point at the existing National Grid/SSE 132 kV Laleham GSP (Grid Supply Point), with associated works.		
<b>Officer</b>	Matthew Clapham		
<b>Ward</b>	Halliford and Sunbury West		
<b>Call in details</b>	The application has been called in by Cllr Nichols due to impacts upon the Green Belt, so that the Planning Committee will have the opportunity to consider whether or not this application would meet the threshold for development in the Green Belt, and for the Planning Committee to have the opportunity to consider this application fully.		
<b>Application Dates</b>	Valid:04/01/2024	Expiry: 04/04/2024	Target: Extension of time agreed until 28/06/2024
<b>Executive Summary</b>	<p>The proposed development comprises the construction of and operation of a Battery Energy Storage System ('BESS') of up to 200 Megawatts (MW) electrical capacity, associated site access and cable route with connection point at the existing National Grid/SSE 132 kV Laleham Grid Supply Point (GSP), with associated works on land north of Charlton Lane, Shepperton. The proposed development will take energy from the electricity grid when the demand is low or supply is high, and feed this back into the grid when demand is higher or supply is lower, thus operating in either 'energy charge', 'energy storage' or 'energy discharge' modes, providing support balancing services to the National Grid.</p> <p>The proposed site covers an area of approximately 5.86 hectares ('ha'). The site comprises a landfilled former gravel workings site which has since been restored and is located on open land to the north of Charlton Lane in Shepperton. The site is part of a triangular belt of land between the M3 motorway and a railway line and is designated as Green Belt. Access to the site follows the existing track from Charlton Lane.</p> <p>This planning application proposes the erection of 96 battery container units each being 12.27m in length; 2.44 in width and 2.94m in height, each comprising an industrial lithium-ion battery complete with a battery</p>		

	<p>management system and mechanical ventilation. There will also be 48 transformers which are to be connected to each battery within the proposed BESS area. In addition, there will be electrical cabling and an electrical connection 'corridor' to Laleham GSP; grid compliance equipment; switchgear housing; site security (including fencing; CCTV)/ security cameras; maintenance (intermittent) lighting columns; and landscaping and biodiversity enhancement adjoining the proposed BESS area.</p> <p>The proposal is considered to represent 'inappropriate development' within the Green Belt. The proposal would result in a harmful loss of openness of the Green Belt and would conflict with two of the purposes of the Green Belt through failing to assist in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built-up areas . Careful consideration has been given to the benefits of the proposal in meeting national and local policies with regard to aiding the transition to the delivery of renewable and low carbon energy to mitigate climate change and to aid the transition to increased dependency on renewable energy. This has been accorded substantial weight in assessing these proposals.</p> <p>The proposal is also considered to result in harm to the character and appearance of this rural undeveloped area of land which is clearly visible from a number of vantage points in the public domain including public footpaths.</p> <p>There is an existing objection raised by National Highways regarding the potential impacts upon users of the M3 motorway.</p> <p>Notwithstanding the significant concerns raised regarding fire hazards and health and safety issues, it is not considered that there is sufficient evidence to justify refusal on these grounds, as no objection has been raised by the Surrey Fire and Rescue Service. Moreover, it is considered that the proposal would not adversely impact upon the residential amenity of the surrounding properties nor result in any harmful landscaping or biodiversity concerns.</p> <p>It is therefore concluded that the harm to the Green Belt and the harm to the character and appearance of this rural area, are such that they outweigh the environmental benefits of the proposal.</p>
<p><b>Recommended Decision</b></p>	<p>The application is recommended for refusal for the reasons set out in paragraph 8.</p>

**MAIN REPORT**

**1. Development Plan**

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
- SP1 (Location of Development)
  - LO1 (Flooding)
  - SP6 (Maintaining and Improving the Environment)
  - EN1 (Design of New Development)
  - EN3 (Air Quality)
  - EN8 (Protecting and Improving the Landscape and Biodiversity)
  - EN11 (Development and Noise)
  - EN15 (Development on Land Affected by Contamination)
  - SP7 (Climate Change and Transport)
  - CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
  - CC2 (Sustainable Travel)
- 1.2 Saved Local Plan Policy GB1 (Development Proposals in the Green Belt) is also relevant.
- 1.3 The relevant Emerging Local Plan policies are: -
- ST1: Presumption in Favour of Sustainable Development
  - ST2: Planning for the Borough
  - PS1: Responding to the climate emergency
  - PS2: Designing places and spaces
  - PS3: Heritage, Conservation and Landscape
  - SP4: Green Belt
  - E1: Green and Blue Infrastructure
  - E2: Biodiversity
  - E3: Managing Flood Risk
  - E4: Environmental Protection
- 1.4 The Local Plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. An Examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed. At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. On 14 September 2023, the Council considered a report following the

deferral in June. The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. The revised NPPF was published on 19 December 2023 and the Council considered its position in light of the implications on the Local Plan and whether Members wished to propose modifications as a result. At an Environment & Sustainability Committee meeting on 29 February 2024, Members agreed to the proposed modifications relating to Green Belt allocations, flood risk sites and the Staines Development Framework, which have been conveyed to the Inspector for his consideration on whether the examination will be able to resume.

As such the policies carry limited weight in the decision-making process of this current planning application.

1.5 Also relevant are the following Supplementary Planning Documents/Guidance:

- SPD on Flooding 2012
- SPD on Climate Change 2024

1.6 New Government policy contained within the National Planning Policy Framework (NPPF) 2023 is also relevant.

## 2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
SP18/01299/SCC	Enlargement of an existing bund, creation of two additional smaller bunds, realignment and resurfacing of third-party access track, and associated landscaping.	Surrey County Council Approval 07.03.19
SP10/0947	Development of a Waste Management Eco Park, comprising: a Gasification Facility; Anaerobic Digestion Facility; Community Recycling Facility; Recyclables Bulking Facility; Education / Visitor Centre and Offices; Other Associated Infrastructure including Infiltration Basin and Landscaping; and the diversion of Public Footpath 70.	Surrey County Council Approval 09.03.12
SP10/0883	Permanent retention of the existing waste management facility, comprising a community recycling centre, materials recycling facility with bulking bays, a waste transfer station with associated infrastructure, an improved access onto Charlton Lane and an acoustic fence adjacent to Ivydene Cottage	Surrey County Council Approval 25.02.2011
04/01212/FUL	Development of the site to create an equestrian	Refused

	centre. Erection of stable block, hay and machinery storage barn and portable building to act as a changing, refreshment and first aid facility. Creation of 2 no. all weather riding areas and a car park.	14.04.2005
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### 3. Description of Current Proposal

- 3.1 The site covers an area of approximately 5.86 hectares. The site comprises landfilled former gravel workings and is located on open land to the north of Charlton Lane in Shepperton. The site which has now been restored, is part of a triangular belt of land between the M3 motorway and a railway line and is designated as Green Belt. Access to the site follows the existing track from Charlton Lane.
- 3.2 The proposed development comprises the construction of and operation of a Battery Energy Storage System ('BESS') of up to 200 Megawatts (MW) electrical capacity, associated site access and cable route with connection point at the existing National Grid/SSE 132 kV Laleham GSP (Grid Supply Point), with associated work on land north of Charlton Lane, Shepperton. The proposed development will take energy from the electricity grid when either the demand is low or the supply is high, and feed this back into the grid when demand is higher or supply is lower, thus operating in either 'energy charge', 'energy storage' or 'energy discharge' modes, providing support balancing services to the National Grid.
- 3.3 This planning application proposes the erection of 96 container units 12.27m in length; 2.44 in width and 2.94m in height, each comprising industrial lithium-ion batteries complete with a battery management system and mechanical ventilation. In addition, the following equipment is proposed:
- 48 transformers which are to be connected to each battery within the proposed BESS area;
  - Electrical cabling and electrical connection 'corridor' to Laleham GSP;
  - Grid compliance equipment;
  - Switchgear housing;
  - Site security (including fencing; CCTV) / security cameras;
  - Maintenance (intermittent) lighting columns; and
  - Landscaping and biodiversity enhancement adjoining the proposed BESS area.
- 3.4 The site of the BESS itself is located within the Metropolitan Green Belt. Parts of the route for the cabling to link the BESS with the Laleham GSP are located within the Zone 2 Flood Risk Area and adjoin the Queen Mary Reservoir Site of Nature Conservation Importance.

- 3.5 The BESS would comprise a variety of buildings and structures set within a compound secured by 2.4m high palisade fence. The submitted plans indicate that the 96 battery container units would form 9 rows across the site with the transformers located alongside.
- 3.6 Copies of the proposed site layout and elevations 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, recommend conditions
Health and Safety Executive	The HSE has confirmed that it is not located in an area where there are safety concerns and state that it is not in an area of interest to the HSE.
Health and Safety Executive (Fire safety)	No comments to date.
Sustainability Officer	No objection as the development itself serves as a decarbonisation measure
Lead Local Flood Authority (Surrey County Council)	No objection subject to conditions
Environment Agency	No objection subject to conditions
Cadent Gas	No objection
National Grid	No objection
Surrey County Council Archaeology	No objection, recommended a condition
Environmental Health (Contaminated land)	No objection, recommended conditions
Environmental Health (Air Quality)	Requested an Air Quality Assessment and also recommended conditions. This assessment has been submitted and has been forwarded onto the Environmental Health Officers for consideration.
Environmental Health (Noise)	No objection subject to a condition.
Surrey County Council Rights of Way	No objection in principle.
Surrey County Council Waste and Minerals	No objection



Network Rail	No response to date
Surrey Wildlife Trust	Requested additional information with regard to Biodiversity Net Gain, Reptiles and Invertebrates, Trees and impacts on SNCI's together with recommended conditions. Additional information has been submitted and has been forwarded onto the Surrey Wildlife Trust for further consideration.  OFFICER NOTE – The proposal is not liable for Biodiversity Net Gain.
Arboricultural Officer	No objection
Surrey County Council Fire and Rescue	No objection

## 5. Public Consultation

- 5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that “early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.” The Council’s own Statement of Community Involvement states that the “Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.”
- 5.2 The applicant submitted a Statement of Community Involvement and notes that letters were sent by email to the Residents Associations covering the areas of Ashford North, Littleton Studios, Lower Sunbury and Charlton Village. A Microsoft Teams call was set up for 19 June 2023 with the Lower Sunbury Residents Association (LOSRA) at which three representatives of LOSRA attended with three members of the applicant team. It is noted that LOSRA challenged the summary of the meeting and their responses that were set out in the original Planning, Design and Access Statement (PDAS) and an amended document was submitted to more accurately reflect their views at the time.
- 5.3 Following receipt of the planning application, 71 properties were notified of the planning application. Statutory site and press notices were displayed as the proposal constitutes a major application, affects a public right of way and is a departure from the development plan. A total of 272 letters of representation have been received objecting to the application. Five letters of support were also received.
- 5.4 Reasons for objecting include: -
- Green Belt

- Character and appearance of the area
- Health and Safety concerns
- Fire Hazard
- Contamination
- Need and justification for the facility
- Lack of local benefits
- Noise and disturbance during construction
- Too much industrialisation of this area
- Too much development on top of Eco Park

5.5 Reasons for support were for the benefits of the proposal with regard to climate change.

## 6. Planning Issues

- Green Belt
- Character and Appearance
- Parking/Highway issues
- Flooding and Drainage
- Health and Safety
- Biodiversity/Landscaping and Ecology

## 7. Planning Considerations

### Green Belt

7.1 The National Planning Policy Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 The National Planning Policy Framework states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

7.2 At paragraph 143, the NPPF sets out the five purposes of the Green Belt. These are:

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

7.3 Paragraphs 154 and 155 set out various exceptions as to what constitutes 'Inappropriate Development' and Paragraph 156 reinforces this with regard to renewable energy projects. The proposal is not a development for renewable energy production, rather its stated aim is to contribute to the transition to renewable energy by allowing the storage of energy for use at peak times or when unforeseen demand is put on the network. Renewable energy sources are highly variable due to their weather dependency and this storage facility allows the storage of electricity generated by renewable forms of energy when the weather is suitable for energy generation for times when the weather or time of day is not suitable to generate electricity.

- 7.4 The Council's Local Plan Policy GB1 was saved from the 2001 Local Plan and pre-dates the NPPF. However, the policy is broadly consistent with the NPPF and is afforded significant weight. Saved Policy GB1 does not allow for any development in the Green Belt unless it is one of a number of appropriate uses set out in the policy. This differs from the more recent NPPF, which allows exceptions to inappropriate development, where the identified harm to the Green Belt and any other harm is clearly outweighed by other considerations, which constitute 'very special circumstances'.
- 7.5 The site is presently located within the Green Belt and unallocated in the adopted local plan, and therefore should be considered in this context. The application site is considered to be strongly performing in Green Belt terms based on the Council's Strategic Green Belt Assessment (2018).

#### Inappropriate development

- 7.6 The BESS would constitute 96 containers units 12.27m in length; 2.44 in width and 2.94m in height each comprising an industrial lithium-ion battery complete with a battery management system and mechanical ventilation together with 48 transformers which are to be connected to each battery within the Proposed BESS Area and various other associated equipment, structures and works as set out in paragraph 3.3 above. Consequently, the proposed development would not fall within any of the exceptions listed in paragraphs 154 and 155 of the NPPF. Therefore, it is considered that the proposal would be inappropriate development in the Green Belt and is therefore harmful. Substantial weight should be given to this harm, and very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

#### Openness

- 7.7 Openness is an essential characteristic of the Green Belt that has both visual and spatial qualities. The site currently consists of an open area of land covered by grass and some trees and is not immediately enclosed, with limited fencing securing parts of the site and the railway line, however the site is largely open to views from the public domain including the public footpaths which run to the south and east of the site together with vantage points along Charlton Lane where the pavement rises to go over the bridge over the M3 motorway. As such, in visual terms there will be a significant loss of openness. The height of the proposed structures would make the proposal highly visible from the public footpaths, the railway line and surrounding bridges and pavements along Charlton Lane and would alter the rural appearance of the site itself. This would result in a considerable change from an open field into an industrial style setting and would harm the openness of the Green Belt.
- 7.8 The addition of the amount of equipment as set out in paragraph 7.6 above, including the 2.4m high fence, lighting and CCTV columns and the battery units and transformers themselves which are 2.94m in height is considered to have a significant and adverse impact upon the openness of the Green Belt in

spatial terms. The compound housing the battery units and transformers is approximately 8700sqm while the adjoining compound is approximately 3200sqm. The overall footprint of the containers housing the batteries is 1438sqm. It is not considered that some additional landscaping as proposed in the Landscape and Visual Appraisal (LVA) to provide partial screening would overcome the impacts of this particular proposal upon the openness.

#### Purposes of the Green Belt

- 7.9 The level and scale of development is such that it is considered to result in encroachment into the countryside, conflicting with two of the Green Belt purposes in the NPPF, namely to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. The proposal would introduce a range of industrial plant of a purely functional appearance within a fenced compound into an area of countryside that in this part of the overall site is devoid of built form. As such, the proposal is in conflict with one of the purposes of including land within the Green Belt.
- 7.10 Therefore, the proposal, being inappropriate development within the Green Belt would, by definition, harm the Green Belt. The spatial and visual effects combined would result in the loss of openness whilst the proposal would conflict with two of the Green Belt purposes in failing to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.

#### Character and Appearance of the Area

- 7.11 Policy EN1 a) of the Spelthorne Core Strategy and Policies Development Plan Document (2009) (CS&P DPD) states that new development should respect and make a positive contribution to the street scene and the character of the area in which they are situated.
- 7.12 Section 12 of the NPPF refers to design - Achieving well-designed places and in particular that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It states that 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.
- 7.13 It is recognised that the proposal is located to the north of the Surrey County Council Eco-Park development which dominates the immediate area. However, this forms part of the Surrey County Council Waste Strategy and was built on an existing refuse facility and also provides disposal of waste and recycling facilities for a number of Boroughs within Surrey, including Elmbridge, and its form is the exception in this area which is characterised by open grassed land with some trees and shrubs and has a topography that is generally flat. The LVA submitted with the application does propose some additional planting that would in part screen the proposed BESS from public views. However, landscape screening requires a significant amount of time and even a 40 year 'temporary' period is short for landscape to mature. In addition, the site is of a size and location that currently has an open countryside character that would be replaced by regimented rows of industrial

style structures that even if screened in part by hedgerows and planting, would erode the rural character of the site.

- 7.14 The site subject to this application is open Green Belt land covered with grass, trees and shrubs and is relatively visible from the two public footpaths that run to the east and south of the site. The location of these public footpaths demonstrates the rural feel of the area by providing walks and footpaths for residents to enjoy the open Green Belt land. The site itself would also be visible from pedestrians walking along Charlton Lane and from the railway line to the east as passengers enter and leave Shepperton by rail. As such, the proposal would result in the loss of an open area of land that would be detrimental to the visual amenity of the area and would not make a positive contribution to the character and appearance of the area. This is given substantial weight in assessing this proposal. As such, the proposal is contrary with Policy EN1a) of the CS&P DPD.

#### Highways

- 7.15 National Highways has advised that they recommend that planning permission not be granted for a specified period (July 30<sup>th</sup>). This is due to the site being in the vicinity of the M3 with which it shares a common boundary. Concerns raised relate to drainage considerations; structural-related concerns; lighting and geotechnical issues relating to the crossing beneath the M3. Therefore, due to the potential safety concerns to the integrity of the M3 and safety issues for its users, the application is recommended for refusal on the ground that insufficient evidence has been submitted to demonstrate that the proposal will not adversely affect the adjoining M3 motorway.

#### Flooding and drainage

- 7.16 The Surrey County Council Sustainable Drainage Team acting as the Lead Local Flood Authority (LLFA) originally objected to the proposed development on the basis that insufficient information has been provided to demonstrate that the proposed surface water drainage scheme meets the requirements set out in the NPPF. However, further submissions have now been received to confirm that the proposal is acceptable and the LLFA has withdrawn its objection and has recommended conditions. In addition, the Environment Agency has not raised any objections on flooding grounds. Therefore, it is considered that the proposal is acceptable and will not adversely impact surface water drainage or result in flooding.

#### The impact upon the residential amenity of adjoining properties

- 7.17 Policy EN1 b) of the Spelthorne Core Strategy and Policies Development Plan Document (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.
- 7.18 The nearest residential properties to the proposed development are those in Charlton Village to the north-west (approximately 220 metres) and Upper Halliford to the south-east (approximately 260 metres). The nearest large

built-up area is Sunbury-on-Thames located approximately 1km to the north-east of the Site. The site is bounded by the M3 motorway to the north-west (beyond which are fields and residential properties off Charlton Road forming Charlton Village, Charlton Lane Waste Management Eco Park to the southwest (beyond which is Charlton Lane and the Sunbury Golf Course, a former landfill site), and the Shepperton to London Waterloo railway line to the south-east beyond which are residential properties in Hawthorn Way. This street forms part of Upper Halliford. There are further properties in Birch Green to the north-east.

- 7.19 In terms of noise, the Council's Environmental Health Officer has raised no objection subject to the imposition of a condition requiring details of noise mitigation measures (e.g. acoustic fencing) to be submitted to and approved by the Local Planning Authority. However, any noise issues from the equipment should be considered in the wider context. There is significant background noise from the M3 motorway in particular, together with intermittent noise from the railway line, the Eco Park and flights from Heathrow Airport. The proposed lighting on the site is in the form of 3m high lighting columns. These lights will only be operational for security reasons when movement is identified by sensors inside the compound, or at times when routine or emergency maintenance is being carried out. In view of existing background lighting and the limited use of lighting on site, no concerns are raised regarding light pollution.
- 7.20 Due to the separation distances involved and the size of the structures proposed at the BESS it is not considered that there would be any adverse impacts upon local residents in terms of any loss of light, loss of privacy or overbearing impact.
- 7.21 Therefore, the proposal is considered to comply with Policy EN1b) of the CS&P DPD and no adverse impacts upon residential amenity to adjoining properties is considered to arise.

#### Health and Safety / Fire Hazards

- 7.22 Careful consideration has been given to concerns regarding health and safety and in particular fire concerns resulting from the use of Lithium batteries on the site. These concerns have been raised by a significant number of third party representations. Reference has been made to a documented incident of a BESS fire in the UK, when a battery system container at a BESS site in Liverpool caught fire. The application has been accompanied by an Outline Safety Management Plan. which details initial appraisal of risks and also a strategy to mitigate any risks during the lifetime of the BESS.
- 7.23 It is of importance to note that neither the Health and Safety Executive, the Health and Safety Executive (Fire) or the Surrey County Council Fire and Rescue advisors have raised any objections to the proposals. It is also noted that BESS sites can be also designed with safety features, such as fire suppression systems, to ensure their safety. In this instance, after discussions with the relevant authorities, access from both the north and south has been provided for emergency vehicles in the event of a fire or other incident at the site and a number of water tanks would be provided on site.

- 7.24 With regard to fire, the site is some distance from the nearest residential properties and therefore the risk of a fire affecting neighbouring residential areas is considered minimal. Notwithstanding the incidents of fires involving Lithium batteries, there is no compelling evidence to demonstrate that this facility would be hazardous. In the unlikely event of a fire, it is considered that the facility would be readily accessible by a fire tender and there is no clear evidence, as illustrated by the lack of objections from the relevant authorities, that this facility would be especially vulnerable to the risk of fire.
- 7.25 Also, concerns have been raised that the proposed BESS could affect the health of local residents through chemicals used in the facility. However, there is also no clear evidence that such a facility would contain hazardous chemicals, likely to impact residents, or that it would result in harm to the local population or users of the adjoining public footpaths.

#### Biodiversity/Ecology and Landscaping

- 7.26 The site is not located within any specific area of ecological or biodiversity designation. The Queen Mary Reservoir which is located south and west of the proposed route of the cabling from the BESS facility to the Laleham GSP is designated as a Site of Nature Conservation Importance (SNCI), as is an area to the northwest of the facility on the other side of the M3 - Land East Of Charlton Village (north of M3).
- 7.27 A Screening Opinion has been made regarding the need for an Environmental Impact Assessment (EIA) and it was determined that an EIA is not required.
- 7.28 The applicant has submitted a Landscape and Visual Appraisal and a Landscape Strategy Plan which sets out various proposals for landscaping and planting that firstly will help to mitigate the visual impacts of the proposal upon the Green Belt and the open character of the area and secondly to provide enhancements that it proposes will improve the biodiversity of the site and local area. It should be noted that due to the date that the application was received, Biodiversity Net Gain does not apply to this proposal.
- 7.29 The proposal would result in the loss of a number of existing trees and shrubs together with grassland. However, the Council's Arboricultural Officer has not raised any concerns regarding the loss of any landscaping and is satisfied with the scope of the Landscaping Strategy Plan.
- 7.30 Notwithstanding this, the Surrey Wildlife Trust (SWT) has made various comments and has requested further details and information. This relates to further clarification regarding the reptile survey methodology; Clarification as to why an invertebrate survey was not undertaken; consulting Natural England with regards likely impacts on statutory sites; and requesting that the applicant demonstrates biodiversity net gain. As stated previously, Biodiversity Net Gain does not apply to this application and the site itself is not located within an SNCI. A screening opinion was undertaken and determined that an EIA is not required for this proposal. Further information has been received from the

applicant and this has been forwarded to the SWT and any updates will be reported to the Committee.

#### Air quality

- 7.31 The applicant has submitted further information in the form of an Air Quality Assessment (AQA) following initial comments from the Council's Environmental Health Officer (EHO) who, whilst not raising a specific objection did request further detail and recommended suggested conditions and informatives. The EHO is currently reviewing the document and any further updates will be reported to the Committee.

#### Contaminated land

- 7.32 The applicant has submitted a contaminated land assessment. This has been reviewed by the Council's Environmental Health Officer (EHO), who recommended conditions in accordance with para. 189 of the NPPF and Council Policy EN15.

#### Archaeology

- 7.33 The Surrey County Council Archaeological Officer has confirmed that the submitted 'assessment has demonstrated that deposits across at least the greater proportion of the site have previously been destroyed by mineral extraction but that there remains a potential for archaeological remains to survive within the parts of the Site where no quarrying is recorded and that mitigation for impact of those areas would be reasonable. This office is in agreement with these findings' and has recommended that a condition is applied should permission be granted in order to mitigate the impacts of development.

#### Other Considerations

- 7.34 The applicant accepts that the proposal represents inappropriate development and has submitted a specific Very Special Circumstances Report (VSCR) to support the proposal. Of particular relevance is that 'The UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050 and a related political target of 2035 for a net zero electricity system. Spelthorne Borough Council have subsequently declared a climate emergency'.
- 7.35 The VSCR specifically lists six justifications which are considered in turn:
1. The need for renewable energy generation and its role in meeting the challenge of climate change

#### Applicants points

- 7.36 The applicant has stated that 'there is a significant and quantifiable need for the deployment of battery storage and the role it plays in supporting



renewable energy generation, which is being driven by government at local and national level in the UK.' This is supported by various government publications and statements including the UK governments commitment to decarbonise the UK's electricity system by 2035 and the 'Net Zero Strategy, Build Back Greener' which sets out a vision to end the country's contribution to climate change and reverse the decline in the natural environment.

- 7.37 The applicant re-affirms that in order to meet these targets, a major investment in proven technologies is required in order to meet the economic, social and environmental dimensions of sustainable development set out in the NPPF which in itself is supported by the Government's Energy White Paper and the National Policy Statement EN-1. (NPS). The NPS states that 'storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated'.
- 7.38 In the VSCR the applicant also reiterates the benefits of battery storage in assisting the National Grid in balancing the electricity transmission network brought about by fluctuating power generation and surges and dips in consumption, confirming that the 'BESS has the capacity to hold the power and release it into the grid as and when is required'. The VSCR also notes that the BESS does not emit carbon dioxide as it does not generate electricity but only stores it for use when required. Various other appeal decisions for proposals elsewhere in the country are referred to.

#### Officers Response

- 7.39 The Council recognises the policy support for the delivery of renewable and low carbon energy and associated infrastructure to mitigate climate change. However, the proposal is not a renewable energy project, although it would provide enhanced energy resilience in the National Grid. As such, while the energy to be stored in the proposed BESS would be generated by both renewable and non-renewable energy, it could, over time, provide greater support for renewable energy production.
- 7.40 These benefits and proposals of this type are supported by Government policy and this is given significant weight in assessing this proposal in relation to the harm to the Green Belt and any other harm. In considering the justification above, the NPPF lends general support for initiatives to support low carbon and decentralised energy networks. Paragraph 152 states that 'The planning system should support the transition to a low carbon future in a changing climate..... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'.
- 7.41 Paragraph 163 of the NPPF states that 'When determining planning applications for renewable and low carbon development, local planning authorities should: (a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

and (b) approve the application if its impacts are (or can be made) acceptable. The UK Energy White Paper, Powering Our Net Zero Future (2020) is also relevant as it sets out and describes the costs of inaction. Therefore, these issues are accorded substantial weight.

2. The requirement for the BESS in this location and the lack of alternative sites

Applicant's Points

- 7.42 The applicant has confirmed that the site was chosen due to its close proximity to the Laleham Grid Supply point which is located 2.8km away from the proposed site which is at the end of viability in terms of the efficiency in providing the overall financial viability of the proposal due to the cost of laying cables long distances.

The key criteria in selecting the site were set out as follows:

- Separation from residential areas and settlements, including sensitive uses such as schools and hospitals;
- Site area required for the Proposed Development;
- Current suitability of the Site for the Proposed Development (former Quarry Land);
- Existing visual screening provided by the M3 Motorway, Charlton Lane Waste Management and Eco Park and trees and hedgerows around the perimeter of the Site;
- Ease of access to the site for construction and HGV's (no amendments are required to the public highway to facilitate the Proposed Development; and
- Lack of environmental constraints (e.g., ecological/landscape designations, heritage assets, flood risk, etc.).

- 7.43 A search area was also identified showing the area 3km away from the Laleham GSP, the point of connection.

Officer's Response

- 7.44 While acknowledging that there is need for such energy supply facilities to meet national and local need, particularly with the current uncertainty over energy supplies, insufficient evidence has been provided to justify why the proposal should be located in this location. The applicant has submitted a justification as to why this site was selected and this is partly due to the proximity to the Laleham GSP which at 2.8km away is on the limit of the distance for which a proposal of this nature is viable. No specific alternative sites have been suggested or identified, with a summary of 'all closer potential sites were either scheduled for housing or commercial development' or were too small. The search area also refers to that 'there were no suitable proposed site allocations for commercial, industrial, energy-related or miscellaneous development within the emerging Spelthorne Borough Local Plan'. As stated in paragraph 1.4 above, the emerging Local Plan carries limited weight and with regard to the impacts upon the Green Belt are accorded moderate weight as the evidence is not sufficient to confirm that the

BESS could not be provided in a less harmful location elsewhere in the locality.

3. Support for the rural economy;

Applicants points

- 7.45 The applicant notes that the proposal has the potential to support economic growth through the creation of jobs associated with ongoing maintenance of the BESS as well as indirect jobs associated with its construction and decommissioning. The VSCR also states that BESS sites contribute to a more reliable, affordable and sustainable energy supply in rural areas and that significant weight should be attached.

Officer's response

- 7.46 The applicant suggests that the proposal will provide benefits in the form of new jobs both from the operation of the BESS facility and through the construction and decommissioning. These benefits are considered to be limited with the site being subject to only occasional maintenance when in operation and the actual construction and commissioning is likely to involve specialist contractors which are not necessarily to be from the locality. The benefits to the local economy are therefore given limited weight.
- 7.47 The applicant has stated that BESS sites assist the National Grid in balancing the electricity transmission network. No evidence has been provided to support the assertion that they, or this site in particular, would contribute to a more reliable, affordable and sustainable energy supply. In addition, since it relates to the national grid, the specific reference to rural areas must be irrelevant. Therefore no weight can be afforded to this consideration.

4. Wider environmental benefits including planned biodiversity net gain;

Applicant's points

- 7.48 The VSCR asserts that the existing site is considered to be of limited ecological value and the proposal will result in a number of biodiversity enhancements as set out in the Landscape Strategy Plan will result in a Biodiversity Net Gain.

Officer's response

- 7.49 The applicant has stated that the site is considered to have limited ecological value and that the proposed Landscape Strategy Plan will result in Biodiversity Net Gain (BNG). However, the Surrey Wildlife Trust has requested further evidence that BNG will result from the proposals, which has been received and is currently under consideration. However, it is noted that BNG is not a statutory requirement for this application. Furthermore, whilst noting the benefits of aiding the constant supply of energy to the National Grid, the BESS is about storage rather than energy creation through

renewables with no sustainable energy production forming part of the proposal. Therefore, it is considered that there is no more than a limited landscape effect if mitigation measures through the use of landscaping as set out in the Landscape Strategy Plan are taken into account and as such is given limited weight in assessing this proposal.

5. The temporary and reversible nature of the proposal:

Applicant's points

- 7.50 The applicant confirms that the development would be temporary, for a period of 40 years after which the site would be decommissioned and returned back to its current use. Therefore, the impact on the Green Belt is temporary and fully reversible avoiding any long term impacts. A comparable appeal decision was presented and the applicant considers that moderate weight should be given to the consideration of very special circumstances.

Officer's response

- 7.51 It is proposed that the BESS would be in place for a period of 40 years, 14 years beyond the net-zero carbon emissions of 2050 and 29 years beyond the related political target of 2035 for a net zero electricity system, and then would be decommissioned and the land returned to its former condition. In the context of the level of harm identified, the adverse effects would be experienced over a significant period of time and the suggested temporary nature for a considerable period of 40 years is not considered to mitigate the harmful impacts upon the Green Belt. This therefore is accorded limited weight.

6. Community benefits.

- 7.52 The applicant does not elaborate on the community benefits in the VSCR. As set out in paragraph 7.18 there are considered to be limited benefits in economic terms and as the BESS will feed into the National Grid directly there is no substantive evidence that the proposals will benefit the local community rather than it supporting the national supply of power and therefore these benefits are accorded limited weight.

Equalities Act 2010

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

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

- 7.54 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.
- 7.55 The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development and the proposal is acceptable in regard to the equalities act.

#### Human Rights Act 1998

- 7.56 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.57 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.
- 7.58 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.
- 7.59 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

#### Financial Considerations

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

material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development and will not generate a CIL Payment This is a material consideration in the determination of this planning application. The proposal will not generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

### Conclusion

- 7.61 The proposed development represents inappropriate development within the Green Belt would, by definition, substantially harm the Green Belt. The spatial and visual effects combined would result in the substantial loss of openness whilst the proposal would result in the encroachment into the countryside. The applicant has submitted Very Special Circumstances Report to justify the proposal and has highlighted national policies supporting such proposals which carry some weight in assessing the proposal. It is considered that the harm to the Green Belt, the loss of openness and other harm to the character and appearance of the area by eroding the open countryside appearance of the area when viewed from the public domain by the introduction of an industrial form of development are not clearly outweighed by other considerations in supporting the transition to renewable forms of energy generation. Furthermore, insufficient evidence has also been submitted to demonstrate that the proposal will not harm the users of the adjoining M3 motorway, with an objection having been received from National Highways.
- 7.62 Therefore, it is considered that the proposed development is unacceptable in this location and that 'very special circumstances' do not exist that would justify the proposal. The NPPF states that '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'.
- 7.63 Therefore, the application is recommended for refusal.

## **8. Recommendation**

### 8.1 REFUSE for the following reasons:

1. The proposal is considered to represent inappropriate development within the Green Belt for which no very special circumstances have been demonstrated. It would also result in a substantial loss of openness within the Green Belt and conflict with the purposes of the Green Belt. Therefore, it is contrary to Section 13 of the National Planning Policy Framework (2023) and 'Saved' Policy GB1 of the Spelthorne Borough Local Plan (2001).
2. The proposed development, by virtue of its location in an open area of land, would result in significant harm to the character and appearance of this rural area, contrary to the National Planning Policy Framework

(2023) and Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).

3. Insufficient evidence has been submitted to demonstrate that the proposed development will not result in any adverse harm upon the integrity of the M3 and result in safety issues for its users. It is therefore contrary to the National Planning Policy Framework (2023) and Policy CC2 of the Spelthorne Borough Core Strategy and Policies DPD (2009).

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Planning Committee

26 June 2024

**Planning Appeals Report – V1.0 ISSUED**

**Appeals Started between 23 April 2024 – 12 June 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
23/00830/TPO <b>7 Thames Gate Laleham Staines-upon-Thames</b>	24.04.2024	Fast Track Appeal	APP/TPO/Z3635/9874 TPO14/STA/T12 - 1 x Scotts Pine to remove the tree to ground level and replant with similar species.
23/01410/HOU	03.05.2024	Fast Track Appeal	APP/Z3635/D/24/3339668

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
<b>4 Russington Road Shepperton TW17 8HN</b>			Erection of double storey side and rear wrap around extension with front porch  As shown on drawing numbers: Site location Plan; RRP01; RRP02; RRP03; RRP04; RRP05; RRP06 ELEVATIONS-PROPOSED ; RRP06 FIRST FLOOR PLAN - PROPOSED; RRP07 received 23.11.2024
23/01536/FUL  <b>Fir Tree Place Church Road Ashford</b>	01.05.2024	Written Representation	APP/Z3635/W/24/3340544  Construction of an additional floor to create 7 no. self-contained flats.
23/00121/OUT  <b>Land East Of Vicarage Road Sunbury-on-Thames TW16 7LB</b>	28.05.2024	Public Inquiry	APP/Z3635/W/24/3342657  A Hybrid planning application for an Integrated Retirement Community to consist of:  a) Full planning application incorporating 38 extra care and 28 close care units (Use Class C2) with an on-site village centre to include a  medical facility. Means of access off Vicarage Road, associated infrastructure, landscape buffer and open space.  b) Outline planning application for a care home (up to 60 beds) and up to 98 extra care units (Use Class C2), landscaping and open space, parking, infrastructure, and internal access roads (all matters reserved).

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
23/01467/HOU <b>28 Hadrian Way Stanwell Staines-upon-Thames</b>	03.05.2024	Fast Track Appeal	APP/Z3635/D/24/3341314 Erection of single storey rear outbuilding as shown on drawing numbered 28HW/28062022/REV-B received on 29.11.2023
24/00093/FUL <b>Land Adjacent To 1 Hillview Cottages Moor Lane Staines-upon- Thames</b>	22.05.2024	Written Representation	APP/Z3635/W/24/3341573 Erection of a new detached dwelling house with associated parking provision and amenity space
23/01339/FUL <b>Wardle Dental Surgery 68 Church Road Ashford</b>	05.06.2024	Written Representation	APP/Z3635/W/24/3342789 First floor rear extension to create two new studio flats (including amendments to the parking layout granted in planning permission 22/00581/FUL).
24/00110/FUL <b>68 Church Road Ashford TW15 2TW</b>	05.06.2024	Written Representation	APP/Z3635/W/24/3342794 First floor rear extension to create one new studio flat (including alterations to the parking layout approved in planning permission 22/00581/FUL)

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
24/00181/HOU  <b>122 Laleham Road Staines-upon-Thames TW18 2NP</b>	20.05.2024	Fast Track Appeal	APP/Z3635/D/24/3343853 Construction of a vehicle crossover

**Appeal Decisions Made between 23 April 2024 – 12 June 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
23/00128/FUL  <b>Vivienne House Budebury Road Staines-upon-Thames</b>	02.11.2023	Written Representation	APP/Z3635/W/23/3322831 Erection of an extension to the existing building, including an additional third and part fourth floor to provide eight additional flats together with additional car parking cycle storage, refuse and recycling and landscaping	Appeal Dismissed	04.06.2024	<p>The Inspector stated that the main issues were the impact of the proposals upon the character of the host building and the surrounding area, and the impact upon the living conditions of surrounding occupiers.</p> <p>The Inspector noted that the existing building has a symmetrical and largely simple form.</p> <p>The Inspector considered that the height of the extension, together with its projection forward of the building line, would result in an incongruous appearance. It would also dominate and detract from the simple form of the existing dwelling.</p> <p>As the proposals would cause harm to the character and appearance of the host building and to the surrounding area, the Inspector considered it would be contrary to policy EN1 and also to policy HO5.</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>The Inspector noted that the Council's 45° horizontal and vertical guides would be breached by the extension at windows in the existing building, albeit that the horizontal guide would only be breached marginally. It was also noted that the extension would be located to the south of the affected windows. The Inspector concluded that there would be unacceptable harm to outlook and natural light received by those windows.</p> <p>It was noted that the Council does not have a 5-year housing land supply. However, the benefits of the scheme were not considered to outweigh the harm when assessed against the NPPF as a whole and the appeal was refused.</p>
<p>22/01474/FUL</p> <p><b>The Corner House 2</b>  <b>Staines Road</b>  <b>Laleham</b></p>	20.11.2023	Written Representation	<p>APP/Z3635/W/23/3322916</p> <p>Extension and conversion of existing garages and conversion and works to pool building to create 2no. apartments including hard and soft landscaping, car</p>	Appeal Dismissed	26.04.2024	<p>The Inspector considered the main issues to be the effect of the development on future occupiers and the effect of the development on the character of the area.</p> <p>The Inspector noted 'Flat A' would have a single aspect. Views from</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
			parking and new vehicular access including new opening in boundary wall, onto Staines Road, with associated works			<p>the living spaces would all be onto a proposed 2m high hedge in close proximity, where some form of boundary treatment is necessary to avoid overlooking. The Inspector further considered that the bedrooms at 'Flat A' would have views impeded by the two-storey built form of the 'Corner House'. Outlook to 'Flat A' would therefore be impeded to an unacceptable degree. The Inspector further considered that the first-floor windows at the 'Corner House' would result in a perception of overlooking.</p> <p>The Inspector further considered that the amenity space for 'Flat A' would not meaningfully function as garden or amenity space given its restricted size and would be afforded little privacy. It would also fall significantly short of the 60m<sup>2</sup> minimum garden size guidance in the SPD on design. The Inspector therefore found that the living conditions for future occupiers of 'Flat A' would be unacceptable.</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>In terms of character, the Inspector noted that the site sits in Staines Road and the Broadway, and there are further small plots in the Broadway. For this reason, the Inspector found no harm to the character of the area.</p> <p>Whilst the Inspector noted that the Council cannot demonstrate a 5-year housing land supply, the benefits of the addition of dwellings to 5-year land supply were not considered to outweigh the harm to future occupiers of 'Flat A'. The appeal was therefore dismissed.</p>
<p>23/00494/ADV</p> <p><b>River View Lodge 7 - 11 Manygate Lane Shepperton</b></p>	12.10.2023	Written Representation	<p>APP/Z3635/Z/23/3325743</p> <p>Display of adverts including 1 x Monolith; 2 x flags; 2 x hanging signs; various banners/boards as shown on drawings numbered 20058SP P01 and 291 Rev D received on 19 April 2023</p>	Appeal Dismissed	10.06.2024	<p>The Inspector considered the main issue was amenity.</p> <p>He considered the flags would be tall and large, with the monoliths and railing banners also being large and clearly visible. These larger signs would be arranged and seen in succession along the front boundary, resulting in significant and harmful visual clutter.</p> <p>He concluded that, '<i>... the number, size and scale of the advertisements</i></p>



Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p><i>proposed would make them an unduly prominent and dominant feature in the street scene.</i> And the cumulative impact would harm amenity in this residential area where advertisements are not part of the character of the area.</p> <p>Consequently, the proposal would harm amenity and would therefore conflict with NPPF which sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.</p>
<p>23/00541/OUT</p> <p><b>33 Ashford Crescent Ashford TW15 3EF</b></p>	08.02.2024	Written Representation	<p>APP/Z3635/W/23/3327918</p> <p>Outline application with access, layout and scale to be assessed, for the demolition of the existing bungalow and erection of 3 new dwelling houses</p>	Appeal Allowed	03.06.2024	<p>The Inspector considered that given the variation in property widths and design on this side of the road the proposed would not cause visual harm.</p> <p>The Inspector noted that although concerns had been raised in respect of the detailed design and materials, matters of appearance and landscaping would be considered at reserved matters stage. The Inspector considered that the proposal would have an acceptable</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						effect on the living conditions of the occupants of No.35. The Inspector noted that the Council accept that it is unable to demonstrate a five-year supply for housing and the proposal benefits from the presumption in favour of sustainable development, this is a material consideration which weighs in favour of the development. The appeal was therefore allowed.
23/00546/HOU <b>Little Stoatswold 43 Lower Hampton Road Sunbury-on-Thames</b>	26.01.2024	Fast Track Appeal	APP/Z3635/D/23/3332038 Retrospective planning for a single storey wrap around extension and cantilevered deck extension.	Appeal Dismissed	24.05.2024	The Inspector noted that planning permission was granted for a replacement dwelling on the site in December 2019. The Council assert that the replacement house had a gross internal area of 51sqm and that the extension that is the subject of this appeal adds a further 32sqm. the extension has entailed a significant increase in the size of the property. The extension does not therefore conform to the exceptions to inappropriate development set out in the Framework and would conflict with Policy GB1 as it is not a limited extension of the existing

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>dwelling. The development is therefore inappropriate by definition.</p> <p>The Inspector also noted the appeal site is within flood risk zone 3 with a high probability of flooding. The appellant's flood risk assessment appears to relate to an outbuilding and is dated 2019 and does not provide reassurances of the effects of the extension and decking. In the absence of substantive evidence to the contrary, the development could cause harm in terms of flood risk. The proposal would conflict with Policy LO1 of the CS and the Flooding SPD 2012, as well as the Framework.</p> <p>While there would be benefits arising from the size of the accommodation, this would not clearly outweigh the harm identified to the Green Belt and to the risk of flooding, which attract substantial weight. As a consequence, the very special circumstances necessary to justify the development do not exist.</p> <p>The proposal would conflict with the development plan as a whole and</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore the appeal is dismissed.
23/00832/FUL  <b>58 Green Lane Shepperton TW17 8DT</b>	05.02.2024	Written Representation	APP/Z3635/W/23/3333577 Erection of a new two-storey 3 bedroom detached dwelling house at the rear of No. 58 Green Lane	Appeal Dismissed	28.05.2024	The Inspector considered that the introduction of built form on this site, in the layout and scale proposed would unacceptably undermine the open rear area and harmfully erode the characteristic pattern of development in this location. Furthermore, the design of the proposed roof form would be overly bulky and would not be characteristic of the locality. The proposed development would also have a harmful impact on the living conditions of nearby occupiers. Although the proposal would provide a single new dwelling which would support the Government's target to significantly boost the supply of homes, the significant adverse effects of the development would outweigh the modest benefits. Consequently, the Inspector concluded that the presumption in

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						favour of sustainable development would not apply, and the appeal was dismissed.
23/00958/FUL  <b>Shepperton Road Shepperton TW17 0JJ</b>	20.02.2024	Written Representation	APP/Z3635/W/23/3334047 Proposed NTQ telecommunications installation; Proposed 35.0m High FLI Type T3A Lattice Tower and associated ancillary works. Please refer to drawings	Appeal Allowed	04.06.2024	<p>The Inspector identified that the main issues were whether the proposals amounted to inappropriate development in the Green Belt, the effect upon the openness of the Green Belt, the impact upon the character of the area, and whether the harm by reason of inappropriateness, and other harm would clearly be outweighed by other considerations amounting to 'very special circumstances'.</p> <p>The Inspector considered that the proposal did amount to inappropriate development.</p> <p>The Inspector further considered that the proposal would result in harm to spatial openness, as well as visual harm to openness.</p> <p>However, the Inspector considered that the proposals would not harm the character of the area in the</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>context of the existing electricity pylons.</p> <p>The Inspector was satisfied that there were no alternative sites for the proposals. They also noted the benefits of 5G coverage.</p> <p>The Inspector concluded that the benefits of the proposals, in the most suitable location, clearly outweigh the harm to the Green Belt, and was satisfied that 'very special circumstances' exist which justify the development. The appeal was therefore allowed.</p>
<p>23/00563/FUL</p> <p><b>Land To Rear Of 12 Park Road Ashford TW15 1EY</b></p>			Retrospective application for the change of use of the land from private parking to use as a short-term car parking storage for airport parking	Invalid	25.04.2024	The appellant did not submit the required documents within the 6-month appeal period and the Inspectorate turned away the appeal.

**Current/Future Hearings/Inquiries**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
21/00393/ENF  <b>11 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333226  Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started, and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.
22/00099/ENF  <b>9 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333218  Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started, and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
22/00067/ENF  <b>4 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333211 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.
22/00057/ENF  <b>2 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	17.01.2024	Hearing	APP/Z3635/C/23/3333204 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.



Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
<b>19/00015/ENF</b>  <b>Riverbank 1</b> <b>The Creek</b> <b>Sunbury On</b> <b>Thames</b>	07.06.2023	Public Inquiry 7-8 February 2024	APP/Z3635/C/23/3320593  Appeal against serving of an Enforcement Notice. Without planning permission the unlawful development of a new dwelling house, garage, boathouse, associated terracing and planters, steps, walls, pillars and hardstanding.			<p>The Public Inquiry overran the 2 days allocated and closing comments were presented via MS Teams on the 16 February 2024. Outstanding submissions of 'as built' plans submitted now by the Appellant to PINS as requested by the Inspector.</p> <p>June 2024 – The Inspector has requested further comments from the Appellants and the Council regarding the steps required in the Enforcement Notice. The Inspector may reopen the hearing for further submissions of evidence. Currently waiting for a decision from the Inspector.</p>

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## 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.

<b>App no</b>	<b>Site</b>	<b>Proposal</b>	<b>Applicant</b>	<b>Case Officer(s)</b>
23/00388/FUL	Multi Storey Car Park Church Road Ashford TW15 2TY	Demolition of Multi-Storey Car Park and erection of a residential block for 42 no. residential units, with associated car parking, together with a further provision of public car parking spaces, and a ground floor commercial unit (Use Class E). Landscaping/public realm and access arrangements.	<b>Lichfields on Behalf of Spelthorne Borough Council</b>	<b>Paul Tomson / Susanna Angell</b>
23/00680/OUT	Land To The East Of Desford Way Ashford	Outline Planning Permission with all matters reserved except for access for a site to accommodate Travelling Showpeople (Sui Generis)	<b>Ashford Corporation Ltd</b>	<b>Paul Tomson / Kelly Walker</b>

23/01524/FUL	193 London Road Staines-upon-Thames	Demolition of existing, vacant, trade counter and storage/industrial unit. Construction of a new steel portal frame structure with insulated metal clad facades and brickwork plinth, for use as a Self Storage facility. Including improvements to existing access off Stanwell New Road and stopping up of other redundant accesses, associated car parking, service yard and cycle parking.	<b>Marlin Land Midlands Limited</b>	<b>Matthew Churchill</b>
24/00017/FUL	Land North East Of Eco Park Charlton Lane Shepperton TW17 8QA	The construction of and operation of a Battery Energy Storage System of up to 200 megawatts electrical output, associated site access and cable route with connection point at the existing National Grid/SSE 132 kV Laleham GSP (Grid Supply Point), with associated work	<b>Sunbury BESS Ltd</b>	<b>Matthew Clapham</b>
24/00443/RMA	Bugle Nurseries Upper Halliford Road Shepperton TW17 8SN	Reserved matters for appearance, landscaping, layout and scale and discharge of condition 7 (Vehicular access and visibility zones) pursuant to Outline Planning Permission ref. 20/00123/OUT comprising 31 residential units, car parking, cycle storage, landscaping, open space and other associated works.	<b>Angle Property (RLP Shepperton) LLP</b>	<b>Kelly Walker</b>

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

Esmé Spinks  
Planning Development Manager  
03/06/2024

**PLANNING GLOSSARY OF TERMS AND ABBREVIATIONS**

<b>TERM</b>	<b>EXPLANATION</b>
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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