

18/01426/RVC - Halliford Studios, Manygate Lane, Shepperton

Scale: 1:1,250

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# Planning Committee

12 December 2018



<b>Application Nos.</b>	18/01426/RVC		
<b>Site Address</b>	Halliford Studios Limited, Manygate Lane, Shepperton		
<b>Proposal</b>	Variation of Condition 2 (Approved Drawings) of planning permission 17/01065/FUL for 24 dwellings, to allow the brick wall along the northern and eastern boundaries to be replaced with 1.8 metre high close-boarded fence topped with 300mm trellis, and a 2.1 metre high wall.		
<b>Applicant</b>	Shanly Homes Limited		
<b>Ward</b>	Shepperton Town		
<b>Call in details</b>	Councillor Sider has requested this application to be reported to the Planning Committee for consideration on the grounds that the replacement fence does not achieve a satisfactory relationship to adjoining properties and will be detrimental to the street scene in Gordon Road.		
<b>Case Officer</b>	Paul Tomson		
<b>Application Dates</b>	Valid: 15/10/2018	Expiry: 10/12/2018	Target: Extension of time agreed – 19/12/2018
<b>Executive Summary</b>	<p>This application seeks the variation of Condition 2 (approved drawings) of planning permission 17/01065/FUL for 24 dwellings, to allow the brick wall along the northern and eastern boundaries to be replaced with a 1.8 metre high fence with 300mm trellis. The plans also show the erection of a new wall along part of the boundary adjacent to 35 Gordon Road. Most of the wall has already been removed and the new fence has been installed in its place. Consequently, this application is part retrospective.</p> <p>Whilst it is regrettable that the old wall has been removed, it is not considered there are sufficient grounds to justify refusal of planning permission for the replacement boundary treatment. The new fence is not considered to appear out of keeping with the character of the area and it therefore accords with Policy EN1 of the Core Strategy and Policies DPD. Furthermore, the new boundary treatment is not considered to cause a harmful loss of amenity to neighbouring residential properties.</p>		
<b>Recommended Decisions</b>	This planning application is recommended for approval, subject to the prior completion of a deed of variation to the original Section 106 agreement.		

## MAIN REPORT

### 1. Development Plan

- 1.1 The following policy in the Council's Core Strategy and Policies DPD 2009 is considered relevant to this proposal:

➤ EN1 (Design of New Development)

### 2. Relevant Planning History

16/02113/FUL	Redevelopment of the site to provide 28 residential units, 1 x 1 bed flat, 7 x 2 bed flats, 6 x 2 bedroom houses, 10 x 3 bedroom houses and 4 x 4 bedroom houses with a total number of 50 car parking spaces/garages, the provision of amenity space, landscaping and associated alterations.	Refused 06/04/2017 Appeal Dismissed 14/05/2018
17/01065/FUL	Redevelopment of the site to provide 24 residential units, (5 no. 1 bed flat, 9 no. 2-bed, 6 no. 3-bed and 4 no. 4-bed), together with Associated parking, access and landscaping.	Approved 09/03/2018
18/00952/FUL	Erection of 8 dwellings comprising 3 no. 1 bed and 5 no. 2-bed flats with associated landscaping, access and parking (amendment to planning permission 17/01065/FUL to allow a change to the mix of 1 and 2 bedroom units in the block of flats and alterations to the size and design of the building).	Approved 08/11/2018
18/00953/FUL	Relocation of electricity substation and erection of 3 houses with associated access, landscaping and parking (amendment to planning permission 17/01065/FUL to allow unit 1 to be 3-bedroom in size, change to layout, and new access onto Manygate Lane	Approved 08/11/2018
18/01583/RVC	Variation of Condition 2 (approved drawings) of planning permission 17/01065/FUL for 24 dwellings, to allow additional accommodation at first and second floors of Units 4-9	Pending Consideration.

### 3. Description of Current Proposal

- 3.1 The application relates to Halliford Studios in Manygate Lane, Shepperton, which comprises a site of 0.52 hectares located on the eastern side of the road.

- 3.2 To the north of the site is a designated public footpath. Further to the north is Thamesmead School. To the south are the residential properties of 30 Manygate Lane and 55 – 65 Mulberry Trees. To the east is the cul-de-sac of Gordon Road. To the west, on the other side of Manygate Lane are the dwellings of Nos. 49 – 61 Manygate Lane. The site is located within the urban area and is essentially residential in character.
- 3.3 The proposal involves the variation of Condition 2 (approved drawings) of planning permission 17/01065/FUL for 24 dwellings, to allow the brick wall along the northern and eastern boundaries to be replaced with a 1.8 metre high close-boarded fence topped with 300mm trellis. Most of the wall has been removed and replaced with the proposed fencing, and consequently this application is part retrospective. Some of the wall is still in place adjacent to 35 Gordon Road (and along the northern boundary nearest to Manygate Lane).
- 3.4 The application has been amended since it was first submitted. In particular, the fencing is to be reconstructed with concrete posts and concrete gravel boards to give it a more robust structure. In addition, a 2.1 metre high new wall has been added adjacent to the house of 35 Gordon Road.
- 3.5 The applicant states that the existing boundary wall was demolished due to its unstable structural condition. This was revealed following further inspections during the works approved under the planning permission for demolition of the existing buildings on these boundaries.
- 3.6 Copies of the proposed site layout and elevations are provided as an Appendix.

#### **4. Consultations**

- 4.1 There are no consultees for this particular application.

#### **5. Public Consultation**

- 5.1 126 properties were notified of the planning application. 20 letters of objection have been received. Reasons for objecting include: -
- Replacing the brick wall with a fence does not comply with Policy EN1 and is out of character.
  - The fence is poor quality and will be subject to rot, damage and vandalism
  - Retention of the brick wall was part of the original planning permission.
  - Loss of an attractive, historic feature which offered character to the area.
  - The fence fails to screen the development as effectively as the former wall. Loss of privacy.
  - Loss of an effective noise barrier.
  - Concern about security. The former brick wall along the alleyway offered more security.
  - Removal of the wall adjacent No. 35 Gordon Road will result in the lean-to structure attach to it having to be removed.
  - Concern that the future residents will create access onto Gordon Road, and park in this street.
  - The wall only became structurally unsafe due to Shanly's own work.

- The developer is failing to comply with planning conditions.
- A wooden fence provides little protection against car accidents and would result in far greater damage. Health and safety issues.
- Loss of landscaping on Gordon Road.
- Replacement walls should be erected.

## **6. Planning Issues**

- Design and appearance
- Impact on neighbouring properties

## **7. Planning Considerations**

### Design and Appearance

7.1 Policy EN1a of the Core Strategy and Policies DPD (CS & P DPD) states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

7.2 It is regrettable that the old wall was taken down before first seeking planning permission from the Council. Whilst the letters of representation from third parties are noted, it is not considered that there are sufficient grounds to justify refusal of planning permission on design grounds. The revised fencing with concrete posts and gravel boards is considered to be of an acceptable design and quality in this particular location and will not appear out of keeping with the character of the area. The fence together with the trellis will be some 2.1 metres in height and will be similar in scale (albeit slightly lower) compared to the former wall. The revised design with the concrete gravel boards and posts is considered to be sufficiently robust and appropriate in this location next to the public footpath and cul-de-sac of Gordon Road. It is also considered that the replacement wall and fence adjacent to 35 Gordon Road is acceptable. It should be noted that the most visible part of the boundary treatment, the wall fronting Manygate Lane was shown to be reduced to 1 metre high under the approved scheme and this is also the case under the current proposal.

### Impact on neighbouring properties

7.3 Policy EN1b of the CS & P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.

7.4 The only part of the proposed boundary treatment situated immediately next to an adjoining residential property is at 35 Gordon Road. At this point, the boundary is to be lined with a mix of part 2.1 metre high replacement brick wall, and part 1.8 metre high close-boarded fencing with 300mm trellis. A

letter of objection has been received from this neighbour. Whilst it is noted that the neighbour has asked for the existing wall to be retained, it is not considered that the replacement boundary wall and fencing would cause a harmful loss of amenity to justify refusal of planning permission. It will provide sufficient privacy in relation to the new houses to be erected to the west of 35 Gordon Road. It is also considered that the impact on the other neighbouring properties will be acceptable.

#### Other Matters

- 7.5 It is not considered that replacing the wall with the new fencing will lead to unacceptable noise or security issues. The eastern fence is situated at the end of the cul-de-sac with a raised kerb and landscape strip in front, and it is considered very unlikely that vehicles would hit the new boundary treatment. The new brick wall to be erected adjacent to 35 Gordon Road will enable the existing lean-to structure to be re-built.
- 7.6 The original planning permission was granted subject to a Section 106 agreement to secure a financial contribution of £14,911 towards off-site affordable housing. As the current application is effectively a new planning permission for the overall development, a similar financial contribution will need to be secured. The recommendation is worded accordingly.

#### **8. Recommendation**

- 8.1 (A) To GRANT PERMISSION for the planning application subject to the prior completion of a Section 106 Agreement respect of the following:
1. To provide a financial contribution of £14,911 towards off-site affordable housing, to be paid upon the sale of the first unit.

#### Non Compliance of S106 Agreement

In the event that the Section 106 agreement is not completed and the applicant does not agree an extension of time for the determination of the planning application, delegate to the Planning Development Manager in consultation with the Chairman of the Planning Committee the following: -

Refuse the planning application for the following reasons:

- 1) The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009.
- 8.2 (B) GRANT subject to the following conditions: -
1. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

1323/PLN/202; /205; /206; /208; /209 received 30 June 2017.

1323/PLN/201 Rev. B; /203 Rev. A; /204 Rev. A; /207 Rev. B; /210 Rev. A; /211 Rev. B; received 20 September 2017.

4.1 Rev. A; 4.3 Rev. A received 20 September 2017.

1323/PLN/200 received 09 October 2018.

1323/PLN/212 received 15 October 2018.

1323/PLN/212 Rev. B, 1323/PLN/213 Rev. A and 1323/PLN/214 received 26 November 2018.

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

2. The proposed buildings and hardsurfacing shall be constructed in accordance with the External Materials Schedule received 27 November 2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. No development shall take place until:-

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

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

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

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

Reason:-

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

#### NOTE

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

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

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

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

5. Following construction of any groundwork and foundations, no construction of the development above damp-proof course level shall take place until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of the building and thereafter retained.

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

6. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and for vehicles to turn so that they exit the site in forward gear. The parking area and access shall be used and retained exclusively for its designated purpose.

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

8. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans to provide secure,



lit and covered cycle parking to the satisfaction of the Local Planning Authority and shall thereafter be permanently maintained

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

9. Facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

10. Prior to the occupation of the building hereby permitted details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the occupation of the building and shall at all times accord with the approved details.

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

11. Details of a scheme of both soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting and other associated works shall be carried out prior to first occupation of the buildings and/or site. The planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

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

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring properties.

13. Prior to the occupation of the building, a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the building is occupied and thereafter maintained.

Reason:-.To encourage wildlife on the site.

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

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

15. Notwithstanding the submitted plans numbered 4.1 Rev A and 4.3 Rev A, the development hereby approved shall not be occupied unless and until the existing vehicular access to Manygate Lane has been constructed and provided with dropped kerbs and tactile paving at the pedestrian crossings points across the access in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

16. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) measures to prevent the deposit of materials on the highway
  - (h) no HGV movements to or from the site shall take place no later than one hour before Thamesmead School opens in the morning, up to one hour after Thamesmead School closes nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Manygate Lane, Russell Road or Green Lane during these times.
  - (i) on-site turning for construction vehicles
- Has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

17. Notwithstanding the submitted Residential Travel Statement dated June 2017 prior to the occupation of the development a revised travel statement shall be submitted for the written approval of the Local Planning Authority. The Residential Travel Statement shall include details of the locations of employment, education, retail and leisure land uses within 2km walking and 5 km cycling distance from the site. And then the approved travel statement shall be implemented upon occupation of the site and for each and every subsequent occupation of the development, thereafter maintain and develop the travel statement to the satisfaction of the Local Planning Authority.

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

18. Prior to the occupation of the development hereby permitted the first floor window on the southern elevation of the block of flats hereby approved shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. This window shall thereafter be permanently retained as installed.

Reason:- To safeguard the privacy of the adjoining property(ies), in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

19. Prior to the occupation of the development hereby permitted, details of a privacy screen to be installed on the southern flank of the first floor balcony of Unit 17 shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screen shall be installed before the occupation of Unit 17 and thereafter retained.

Reason:- To safeguard the privacy of the adjoining property(ies), in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

20. No new development shall be occupied until three parking spaces have been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for five dual fast charging points for electric vehicles. The scheme shall include details of criteria for laying out of two additional adjacent spaces as charging bays in the future. The charging points shall be retained exclusively for its designated purpose.

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

21. Prior to the occupation of the buildings the boundary treatment hereby approved shall be fully implemented in accordance with drawing nos. 1323/PLN/212 Rev. B and 1323/PLN/213 Rev. A received 26 November 2018, and thereafter maintained as approved.

Reason:- To ensure that the approved boundary treatment is fully implemented on the site.

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

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Section 4 of the NPPF. This included the following:-

- a) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- b) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

- Key
- Wall fronting Manygate Lane to be reduced to 1m
- Existing boundary to be retained
- 1.8m high closed boarded fence topped with 300mm trellis
- New 2.1m high brick wall



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All dimensions and levels must be checked on site and verified  
prior to construction

Notes		
B	Amendments	06.11.18
A	Amendments	15.10.18
Rev.	Description	Date

Project

Proposed Redevelopment of  
Halliford Studios Site  
Manygate Lane  
Shepperton

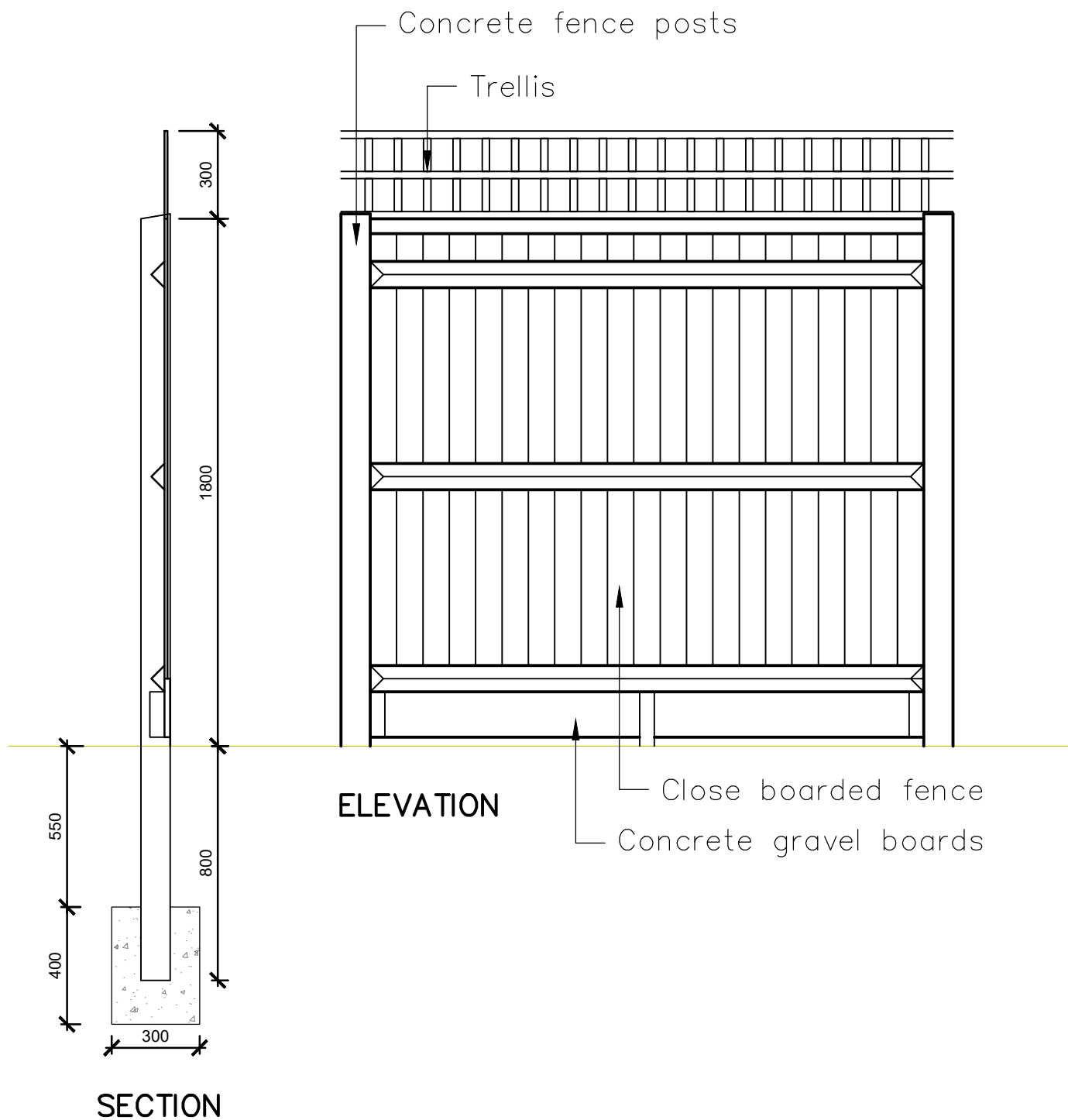
Drawing Title

Proposed  
Boundary Treatment Plan

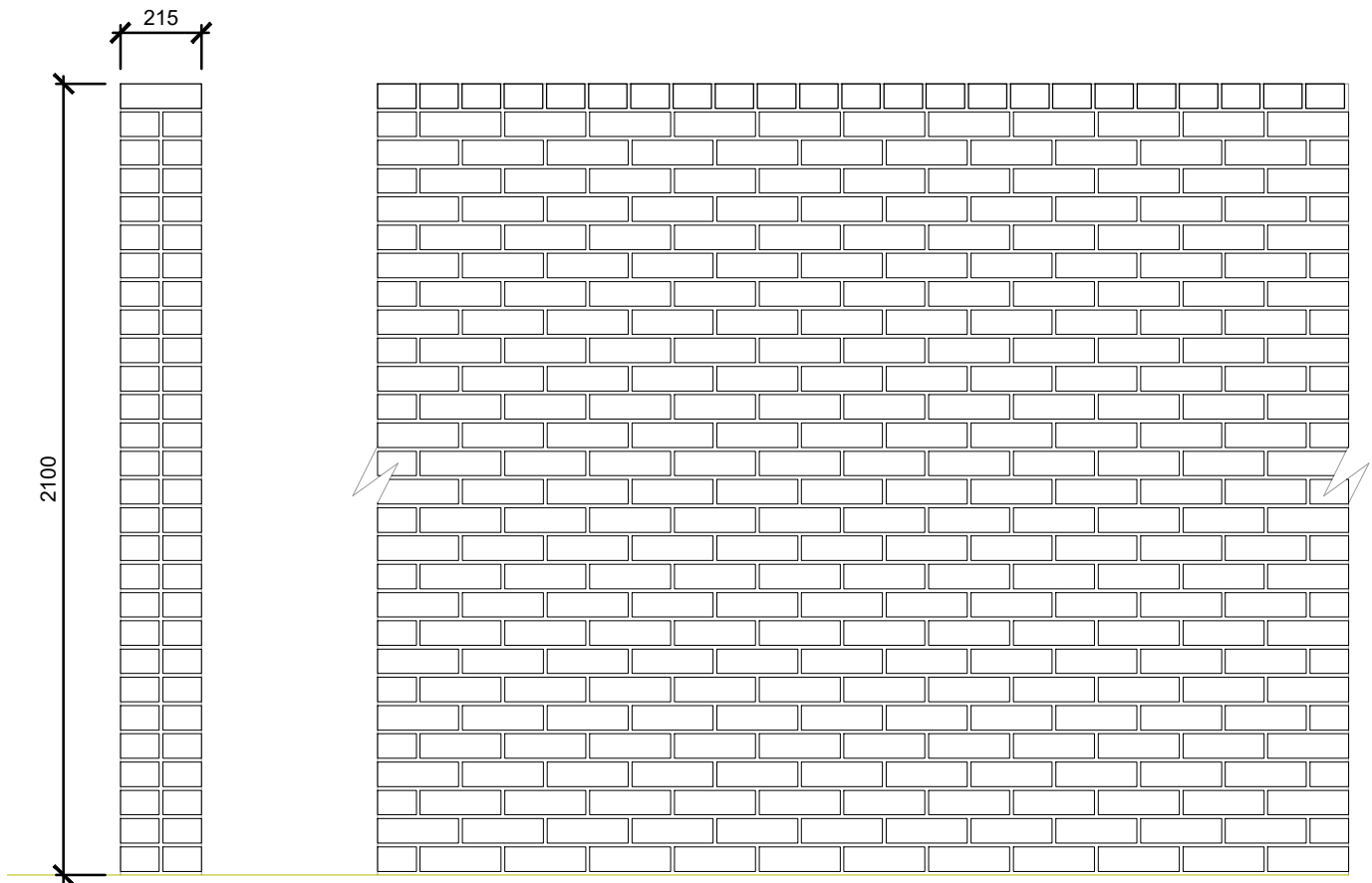
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Drawn By: AJT	Date: 20.09.17
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Drawing No. 1323/PLN/212	Revision B



1:20



SECTION

ELEVATION