

Planning Committee

12 December 2018



Application No.	18/01043/FUL
Site Address	Maytree Stables, Ferry Lane, Shepperton, TW17 9LQ
Applicant	Mr James Mitchell – Nauticalia Ltd
Proposal	Change of use of existing land to a car park with a grill grass reinforcement mesh surface treatment together with installation of new fencing and entrance gate with restricted hours access for a temporary period until 31 st October 2019.
Ward	Shepperton Town
Called-in	Cllr Leighton – Very Special Circumstances have been submitted to demonstrate that the benefits of the proposal outweigh any harm to the openness of the Green Belt.
Officer	Matthew Clapham

Application Dates	Valid: 30/7/2018	Expiry: 24/9/2018	Target: Over 8 weeks
Executive Summary	<p>This application seeks to construct a car park extension to the existing Nauticalia car park and premises. Nauticalia operates both as a boatyard and also retail sales of nautical equipment and gifts. It has recently reintroduced a café in the building and has also given over part of the site to operate as a Gymnasium. The application site extends north of the existing car park on existing open land with access to Ferry Lane in Shepperton. The surface would comprise 'grasscrete' grass reinforcement mesh. In addition, new fencing and gates and low level lighting are proposed.</p> <p>The site is located within the Green Belt and the Zone 3b functional flood plain.</p> <p>The Change of Use of the land to a car park represents 'inappropriate development' within the Green Belt, which is by definition harmful to the openness of the Green Belt. The application has been submitted with a number of 'very special circumstances'. However it is not considered that these are sufficient to demonstrate that these circumstances outweigh the harm to the openness of the Green Belt that would justify approval. In addition, the Environment Agency have raised an objection to the proposal on flood risk grounds.</p>		
Recommended Decision	This planning application is recommended for refusal.		

MAIN REPORT

1. Development Plan

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

- LO1 (Flooding)
- EN1 (Design of New Development)
- EN9 (River Thames and its Tributaries)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

'Saved' Green Belt Policy GB1 of the Spelthorne Borough Local Plan 2001.

2. Relevant Planning History

17/00153/FUL

Change of use of existing land to a car park with a grill grass reinforcement mesh surface treatment together with installation of new fencing and entrance gate.

Refused
05.05.2017

16/01331/FUL

Retrospective application for the change of use of part of existing Nauticalia retail building (northern most part of the building) from A1 (retail) to D2 (gymnasium)

Granted
01.11.2016

3. Description of Current Proposal

- 3.1 The application site comprises a 0.086ha area of land located alongside Ferry Lane in Shepperton. The application site extends north of the existing car park used by Nauticalia Ltd. and is located on existing open land, which is currently largely overgrown and vacant with a small area of hardstanding and a portacabin on site.
- 3.2 The surface would comprise 'grasscrete' grass reinforcement mesh. In addition, open wooden 'ranch' style fencing is proposed, together with a lockable metal open farm style entrance gate.
- 3.3 A total of 34 parking spaces are proposed for general use.
- 3.4 The applicant intends to limit the general hours of use to 7.30am to 7.30pm Monday to Friday; Saturdays 8.30am to 7.30pm and Sundays and Bank Holidays 9.30am to 7.30pm for general use. In addition to this it is intended to allow the Weybridge Mariners to use the site every Friday evening until Midnight. An additional 20 events per calendar year until

midnight on any other day of the week are proposed for any other user or purpose. In the first instance, the applicant has agreed to a temporary permission until 31st October 2019 to allow assessment of the impacts and confirmation of the need for the additional parking.

3.5 A Copy of the proposed site layout are provided as an appendix.

4. Consultations

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

Consultee	Comment
Environment Agency	Has objected to the proposal
Environmental Health (contamination)	No comments
County Highway Authority	No objection but recommends conditions.

5. Public Consultation

5.1 20 letters of notification were sent out to neighbouring properties. Five letters of objection have been received, including one from the Shepperton Residents Association. Reasons for objecting include:

- Noise and disturbance from use of the car park – particularly until Midnight.
- Concern about how the car park be managed
- Council should encourage people to walk and cycle
- Very special circumstances arguments are flawed – including emergency services parking
- Footpath, cycle lane have not reduced parking – loss of bollards has increased on street parking as road is wider
- Other car parks are in the area but unused – should utilise these areas
- Adequate parking on site Nauticalia already – some lost due to JCBs etc. parked in the spaces
- Intensification of the use of the site due to diversification – gym and café
- Challenge the statement that more visitors are using the site
- No lighting, dangerous and late night use will attract car thieves and impact upon the personal safety pf local residents

In addition, 13 letters of support have been received, including one from the Secretary of the Weybridge Mariners Club and some from users of the Shepperton Slalom Canoe Club, making the following comments:

- Parking is at a premium in the area, particularly following the closure of two other car parks in the area
- Lack of parking affecting local community clubs through loss of membership, loss of income from bar/function room/hire of club facilities etc.
- Difficulties in using mooring facilities when no parking available
- River under-utilised due to parking constraints
- Canoe club hosts national competitions – competitors provide an economic benefit to the local community

6. Planning Issues

- Impacts upon Green Belt and assessment of very special circumstances
- Parking and highway matters
- Flooding
- Impact on neighbouring properties, light and noise pollution
- Design and appearance

7. Planning Considerations

Green Belt and Assessment of very special circumstances

- 7.1 The site lies within the designated Green Belt and Saved Local Plan Policy GB1 is most relevant as it seeks to ensure that only 'appropriate' development is allowed in the Green Belt. The National Planning Policy Framework (NPPF) 2018, also states at paragraphs 145 and 146 that the construction of certain forms of development can be appropriate within the Green Belt. It is considered that the proposal for the creation of the car park on an existing area of open land, albeit with a small area of hardstanding which was used for storage purposes in the past and a portacabin, would have some adverse visual impact by introducing a more developed appearance. One of the purposes of the Green Belt is 'to assist in safeguarding the countryside from encroachment'. The operational development for the creation of a car park and the associated parking of cars, does not represent appropriate development identified in the NPPF. The proposal would not, therefore, comply with the requirements of the NPPF or the Local Plan Policy and as such is considered to represent inappropriate development within the Green Belt. Inappropriate development is by definition considered to be harmful to the Green Belt and should not be approved except in 'very special circumstances'. The NPPF continues by stating that:-

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

- 7.2 The previous identical application 17/00153/FUL, for this site was refused for the following reason:

The proposed car park and additional hardstanding/grasscrete is considered to represent inappropriate development within the Green Belt for which no 'very special circumstances' have been demonstrated. In addition, the parking of cars would have a detrimental impact upon the openness of the Green Belt that would be contrary to 'Saved' Policy GB1 of the Spelthorne Borough Local Plan 2001 and guidance contained within the National Planning Policy Framework (2012).

- 7.3 The applicant has submitted a number of very special circumstances to justify the proposal. These very special circumstances are summarised below:

- Replacing lost car parking from recently closed car parks and on-street parking restrictions
- Providing parking facilities for outdoor sport and leisure, namely the Weybridge Mariners Club and the Shepperton Slalom Canoe Club
- Local community events
- Emergency Services parking
- Tourists
- Highway Safety
- Overflow from customers and visitors to Nauticalia
- Clearing road of cars enhancing the appearance of the area and landscaping

7.4 Whilst it is noted that paragraphs 145 and 146 of the NPPF confirm that some forms of development do not constitute inappropriate development in the Green Belt, including the provision of appropriate facilities for outdoor sport and outdoor recreation and material changes of use of land for such purposes, this is with a caveat that the change of use should preserve its openness and not conflict with the purposes of including land in it. In this instance, the land is to be used as a car park adjacent to the existing Nauticalia and will be accessed via the existing Nauticalia access which is not necessarily for an outdoor sport and recreational use and with the exception of Friday evenings, not specifically for users of sporting or recreational facilities. Indeed, as these extended Friday evening hours of use are from 7:30pm until Midnight, this can reasonably be considered to facilitate social events rather than recreational/sporting purposes.

7.5 The benefits of clearing some of the on street parking off the road and onto a designated car park are noted, and it could be argued that this would improve the setting of the River Thames and provide a visual benefit by improving the openness of the Green Belt. However, there is no restricted parking scheme in place and no certainty that the car park would be used by potential users of the on-street parking. Therefore, no significant weight should be afforded to this very special circumstance.

7.6 It is noted that two car parks have closed in the vicinity recently, which is likely to have had an impact on parking provision in the area. One of these car parks is understood to have been used by residents of Hamhaugh Island, who otherwise would be parking along the Towpath or the parking area alongside the Lock. The potential impacts upon the local Canoeing and Mariners club are also noted, however, it is difficult to conclude that a lack of parking for such facilities would have a significant impact upon membership and use of facilities. It is not considered unusual for local clubs such as these to be located in areas where parking is limited. Letters of objection received have also challenged the assertion that the area has attracted more visitors recently and that the diversification of the facilities available at the Nauticalia site have contributed to the parking issues and that better management of the existing car park may ameliorate some of the problems.

7.7 The installation of the grasscrete, additional fencing and low level lighting is inappropriate within the Green Belt and would result in visual impact by introducing a more developed appearance. Substantial weight should be given to the harm in Green Belt policy terms and the visual harm of the

urbanising impact of the additional fencing and lighting. It is considered that the remaining very special circumstances, including providing space for emergency service vehicles, encouraging tourism and the use of the River suggested by the applicant carry very limited weight in considering the application as, with the exception of the Local Community Events, which have taken place in recent years despite the parking issues raised, none of these may be considered to be sufficient to justify the harm to the openness of the Green Belt.

- 7.8 The applicant has stated that there would be some benefit in terms of the removal of a portacabin on the site and an area of existing hardstanding. However this is not considered to be sufficient to justify the proposal. The applicant states that Nauticalia would manage the use of the car park. However there are concerns as to how this would be undertaken, particularly with the late night events and the fact that there would be a number of key holders. The initial temporary period of time for the change of use would only address the operational aspect of the proposal and is not considered to be sufficient to overcome the Council's concerns regarding the harm to the Green Belt particularly associated with the operational development.
- 7.9 Therefore, it is considered that the very special circumstances that have been presented by the applicant are insufficient to outweigh the harm to the Green Belt and the proposal is recommended for refusal on Green Belt grounds. Substantial weight must be given to the harm in Green Belt policy terms and the visual harm of the urbanising impact of additional fencing and lighting. These concerns are not considered to be outweighed by the slight overall improvement of the site in visual terms and the potential benefit of possibly removing cars from the roadway alongside the Thames.

Parking and Highway Matters

- 7.10 The County Highway Authority (CHA) has not raised any highways concerns regarding the proposal. The road is narrow with a 30mph speed limit although cars generally go slower than this due to the nature and character of the road. Access to the car park would be via the existing Nauticalia access and there are a number of other accesses to adjoining residential dwellings. The CHA condition has recommended a condition requiring that no new access are created onto Ferry Lane.

Flooding

- 7.11 Policy LO1 of the Council's Core Strategy and Policies DPD 2009 states that the Council will refuse any form of development on undeveloped sites which reduces flood storage capacity or impedes the flow of flood water. The Environment Agency has maintained an objection to the proposed development on the grounds that the proposed use of the land as a car park supporting a retail facility is a 'less vulnerable' use and as such would not be acceptable within the functional flood zone 3b where only 'water compatible uses' are accepted.

Impact on Residential Amenity, noise and light pollution

- 7.12 Concern has been raised over potential issues regarding noise and disturbance from the use of the car park, particularly at the late evening use

and events. The retention of the existing hedge/planting alongside Ferry Lane would restrict views of the parked cars from the properties in the locality and would also help to reduce both light and noise from the vehicles as they enter and leave the site. It should also be recognised that cars may already park on some on-street areas and also in the parking areas adjoining the lock. Whilst there would be an increased use of this site, it is not considered that any noise, light and fume pollution from the cars would be such that would result in any significant harm to the neighbouring properties. The proposed lighting of the site by virtue of low level bollard lights is not considered to be such that it would result in any significant light pollution to the area. In terms of security concerns, notwithstanding that this is not a planning matter, the applicant has suggested lighting, fencing and site management.

Design and appearance

- 7.13 Had the principle of the proposed development within the Green Belt been regarded acceptable, the proposed materials to be used for the parking area, the boundary treatments and the access gate are considered acceptable.

Local Finance Considerations

- 7.14 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.
- 7.15 In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development. This is not a material consideration in the determination of this planning application. The proposal will not generate Council Tax payments. This is also not a material consideration in the determination of this planning application

Other Matters

- 7.16 The representation that the Council should be encouraging people to walk and cycle is noted and this is indeed a Council objective, however it is not considered that this is a specific consideration for this application. With regard to the alterations to the footpath and cycle route and associated bollards, the County Highways Authority have not raised any comments regarding highway safety or these specific matters.

Conclusion

- 7.17 It is considered that the proposal represents inappropriate development within the Green Belt, for which no very special circumstances have been submitted to demonstrate that the harm to the openness of the Green Belt would be outweighed by the benefits of the proposal. The Environment Agency have also objected in terms of the impact upon the additional flood risks in the functional flood plain. The application is recommended for refusal.

8. Recommendation

8.1 REFUSE for the following reasons:

1. The proposed car park and additional hardstanding/grasscrete, fencing, gates and low level lighting is considered to represent inappropriate development within the Green Belt for which no 'very special circumstances' have been demonstrated. Therefore, the change of use of the land would have a detrimental impact upon the openness of the Green Belt that would be contrary to 'Saved' Policy GB1 of the Spelthorne Borough Local Plan 2001 and guidance contained within the National Planning Policy Framework (2018).
2. The proposed use of the land as a car park is a 'less vulnerable' use and as such would not be acceptable within the functional flood zone 3b where only 'water compatible uses' are accepted. This is, therefore, contrary to Policy LO1 of the Council's Core Strategy and Policies DPD 2009.

INFORMATIVES

1. 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 paragraphs 38-46 of the NPPF. This included the following:-

- a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) 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;
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.