

Planning Committee

18 September 2019



Application No.	19/00956/FUL		
Site Address	Land at Northumberland Close, Stanwell		
Applicant	Knowle Green Estates		
Proposal	Erection of a building comprising 8,241 square metres to provide warehousing and distribution/logistics (Class B8) and associated offices together with associated access, loading/uploading, car parking, servicing and landscaping.		
Case Officer	Paul Tomson/Vanya Popova		
Ward	Stanwell North		
Called-in	N/A		
Application Dates	Valid: 18/07/2019	Expiry: 17/10/2019	Target: Within 13 Weeks
Executive Summary	<p>The proposal involves the erection of a warehousing and distribution/logistics building with associated offices, access, loading/unloading service yard, car parking and other associated facilities. The development is to be used for airport cargo in connection with Heathrow Airport.</p> <p>The proposal is similar in size and layout to the previous development which was refused planning permission in 2015 (15/00698/FUL). However, the current proposed building is greater in height and has a slightly larger footprint and floorspace.</p> <p>The site is located within the Green Belt and is mainly free of development. The proposal constitutes '<i>inappropriate development</i>' in the Green Belt and will result in a very substantial loss of openness. It is recognised that the development is to be used for airport cargo and there is a need for such facilities to be sited close to the airport. Indeed, the site has been identified as a potential freight forwarding related warehouse allocation in the recently published Heathrow Airport Expansion Consultation Document June 2019. Whilst this has some weight in favour of the development, on balance it is considered that this, together with the other considerations put forward by the applicant, would not clearly outweigh the harm to the Green Belt, and the other harm it would cause. Consequently, there are no '<i>very special circumstance</i>' to justify the development in the Green Belt.</p>		

	<p>In terms of the 'other harm', the proposal is considered to have an unacceptable, overbearing impact on the amenity of neighbouring residential properties in Cleveland Park and Clare Road (the 2015 planning application was partly refused for this reason). The proposal is also considered to have an unacceptable noise impact on neighbouring properties.</p> <p>Moreover, the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed level of car parking is adequate to accommodate the demand generated by the proposal, which has the potential to result in parking taking into place on the highway that could prejudice highway safety and capacity.</p> <p>The proposed access from the site onto Northumberland Close is not considered suitable to accommodate the volume of Heavy Goods Vehicles (HGVs) that the development will generate.</p> <p>Furthermore, the applicant has failed to demonstrate that the proposal will not have a harmful impact on air quality.</p> <p>This 'other harm' resulting from the proposal, together with the substantial weight given to the harm to the Green Belt by reason of inappropriateness is not clearly outweighed by other considerations and should not be approved.</p>
Recommended Decision	The application is recommended for refusal.

MAIN REPORT

1. Development Plan

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

- LO1 (Flooding)
- EM1 (Employment Development)
- EM2 (Employment Development on Other Land)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN11 (Development and Noise)
- EN13 (Light Pollution)
- EN15 (Development on Land Affected by Contamination)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 It is also considered that the following saved policies in the Spelthorne Borough Local Plan 2001 are relevant to the proposal:

- GB1 (Green Belt)
- BE25 (Areas of High Archaeological Potential)

2. Other Relevant Documents

2.1 In addition to the documents submitted the applicant, the following primary documents or publications are also referred to the report:

- National Planning Policy Framework (NPPF) 2019
- Ove Arup & Partners Ltd (2018)- Spelthorne Borough Council Green Belt assessment (Stage 1) report: methodology and assessment
- Economic Strategy 2017-22 Spelthorne Borough Council
- Department for Transport (2018) - Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England, June
- The Local Planning Authority sought independent advice and review from Oxera Consulting LLP (economic evidence).

3. Relevant Planning History

3.1 The site has the following planning history:

FUL/90/346	Erection of 1,692 sq m (18,212 sq ft) of Class B8 storage and distribution warehousing with ancillary office accommodation, and provision of car and lorry parking.	Approved 19/09/1990
95/00612/OUT	Erection of 17 one bedroom flats, 28 two bedroom flats, 36 three bedroom houses, car parking, access roads, public walks, and open space.	Refused 27/03/1995
14/00511/FUL	Erection of a Class B1 (Business) building with associated parking and landscaping, and construction of access onto Northumberland Close, together with dedication of land fronting Bedford Road as public open space	Withdrawn 08/07/2014
15/00698/FUL	Erection of a Class B1 (Business) building with associated parking and landscaping, and construction of access onto Northumberland Close, together with dedication of land fronting Bedford Road as public open space.	Refused 04/08/2015 Appeal Withdrawn 14/07/2016

3.2 With regard to planning application 15/00698/FUL, this was refused on the 04 August 2015 for the reasons set out below. Whilst the applicant subsequently lodged an appeal to the Planning Inspectorate (to be heard at a hearing), they withdrew their appeal on the 14 July 2016, 12 days before the hearing. The Council won a partial award of costs against the appellant due to the late withdrawal of the appeal. Costs were never received due to the appellant going into liquidation.

15/00698/FUL Reasons for Refusal

1. The proposal constitutes inappropriate development in the Green Belt and it is not considered that very special circumstances of sufficient weight have been advanced by the applicant to override the strong presumption against development. As a result of its inappropriateness the proposals are, by definition, harmful to the Green Belt and contrary to saved policy GB1 of the Spelthorne Borough Local Plan 2001 and does not accord with Central Government Policy guidance as set out in the NPPF.
2. The proposed building would, by reason of its height, bulk, massing and positioning, have an overbearing impact on the residential dwellings to the north east in Cleveland Park, resulting in an unacceptable overbearing visual impact on their amenity in respect of the residential properties to the east in Cleveland Park and numbers 176-222 (even) Clare Road to the west, contrary to policy EN1 of the Core Strategy and Policies DPD, 2009.
3. It has not been demonstrated that the proposed development for B1 use, which is located in an area with high traffic flows being next to Heathrow Airport, is compatible with the surrounding highway infrastructure contrary to policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.
4. The proposed open space has unsatisfactory pedestrian access due to its proximity to the petrol filling station and access way exiting onto one of its vehicular access points, contrary to policy EN1 of the Core Strategy and Policies DPD, 2009.
5. It has not been demonstrated to the satisfaction of the Local Planning Authority, that the proposed development would have an acceptable impact on the habitat and biodiversity of the site including in respect of any bats, badgers and hedgehogs which may be present or use the site, and is therefore contrary to the NPPF and policy EN8 of the Core Strategy and Policies DPD, 2009.

4. Description of Current Proposal

Location and Description of Site

- 4.1 The application relates to an area of open and undeveloped land comprising some 1.8ha (4.44 acres) located on the southern side of Bedfont Road within the northern part of the Borough beyond the Southern Perimeter Road, which comprises part of the southern boundary of the Heathrow Airport complex. The land is predominantly overgrown grassland with trees and shrubs around the boundaries. The site contains an existing gated vehicular access at the southern end of Northumberland Close. The north eastern boundary of the site is adjacent to a number of existing terraced dwellings within a cul-de-sac road named Cleveland Park. Further

residential properties in the form of two-storey semi-detached houses and flats are situated within Clare Road. The rear gardens of these properties back onto the western boundary of the application site. Northumberland Close extends southwards to provide access/egress to the existing industrial units located at the end of Northumberland Close, some of which are airport related businesses such as baggage handling and freight firms. Further to the south (beyond an adjacent area of open land) is Stanwell Fields C of E Primary School.

- 4.2 In terms of planning constraints, the whole site is located within the designated Green Belt and is the only area of undeveloped green land that separates the houses in Stanwell from the industrial estates. A small part on the western side of the site (east of Clare Road) is within an area of High Archaeological Potential (ref. 6012 a10) which relates to rectangular enclosures and ring ditches. The subject site is not within a high risk flood zone, but a culverted main river (Duke of Northumberland's River) runs along the northern boundary on the other side of Bedfont Road, approximately 25 metres away. The Heathrow Noise Exposure Contours pass through the northern part of the site. Furthermore, the site is within a pipeline consultation area. To the east of the site, the land is designated as an Employment Area (Northumberland Close & Long Lane, Stanwell Employment Area).

Proposal

- 4.3 The description of the proposed development is:
- 4.4 *Erection of a building comprising 8,241 square metres to provide warehousing and distribution/logistics (Class B8) and associated offices together with associated access, loading/uploading, car-parking, servicing and landscaping.*
- 4.5 The applicant's Planning Statement accompanying the application has provided information about the nature of the proposed use. The applicant states that the proposal is designed to respond to a market demand to meet cargo needs at the airport. In essence, it would provide warehousing and logistics for Heathrow Airport (LHR). The site is very close to the LHR cargo village and other warehousing and logistics buildings serving LHR.
- 4.6 The proposed plans show the building will be 165 metres long with the warehouse structure measuring 43 metres to its widest point. The proposed warehouse building will comprise of shallow-pitched barrel-vaulted roof running north to south, with strip roof lights, which will have a maximum height of 16.19 metres (up to the roof apex) with the main eaves measuring some 14 metres. The revised plans also show a projecting suspended canopy on the eastern flank elevation above sectional secured shutter doors which allows access for the loading and unloading activities from the HGV lorries. The proposed canopy element will measure 76 metres in length, 4 metres in depth and up to 8.9 metres in height. The proposed attached office block to the front will be on 3 floors and will incorporate a flat roof measuring approximately 13.40 metres in height with a roof top plant enclosure for

screening which would make the office building have a maximum height 15 metres.

- 4.7 In terms of separation distances from adjacent neighbouring properties, the proposed building would be almost 38 metres away from 222 Clare Road's rear elevation and almost 21 metres from the neighbouring rear garden boundaries. In the terms of the relationship with the adjacent properties in Cleveland Park, the closest property (no 28) would be 17.9 metres from the Office building, whereas the warehouse building would set in from the eastern boundary of the Cleveland Park estate by between 6 and 9 metres (4 metres and 7.5 metres from the proposed green wall).
- 4.8 The proposed building will comprise 8.241 square metres of floorspace:-
- Warehouse- 6.072 square metres (ground floor)
 - Glazed atrium – 129 square metres
 - B1 ancillary offices – 680 square metres (on each 3 levels)
- 4.9 The scheme proposes a large area of hardstanding with a single vehicular access via Northumberland Close with a separate pedestrian and cycle access leading to Bedfont Road. A traffic island adjacent to the vehicle entrance has been introduced within the site in order to separate HGVs from cars and cyclists. The access road leads in a westerly direction to a designated car-parking area which is located across the whole western boundary. This includes some disabled car-parking which is allocated at the end of the north-western side (adjacent to the office building).
- 4.10 A total of 58 car parking spaces are proposed for the warehouse and the offices, 3 of which are for disabled parking, 2 of the car parking spaces are provided for electric charging. In addition, it is proposed to provide 50 no. bike spaces. The truck parking and loading areas for lorries will be located on the eastern side with the provision of 10 no. designated parking bays which also will be used for loading and unloading activities.
- 4.11 The external material to be used in the main building comprises metal cladding panels in two colour tones running horizontally and vertically. Internally, the proposed building would incorporate an area allocated to drivers and staff welfare, and associated office space on three levels (3 storey office-block) which will be separated from the main warehouse building by a glazed atrium. The application also makes provision for a green wall on the eastern elevation which would contain planting. The steel mesh screen would stand adjacent the building's façade with a height of 8 metres and would be used as a screening tool to the nearby residential dwellings. In addition soft landscaping is proposed along the site's boundaries including a tree scheme. According to the Tree Planting Strategy, only one existing tree is to be retained along the northern boundary.
- 4.12 It is relevant to note that there is a previous planning application for this site (ref. 15/00698/FUL) for the erection a large Class B1 building together with associated parking, landscaping and construction of access onto Northumberland Close, together with the dedication of land fronting Bedfont Road as Public Open Space. The rectangular building measured

136.7metres in length and was 45 metres wide with a maximum height of 10.4 metres and sloped to a lower point of 8 metres. It also relevant to note that the previously refused building was set in 14 metres from no 222 Clare Road's rear boundary and 33 metres from the property's rear elevation. The nearest part of the proposed building in Cleveland Park was 10 metres away from the boundary with the nearest dwelling, no. 28 Cleveland Park and, 13 metres away from the wall of the house. This was refused planning permission on the 04/08/2015. The subsequent appeal was withdrawn by the appellants on the 14/07/2016.

5. Consultations

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

Consultee	Comment
County Highway Authority	Has raised an objection on highway safety and to the proposed level of parking provision within the site.
Highways England (HE)	Has raised a number of queries regarding the Transport Assessment. Without a full understanding of the potential impacts of the development, there is insufficient information for the HE to be satisfied that the proposals will not materially affect the safety, reliability and/or operation of the Strategic Road Network. They formally request that Spelthorne refrains from determining this application, (other than refusal) until such time as the HE has received and considered all the requested information. (Officer note: this has been referred to the applicant and a revised Transport Assessment has been considered by the HE. Any updates will be presented verbally at the meeting).
Lead Local Flood Authority (Surrey County Council)	After re-consultation, no objections. Conditions and informatives have been recommended.
Environment Agency	No objection. Recommends an informative.
Heathrow Airport (BAA)	Requires the submission of a Bird Hazard Management Plan. This is required from an aerodrome safeguarding perspective. They also make comments relating to cranes and wind turbines.
British Pipeline Agency (BPA)	No objection, the BPA advise the applicant should contact them prior to any work commences.

National Grid	No objection.
Germans (Oil Pipelines)	No comments have been received. Any updates will be reported verbally.
County Archaeology	No objection subject to an archaeological condition requiring a programme of archaeological work to be carried out before development commences.
Crime Prevention Officer	No objections.
London Borough of Hillingdon	No comments have been received. Any updates will be reported verbally.
London Borough of Hounslow	Does not wish to comment.
Natural England	No comment to make as the proposal is unlikely to affect any designated sites.
Environmental Health (Pollution)	Raised an objection on air quality grounds.
Environmental Health (Contamination)	No objections on contamination grounds. Subjects to pre-commencement conditions.
Environmental Health (Noise)	Raised serious concerns regarding the noise impact that the development would have on the nearby residential properties. Unsatisfied with the proposed noise mitigation measures.
Sustainability Officer	No objections. The renewable requirements will be met (Air Source Heat Pump).
Spelthorne Committee for Access Now (SCAN)	No comments have been received.
Surrey Wildlife Trust	No objection.
Tree Officer	Raised concerns regarding the proposed planting areas as the trees are not large enough to facilitate adequate screening and also concerned regarding the proposed green wall for screening as there are not always successful.
Thames Water	No objections, recommends informatives.

6. Public Consultation

- 6.1 62 properties were notified of the planning application. 3 no statutory site notices were displayed at 3 separate locations around the site and the application was advertised in the local press. A total of 41 representations have been received including 1 petition with 298 signatures and 2 no letters of objection by Cllr John Doran and Cllr Sue Doran. In addition, one of the

letters of objection has been received by a neighbouring property which contains a "Planning Application Evaluation Report" prepared by a planning consultant.

- 6.2 The Council has also received a letter of objection from a planning consultant submitted on behalf of the Airport Industrial Property Unit Trust ('AIPUT') which owns the air cargo warehouse and logistics located to the east of Northumberland Close including Cargo Point and Dnata City. As part of the objection, a technical assessment of the highways impacts was submitted by a Transport Consultant raising a number of highway concerns.

Reasons for objecting include:-

- The building is too tall and bulky
- Larger footprint
- Over-bearing
- Loss of sunlight and daylight especially during winter time
- Loss of privacy
- Over-looking
- Highways implications
- Impact on the parking provision along Cleveland Park and Clare Road
- Outlook/ugly structure
- Impact on the wildlife
- There are already enough warehouses available to serve the airport
- Additional vehicle movements within the area
- Close proximately to habitable rooms
- What has changed since the previous refusal?
- Insufficient parking provision
- Impact on the market value
- Traffic congestion especially after Heathrow's expansion
- Increased noise and disturbance levels by lorries coming in and going/manoeuvring and noise generated by the 24 hour shift workers
- A High Pressure Pipeline passes within the site
- Too close to the residential properties
- Green Belt
- Air pollution
- Loss of open space
- Previously refused scheme proposed a small park area, whereas the current proposal is now proposing a "Green Wall" instead.
- Loss of view
- Inappropriate development
- Noise and disturbance during the construction period
- Impact on the health and well-being
- Light pollution
- Light disturbance during night
- The previous scheme (ref. 15/00698/FUL) was refused by the Council and previous reasons for refusal still stand
- The current proposal is closer to the properties along Clare Road
- The Green Belt land should be protected
- The loss of trees and vegetation
- Surrounding roads are already in bad condition
- Insufficient landscaping
- Poor road conditions

- Incorrect transport assessment
- Overshadowing
- The increase of truck movements
- Very special circumstances have not been demonstrated
- Out of proportion
- Would not this site be put to better use such as much needed affordable rented housing?
- Not enough time to review all the documentation
- The current application does not specify the exact operation hours
- Number of errors, inconsistencies, false claims and inappropriate conclusions in some of the submitted documentation
- Dust generated
- lack of public transport
- No consideration for the local community

7. Planning Issues

- Green Belt
- Impact on neighbouring properties
- Design and appearance
- Highway issues/parking
- Noise
- Air Quality
- Flooding
- Biodiversity
- External Lighting

8. Planning Considerations

Background

8.1 As referred to above, a similar proposal was refused planning permission in 2015 for a number of reasons. The applicant appealed against this decision but the appeal was withdrawn by the appellant shortly before the hearing. This refusal of planning permission is a material consideration in the assessment of the current proposal. In terms of the size of the development and the nature of the use, the table (Table 1) below gives a comparison between the two schemes:-

	2015 Refused Scheme	Current Proposal
Footprint	6324sq metres	6910sq metres
Floorspace	7191sq metres	8241sq metres
Maximum Height	10.4 metres	16.19 metres
Height to the Eaves	8 metres	14 metres

Distances from the building to boundary	Cleveland Park- 10 metres Clare Road- 14 metres	Cleveland Park- 17.9 metres from the Office structure, 4-7.5 metres from the proposed green wall Clare Road- 21 metres
Length	136.5 metres	165 metres
Use	B1- with facilities for alternative B8 use if required in the future	B8 – cargo warehouse with ancillary B1 offices
Hours of Operation	12 hours a day from 7:30am	The facility will operate on a 24 hour basis with some vehicle movements to and from the site taking place during the night.
Proposed parking	84 car parking spaces, 16 lorry bay parking spaces with 36 bicycle spaces	58 car parking spaces are proposed for the warehouse and the offices, 50 no. bike spaces and 10 no. designated lorry parking bays

Table 1: Comparison between the previously refused scheme and the current scheme

Green Belt

- 8.2 The whole site lies within the Green Belt. Section 13 of the NPPF sets out the Government's policy with regard to protecting Green Belt land. It states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The policy is similarly reflected in the Council's Saved Local Plan Policy GB1.
- 8.3 Paragraph 134 of the National Planning Policy Framework (NPPF) (2019) sets out the five purposes of the Green Belt:-
- To check the unrestricted sprawl of large built-up area;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.4 The Council's Saved Local Plan Policy GB1 is similar to the Green Belt policy set out in the NPPF, but it should be noted that policy GB1 was saved from the 2001 Local Plan and therefore pre-dated the current NPPF. Although there is a degree of consistency with the NPPF, policy GB1 does

not allow for any development unless it is one of a number of acceptable uses set out in the policy and also maintains the openness of the Green Belt. This differs from the more recent and more up to date national policy which allows exceptions to this when the identified harm to the Green Belt is clearly outweighed by other considerations that constitute very special circumstances. Because of this inconsistency with the NPPF, the impact of the development on the Green Belt should be considered primarily against the policies of the NPPF.

- 8.5 With regards to the current and future extent of the Green Belt, paragraphs 136-137 of the NPPF stipulate that once Green Belt boundaries have been established they should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. As part of the preparation of a new Local Plan, Ove Arup & Partners Ltd (Arup) were appointed by Spelthorne Borough Council in 2017 to undertake a Stage 1 Green Belt Assessment (GBA) to assess and confirm whether the Spelthorne Green Belt meets the purposes as defined in the NPPF. The NPPF was revised in 2019 but the GBA is still considered relevant. The GBA does not, in itself, determine whether Green Belt land should be released or explore the potential suitability of areas of Green Belt for development, however, it does provide evidence of the performance of the Green Belt against the five purposes above and recommends areas that would warrant further consideration by the Council as part of the process of preparing a new local plan.
- 8.6 The GBA identified two tiers of land parcels: Strategic Green Belt Areas ('Strategic Areas') and Local Green Belt Areas ('Local Areas'). The assessment divided Spelthorne into two strategic areas that were consistent with the areas adopted by Elmbridge Borough Council for its GBA. The application site lies within 'Strategic Area B' which is described in paragraph 4.3.1 of the GBA as "a band of Green Belt maintaining separation between a number of settlements including Ashford / Sunbury-on-Thames / Stanwell, Staines-upon-Thames / Shepperton / Walton-on-Thames, and Chertsey, Addlestone, and Egham." In its conclusion (section 7), the assessment affirms that this area "plays an important role in meeting the fundamental aim of the Green Belt through preventing sprawl from settlements in Surrey by keeping land permanently open".
- 8.7 The GBA then divided the Green Belt into smaller parcels with defining features such as motorways, A and B roads, railway lines, rivers, brooks and reservoirs as their boundaries for the purpose of the assessment, however it is important to note that the Green Belt is often perceived as a much larger or continuous area. The application site is situated within Local Area 5 shown in Figure 1.
- 8.8 In the assessment, Local Area 5 was identified as a weakly performing against the Green Belt purposes. The GBA does not on its own decide if a piece of land is to be retained or removed from the Green Belt, as this can only be done through the Local Plan process. The current programme for the new local plan anticipates that the adoption will be in the second half of 2021.
- 8.9 This current application has to be determined on the basis that the site falls within the approved Green Belt. Any application on Green Belt land must be assessed against national and local Green Belt policy including the five

purposes of the Green Belt, and whether the development is appropriate or inappropriate within the Green Belt. If it is inappropriate, which is, by definition harmful to the Green Belt, the NPPF states at para 143 that it should not be approved except in very special circumstances. The NPPF also advises at para 144 that when considering any planning application, Local Planning Authorities (LPAs) “*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*”.

- 8.10 It is relevant to note that the owner of the site objected to the Spelthorne Borough Local Plan, Replacement Plan on the basis that the site should be released from the Green Belt. The Inspector, in his report (July 1998) concluded that the site is open and a linkage, albeit tenuous, with a larger area of Green Belt purpose of checking the unrestricted sprawl of the large built up area of London and preventing neighbouring towns from merging into one another, by maintaining the separate identity of Stanwell and keeping it separate from the development around Northumberland Close. Keeping the land open and undeveloped will also encourage the recycling of derelict and other urban land, which is a further Green Belt purpose. In the circumstances, it was considered that the site should remain in the Green Belt.

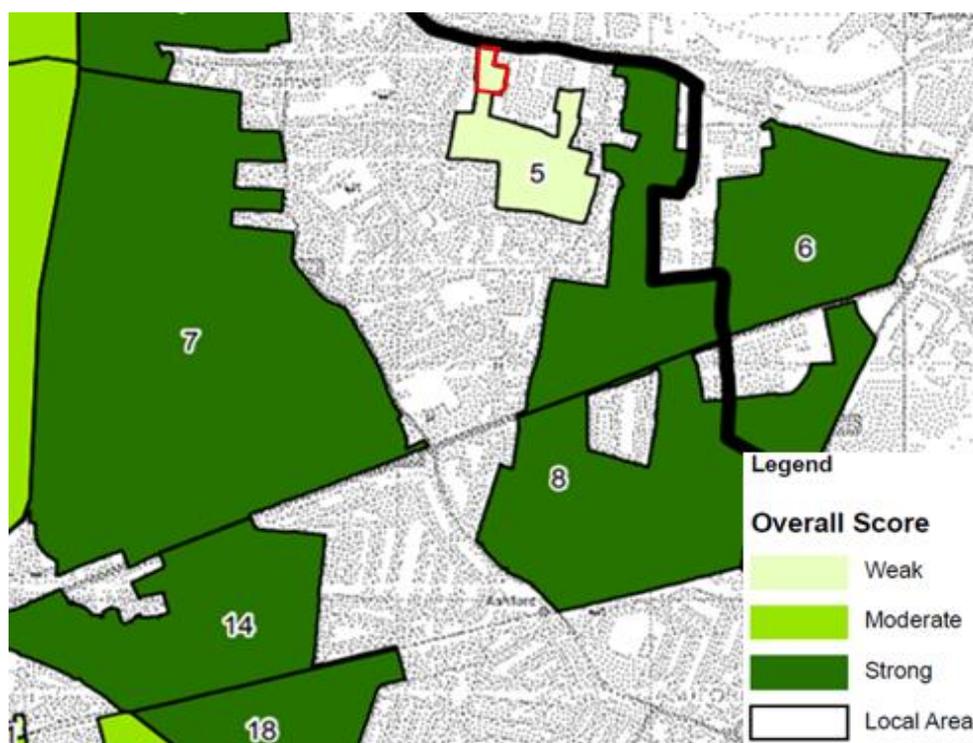


Figure 1: Excerpt from 'Map 5.5 Overall Assessment Scores' from Spelthorne Green Belt Assessment by ARUP (2018). Application site added in red.

Inappropriate Development

- 8.11 Paragraph 145 of the National Planning Policy Framework (the NPPF) 2019 states that Local Planning Authorities (LPAs) should consider the construction of new buildings as inappropriate in the Green Belt with the following exceptions:

- Buildings for agriculture and forestry;
- The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes including land within it;
- The extension or alteration of a building provided that it does not result disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is the same use and not materially larger than the one it replaces;
- Limited infilling in villages;
- Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt, where it would re-use previously developed land and contribute to an identified affordable housing need within the area of the local planning authority.

8.12 Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are identified in para 146:-

- Mineral extraction
- Engineering operations;
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought under a Community Right to Build Order or Neighbourhood Development Order

8.13 The erection of a Class B8 building is not one of the appropriate developments identified above and it is, therefore clearly inappropriate development which is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. The proposal must, therefore, be assessed in accordance with the requirements in the NPPF.

8.14 Spelthorne's saved policy GB1 of the Borough Local Plan 2001 replicates the fundamental principle in paragraphs 144-146 of the NPPF. Whilst the current Local Plan pre-dates the publication of the NPPF (2019), Policy GB1 is considered to be consistent with section 13 of the NPPF and should therefore be afforded full weight.

Green Belt openness

- 8.15 Paragraph 145 of the NPPF 2019 still requires there to be an assessment of the impact on the openness of the Green Belt and the purposes of including land within it. The essential characteristics of Green Belt land is its openness and its permanence. These characteristics serve all five purposes of the Green Belt (defined in section 8.3 above) against which the proposed development will be assessed.
- 8.16 Whilst it is noted that the openness is not defined in the NPPF, is however commonly taken to be the absence of built development. It is acknowledged that there is an important distinction between openness as being the absence of buildings and openness as being the absence of visual impact, however, the visual impact is also an intrinsic part of the assessment of a development against the five purposes of the Green Belt and the two meanings cannot therefore be completely separate. A development may be acceptable in terms of its visual impact on the surrounding landscape but still be unacceptable spatially as it would be contrary to the essential and enduring function of government policy for the Green Belt in keeping land free from development. For example, using landscaping to screen proposed development may in theory have an acceptable impact in landscape terms but still be harmful in terms of the visual dimension of openness of the Green Belt.
- 8.17 The proposal will result in a very substantial loss of openness of the Green Belt. This piece of land is essentially free of development and laid with vegetation. The proposal involves the erection of a building comprising 8.241 square metres together with a large area of hardstanding (roadway, parking areas with parked cars and HGV's vehicles) and fences which will clearly diminish the openness of the Green Belt and create a much more built-up appearance.
- 8.18 Taking into account the amount of development, it is considered that the existing openness of the Green Belt will be very substantially harmed both visually and spatially, particularly in the east and west part of the site when viewed from neighbouring properties. The essential character of the Green Belt is its openness. The development of the site as proposed will fundamentally change the characteristics of this site away from open to intensely developed. The loss of openness weighs heavily against the merits of the scheme. This is in addition to the substantial harm caused by the inappropriateness of the development.

Assessment of Harm

- 8.19 As quoted above, paragraph 134 of the NPPF sets out that the Green Belt serves five purposes against which proposed development within the Green Belt should be assessed.
- 8.20 Whilst it is noted that the proposal will not conflict with the three of the five purposes (*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 and to prevent neighbouring town merging into one*

another), the proposal will however lead to harm to two of the Green Belt purposes.

- 8.21 The proposed development is considered to create unrestricted urban sprawl of large built-up areas leading to the coalescence of urban areas into one continuance and urban entity, as such conflicting with the first of the five purposes set out in paragraph 134 of the NPPF. There is currently a clear boundary between the residential area of Stanwell marked by the end of the rear gardens of the dwellings in Clare Road, and the existing industrial area to south and east of the application site. The proposed warehouse and distribution/logistics development will erode this boundary and create urban sprawl.
- 8.22 Moreover, the proposed development will be erected on land currently free of development and is considered to cause encroachment into the countryside. It therefore fails to comply with the third of the five purposes of the Green Belt ('to assist in safeguarding the countryside from encroachment').
- 8.23 The NPPF states the inappropriate development should not be approved except in 'very special circumstances', which would not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations. The applicant has put forward some considerations in their 'Very Special Circumstances Statement', which they consider justifies the development in the Green Belt. These considerations are summarised towards the end of this report under the Section 'Other Considerations'.

Impact on Neighbouring Residential Properties

- 8.24 Policy EN1b of the Core Strategy and Policies DPD 2009 (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."*
- 8.25 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) provides further details for the policies of the CS & P DPD. Whilst the SPD relates to residential development and is not directly relevant to new commercial developments, it does provide useful guidance regarding impact of new buildings and their relationship with neighbouring dwellings.
- 8.26 As indicated earlier, one of the reasons which the previous scheme was refused was: *"The proposed building would, by reason of its height, bulk, massing and positioning, have an overbearing impact on the residential dwellings to the north east in Cleveland Park, resulting in an unacceptable overbearing visual impact on their amenity in respect of the residential properties to the east in Cleveland Park and numbers 176-222 (even) Clare Road to the west, contrary to policy EN1 of the Core Strategy and Policies DPD, 2009"*.
- 8.27 The site is adjacent to existing residential properties on the western side (Clare Road) and to the north east (Cleveland Park). The proposed building will be almost 38 metres away from the 222 Clare Road's rear elevation which is the nearest dwelling and some 21 metres from the neighbouring

rear boundaries. The proposed building at this point slopes to a lower height of 14 metres at the eaves. The overall height is 16.19 metres (roof apex). The proposed development on its western elevation presents a continuous wall of development of 164 metres.

- 8.28 It is relevant to note that the previously refused scheme proposed a building which was 14 metres away from the closest garden (no 222 Clare Garden) and was 33 metres away from the rear elevation. In height terms, the previously refused B1 building was with a maximum height of 10.6 metres (eastern side) to a lower height of 8 metres (western side).
- 8.29 Whilst it is noted that the proposal would be further set in from the adjacent residential properties along Clare Road compared to the refused scheme, the proposed building would be greater in height. The proposed development would still present a continuous mass of the 164 metre western elevation and due to its height, form and bulk would appear visually obtrusive and dominating, particularly for the neighbouring occupiers when using their gardens. Whilst some degree of screening has been proposed by the applicant in the form of tree planting, the Council's Tree Officer is of a view that the proposed trees along the western side would not be large enough to facilitate adequate screening.
- 8.30 The proposed building would run across the western boundary of Cleveland Park. With regards to the relationship with the properties on the north-eastern side of the proposal (Cleveland Park), the nearest part of the proposed building (office) to the nearest property (no 28 Cleveland Park) would be 17.9 metres. The building at this point would be 13.40 metres high and would have a similar height to a four storey residential development. The warehouse building would be set between 6 and 9 metres (4 metres and 7.5 metres from the proposed green wall) from the boundary which is adjacent to the Estate's car-parking area.
- 8.31 The previously refused scheme proposed a provision of a dedicated parcel of land as a Public Open Space which was located adjacent to no 28 Cleveland Park's flank elevation. The refused building was set in 10 metres from the boundary and 13 metres from the closest property.
- 8.32 Given the size, width and height of the proposed building and its distance from the terraced properties in Cleveland Park (which back onto Bedfont Road), it is considered that the proposal would also result in an extensive mass of building form which would create an overbearing and detrimental impact on the occupiers of these residential properties, significantly diminishing their outlook, contrary to Policy EN1.
- 8.33 According to the submitted Noise Assessment, a 6 metre high acoustic fence has been suggested along the southern boundary of Cleveland Park as a mitigation measure. Whilst the 6.0 metres high fence is not shown on the proposed plans, this would not be an acceptable solution as it would create a further over-bearing impact and 'boxing-in' effect on the amenity of the neighbouring properties.
- 8.34 The applicant has submitted a Daylight/ Sunlight & Overshadowing Analysis. The analysis concludes that the properties along Cleveland Park and Clare Road will still continue to receive adequate daylight/ sunlight and as such no further analysis is necessary.

- 8.35 In terms of overshadowing, the analysis confirms that the proposal would accord with the BRE guidance 2011, except for some level of overshadowing around 5.00pm for several rear gardens in Clare Road. Based on the accompanying daylight/sunlight assessment and overshadowing analysis, it is not considered that a refusal could be justified on significant loss of light or overshadowing, despite the objections raised on these grounds. It is also relevant to note that the previous scheme was not refused on these grounds.

Design and Appearance

- 8.36 Policy EN1a of the CS & P DPD states that:

“The Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”

- 8.37 The surrounding area comprises a mixture of building types including residential two storey properties (to the west and north east of the site), existing industrial units along Northumberland Close with buildings of varying heights. The design of the building and the indicative facing materials provide a modern and high quality style of development that would not be detrimental to the character and appearance of the surrounding area. The proposal would have a similar appearance in terms of scale and style to the nearest existing industrial units located at the end of Northumberland Close.

- 8.38 It is considered that the proposed design and appearance will be in keeping with the character of the surrounding area and complies with the requirements of Policy EN1 (a).

Highways

- 8.39 Policy CC2 of the CS & P DPD states that:

“The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.

- 8.40 The submission of a Transport Assessment as part of the application should aim to provide a robust assessment of transport and highways implications of the proposed development, focussing on three key transport tests set out in paragraph 108 of the NPPF including:-

- a) *Appropriate opportunities to promote sustainable transport modes can be – or have been taken up, given the type of development and its location*

- b) *Safe and sustainable access to the site can be achieved for all users; and*
- c) *Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree*

- 8.41 The applicant has submitted a Transport Assessment and Revised Transport Assessment including Traffic Management Plan which has been considered by the County Highway Authority (CHA). This assessment confirms that the access will be provided via the southern side of the site on the Northumberland Close using the location of the existing gated access to the land. This gated access would provide access to the staff, and cycle parking area and would also provide access for heavy vehicle loading and unloading, turning and parking. The Transport Assessment and Design and Access Statement indicate that the proposed development would provide 58 car parking spaces to serve both the office use and the warehouse space, 3 of which are for disabled parking. In addition, it is proposed to provide 50 no. bike spaces and 2 no. electric vehicle charging (EVC) bays. The truck parking and loading areas for lorries will be located on the eastern side with the provision of 10 no. designated parking bays which will also be used for loading and unloading activities.
- 8.42 The applicant considers that the proposed development traffic is predicted to have limited impact upon the peak hour operation of the junction, which is also predicted to operate well within capacity up to 2024. In addition, further swept-path analyses have confirmed that a large articulated vehicle can exit the site, allowing the control barrier to close behind the vehicle. A waiting vehicle stopped at the line with Northumberland Close would allow a large articulated vehicle to enter the site.
- 8.43 Drawing number 19034-01007 Rev B demonstrates a scenario where a HGV is leaving the site at the same time as one arriving. The CHA considers this to be a likely scenario. The drawing demonstrates that it would be possible for two vehicles to pass, but the CHA has some concerns with the manoeuvring. A vehicle departing the site is required to stop immediately after the exit barrier, something a drivers is, in reality, unlikely to be able to achieve given the distance from the cab to the back of an articulated vehicle. In addition the vehicle entering the site is required to carried out a 90 degree turn which in practice might be difficult to achieve, and is required to overhang/ overrun the narrow footways on Northumberland Close. The impact of two vehicles being unable to pass on Northumberland Close is both inconvenient to all users, and a safety concern as the vehicle approaching the site would need to reverse on the highway.
- 8.44 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate parking provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 8.45 Spelthorne Borough Council's Parking Standards recommends office space is provided with one space per 35sq metres of floor space. Surrey County Council's Parking Standards recommend office space parking provision levels should account for location and accessibility by alternatives modes.

Given the out-of-town location of the site, a parking provision of at least one space per 50sq metres is considered reasonable from Surrey County Council (SCC).

- 8.46 The Spelthorne Guidance does not have a standard specifically for B8 distribution uses, with the closest use to the proposed development being 'Warehouses (Use Class B8) – Buildings Used Solely for Storage'. This requires 1 spaces per 100sq metres. SCC's Parking Guidance has a more applicable use class standard which is 1 car space per 70sq metres for 'Warehouse- distribution'. In the light with these guidance documents, Figure 2 shows the parking provision would be the recommended maximums:-

	CHA	SBC
Office	49	70
Warehouse	87	61 (closest applicable standard)
Total	136	131
Shortfall proposed	78	73

Figure 2 Comparison between the parking standards of CHA and SBC

- 8.47 Both sets of parking standards allow for reduced provision where good options for sustainable travel are available. The CHA has reviewed the options for sustainable travel to the site and considers that these are insufficient to justify such a significant shortfall against these standards. The closest rail station is Heathrow Terminal 4, which is served by the Piccadilly Lane operated by Transport for London. This is over two kilometres from the application site, and the pedestrian route is convoluted and not provided with continuous footways. The CHA considers that it is unlikely employees of the site would use this as their primary travel mode.
- 8.48 Bus stops on Clare Road provide the only option for sustainable travel to the site. There is a frequent bus service between Staines and Hounslow, and an hourly service between Walton and Heathrow. The CHA considers that these services are likely to be a good travel option for those living broadly on the routes of these services. However, the CHA has considered estimated journey times from a range of local and regional destinations and it appears public transport journeys that require connections are likely to take significantly longer than car journeys. As a result, it is likely most employees with access to a vehicle would opt to drive to work.
- 8.49 The proposal includes 50 cycle parking spaces, which is sufficient to meet the cycle parking standards set out by the CHA and SBC. However, cycle infrastructure in the vicinity of the site is poor and would unlikely encourage employees to cycle to work. No off-carriageway or on-carriageway cycle lanes are provided, on Bedfont Road, and to the east of the site cyclists would likely be confronted by a relatively high volume of HGV traffic, conditions that are likely to discourage cyclists.
- 8.50 The impact of a significant shortfall of parking has been assessed by the CHA. Parking restrictions are in place on Northumberland Close and Bedfont Road, which may discourage parking in locations that could cause a

highway safety concern. However, the closest available unrestricted on-street parking areas are well beyond the walking distance people tend to be content to walk from their vehicle. In any case, these locations are already well used by others for parking, and spaces may not be available. The result of this would be that employees and visitors to the site would be likely to opt to park on Northumberland Close and Bedfont Road, contrary to the existing parking restrictions and prejudicial to the safety and free-flow of traffic on the highway. In addition, it is further considered that the lack of sufficient parking space on site would encourage employees and visitors to park in the Cleveland Park which is a car-park solely used by the residents.

- 8.51 The CHA raises an objection to the proposed scheme on highway safety grounds and to the proposed level of parking provision within the site.
- 8.52 As a consequence, it is considered that the applicant has not demonstrated that the proposed development, which is located in an area with high traffic flows being next to Heathrow Airport and adjacent to other industrial sites, is compatible with the surrounding highway infrastructure. The proposal is, therefore, contrary to policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

Noise

- 8.53 Policy EN11 of the CS & P DPD states that the Council will seek to minimise the adverse impact of noise by requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level.
- 8.54 The applicant has not provided any details of the proposed hours of operation in the application form. However, due to the nature of the use (airport cargo), it is understood the facility will operate on a 24 hour basis with vehicle movements to and from the site taking place during the night.
- 8.55 The applicant has submitted a Noise Assessment. The Noise Assessment states that the main sources of noise associated with the development will be from vehicle movements from the staff car park to the west of the new building (affecting the residential properties in Clare Road) and from the service yard to the east of the building (affecting the dwellings in Cleveland Park). The Noise Assessment concludes that without suitable mitigation measures put in place, the noise associated with the proposed vehicle movements is expected to have an '*adverse impact on health and quality of life*' on both sets of residents. In order to mitigate against this substantial harm, the Noise Assessment recommends the installation of acoustic fencing along the boundaries of the site. With regard to the properties in Clare Road, it is recommended that an acoustic fence of no less than 3.5 metres in height is installed along the entire length of the western boundary, and approximately 5 metres along the southern boundary. With regard to Cleveland Park, the Noise Assessment recommends that a 6 metre high acoustic fence is installed along the southern boundary of Cleveland Park (adjacent to the new service yard) and approximately 5 metres along the Northumberland Close road frontage.

- 8.56 Neither the 3.5 metre high or 6.0 metre high acoustic fences are shown on the proposed plans and elevations (nor are they referred to in the proposed description), although they do require planning permission due to their respective heights. The applicant's Design and Access Statement, and Planning Statement, do refer to the issue of noise and state that mitigation measures in the form of acoustic fencing will be necessary to prevent harm to neighbouring properties. Indicative plans showing the location of the acoustic fencing is shown in both the Noise Assessment and the Design and Access Statement.
- 8.57 Although the proposed acoustic fencing will reduce the impact of noise, it is considered that this is not an acceptable solution. The scale of the fencing, particularly the proposed 6 metre high fencing adjacent to Cleveland Park, would be unacceptable on design grounds. The 6 metre high fencing in combination with the 8 metre high warehouse flank elevation (stepping up to 14 metres) would have an unacceptable overbearing impact on the amenity of the neighbouring properties. Moreover, the fencing would be visually obtrusive and appear out of character when viewed in the residential setting of Cleveland Park. In any case, the Council's Environmental Health Officer has assessed the Noise Assessment and considers that even if the acoustic fences were to be installed, they would not be sufficient to reduce noise to an acceptable level. The officer states that no reference has been made to additional types of noise, for example, operatives slamming doors, vehicles reversing alarms, and banging noise associated with warehouse work. It is therefore considered that the proposal will have a harmful noise impact on the neighbouring residential properties, contrary to Policy EN11 of the CS & P DPD.
- 8.58 It is relevant to note the 2015 planning application was not refused on noise grounds. However, that proposal was for a different type of use and the hours of operation were from 07.30 – 19.30 hours with no HGV movements during the night, whilst the proposed use will operate on a 24 hour basis.

Air Quality

- 8.59 Policy EN3 of the CS & P DPD states that the Council will seek to improve the air quality of the Borough and minimise harm from poor air quality by refusing development where the adverse effects on air quality are of a significant scale, either individually or in combination with other proposals, and which are not outweighed by other considerations or effects and cannot be appropriately and effectively mitigated.
- 8.60 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 for a scheme of this size. Whilst the Council's Pollution Control Officer was consulted, she rejected this particular AQA because it was based on incorrect traffic flow data (the County Highway Authority also considered the traffic data to be incorrect). A revised AQA was subsequently submitted by the applicant.
- 8.61 The Pollution Control Officer has assessed the revised AQA. She recommends that consideration should be given to the refusal of the planning application on air quality grounds, as the applicant has failed to provide an appropriate air quality assessment to allow the impacts to be properly assessed. She sets out a number of errors in the application:

- A total of 56 car parking spaces are proposed for staff with 2 electric vehicle bays, representing 3% of spaces at opening, with 10% future provision. This does not align with the SCC [Surrey County Council], January 2018, Vehicular and Cycle Parking Guidance document. 10% of available spaces should be fitted with a fast charge socket with a further 10% of available spaces to be provided with power supply to provide additional future charging as demand grows;
- The assessment has not taken the Council's background AQ [Air Quality] monitoring into consideration and incorrect Defra background concentration mapping appears to have been used;
- The assessment has not included 2018 AQ monitoring results;
- The assessment has not included 2019 AQ monitoring results for the new diffusion tube, SP63, outside the application site on Northumberland Close; and
- The model substantially under-predicted road NOx [Nitrous oxides] contributions at nearby SP19 [diffusion tube] and verification is skewed to SP31 A30 London Road [diffusion tube] which is not representative of the application site.

8.62 In view of the inadequate AQA and the comments from the Pollution Control Officer, it is recommended that the planning application is refused on air quality grounds.

Flooding

8.63 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by requiring all development proposals within Zones 2, 3a and 3b and development outside these areas (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).

8.64 The application site is located in Flood Zone 1, which has a low probability with less than 1 in 100 year chance of flooding. The applicant has submitted a FRA, which includes details of a sustainable drainage scheme (SuDS).

8.65 The Environment Agency was consulted on the planning application and has responded by raising no objection on flooding. Furthermore, the Lead Local Flood Authority (Surrey County Council) has responded by raising no objection to the proposed sustainable drainage scheme, subject to the imposition of conditions. The proposal is therefore considered acceptable on flooding grounds and meets the requirements of Policy LO1.

Biodiversity

8.66 Policy EN8 of the CS & P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that

new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that "*it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*" The NPPF states that "*If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*"

- 8.67 The site is essentially free of development and comprises a number of trees and other vegetation. The applicant has submitted a Preliminary Ecological Appraisal dated June 2019 with regard to possible protected species on the site and recommended ecological measures. The applicant has also submitted a Reptile Survey dated July 2019 (the Appraisal recommended a reptile survey to be carried out, particularly as reptiles are protected species). The reptile survey concludes by stating that no reptiles were recorded at the time and it is not necessary to carry out further surveys in relation to protected species.
- 8.68 The Surrey Wildlife Trust was consulted on the application and has responded by raising no objection on biodiversity grounds. Subject to the mitigation and enhancement measures being carried out, which could be controlled by condition. The impact on ecology is considered acceptable.

External Lighting

- 8.69 The applicant has submitted an 'Obtrusive Lighting Statement', which assesses the impact of external lighting on the surrounding area. The report makes recommendations to minimise light spill. This includes, for example, lighting columns having a maximum height of 8 metres and the installation of luminaire shields. The location of the indicative lighting columns is shown on the proposed plans. The Council's Environmental Health Officer was consulted and has responded by raising no objection subject to the imposition of a condition requiring the submission of a full external lighting scheme to be agreed with the Local Planning Authority. Accordingly, the impact of external lighting is considered acceptable.

Other Considerations

- 8.70 The applicant has identified 7 material considerations in their '*Very Special Circumstances Statement*' to justify the proposed development on this site, which they believe individually and cumulatively comprise very special circumstances:
- i) ***VSC1: The Airports National Policy Statement (ANPS) 2018.***
 - ii) ***VSC2: The need to expand the Heathrow 'Hub' for cargo.***
 - iii) ***VSC3: Market trends in growth of cargo and logistics.***

- iv) **VSC4: The importance of Heathrow to:**
 - a) **The international/world stage**
 - b) **The UK economy**
 - c) **The SE and London economy**
- v) **VSC5: The strategic co-location of the site with Heathrow**
- vi) **VSC6: The contribution of the site to Employment Land Objectives in Spelthorne.**
- vii) **VSC7: The potential to remove the site from the Green Belt.**

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

i) The Airports National Policy Statement (ANPS) 2018

8.72 The Government has published its Airport National Policy Statement (ANPS) 2018. The ANPS sets out the Government’s policy on the need for new airport capacity in the South East of England and provides the principal planning policy to be applied in determining Heathrow’s application for a third runway.

8.73 The applicant sets out the key principles of the proposed Heathrow expansion masterplan, which is set out in the ANPS, to include a new runway to increase passenger capacity and significant associated infrastructure and surface access facilities.

8.74 Furthermore, the applicant states that following the confirmation of the ANPS, a Development Consent Order (DCO) is to be prepared following further consultation and then submitted to the Planning Inspectorate for consideration. The submission of the DCO is expected in 2020. The ANPS and Masterplan in combination, therefore set out the need for additional expansion at Heathrow, and as part of this, the requirement to ‘step up’ cargo and logistics as a critical service. As part of this, the Masterplan outlines the application site as contributing to this expansion and fulfilling a role for employment/logistics use aligned with the airport.

Response

8.75 It is recognised that the Government has published its ANPS which sets out the need to expand airport capacity, and that Heathrow Airport has recently published its proposed Masterplan which is now open to consultation. However, it is considered that the applicant’s attempt at this stage to link the proposed warehouse development at Northumberland Close with the proposed Heathrow expansion is premature and without sufficient evidence. The Development Consent Order for the Heathrow expansion plans has not been submitted and consequently there is no consent in place for it.

Moreover, there are a number of outstanding legal challenges which could delay the proposals. The most recent Masterplan does show the Northumberland Close site (and other land within this part of Stanwell) within the red line boundary of the proposed Heathrow expansion development. Whilst this indicates that the site is closely linked to the overall expansion of Heathrow, it is considered that the proposed warehouse development should be submitted as part of the overall Development Consent Order application, and not as a stand-alone planning application at this early stage. Even if the Development Consent Order does subsequently get approval, it may be many years before the new runway becomes operational and cargo flights increase. Consequently, it is considered that only limited weight should be afforded to this particular consideration.

ii) The need to expand the Heathrow 'Hub' for cargo

- 8.76 The submitted 'Very Special Circumstances Statement' refers to the need to expand the Heathrow 'Hub' for cargo, the role the application site plays given its location and as one of the last remaining pieces of land to be developed.
- 8.77 The applicant states that Heathrow is the UK's only Hub airport and that it plays a pivotal role in air freight and cargo. However, Heathrow has been virtually full for 10 years and it is acknowledged as falling behind its global competitors. The proposed Heathrow expansion is a vital project in the national interest. This national goal will only be achieved with supporting infrastructure and the development of sites within the airport and adjacent at strategic locations, such as Northumberland Close, which is located opposite the Cargo Village and immediately west of the new facilities operated by Dnata and others.
- 8.78 The Statement refers to the predicted future growth in e-commerce and cargo and the increasing speed for 'just in time' transfer and delivery of goods. Locations close to the airport, such as Northumberland Close, will enable faster end to end delivery and expedited customs close to the 'port of entry'. The application site is strategically positioned to meet this need and is recognised as making a potential positive contribution to meeting the needs of 'Heathrow Hub' for cargo and logistics.
- 8.79 The Very Special Circumstances Statement also refers to Lichfield's Heathrow Employment Land Forecasting Study (2017/2019). This report was commissioned by Heathrow Airport to undertake research in order to establish the current scale of existing Airport Related Development, which supports or is supported by the use of the airport. Lichfield were also asked to forecast the requirement for additional Airport related development as a result of the expansion of the airport through the Runway 3 proposals, and in the event that the airport did not expand with Runway 3. The study shows that even without Runway 3 there is a clear need for significant additional space to support the operations of the airport as a 'Hub' for cargo and freight/logistics. Sites have been subsequently identified within Spelthorne Borough to help meet this need. The land at Northumberland Close is identified as an appropriate site to meet future needs.

Response

- 8.80 Whilst it is recognised that there is a need to expand the Heathrow 'Hub' for cargo, it is not considered that the applicant has provided sufficient evidence to demonstrate that the proposal at Northumberland Close would help to meet that need. Indeed, the applicant has not provided any evidence to show the existing capacity constraint at Heathrow. No information has been provided of existing vacancy levels in similar warehouse developments around Heathrow. The Lichfield Heathrow Employment Forecasting Study referred to by the applicant indicates that almost all of the predicted additional cargo requirement could be handled on the existing airport land. Furthermore, the applicant has not explained what role Heathrow Airport has in the 'ecommerce' market in the UK and why this particular development at Northumberland Close is important in supporting that market. It is therefore considered that limited weight should be afforded to this particular consideration put forward by the applicant.

iii) Market trends in growth of cargo and logistics

- 8.81 The applicant states in their Very Special Circumstances Statement that much activity on industrial land is no longer 'industrial' in the conventional sense of the term. As the economy has become dominated by service activity, and manufacturing has declined, so 'industrial' estates have evolved, into areas providing critical, often service-based activities. In this context, the potential demand for hybrid industrial buildings, such as cargo, logistics and 'end to end' servicing is under-estimated by the commercial property supply industry. Hybrid buildings are those that can accommodate different and changing proportions of activities, for example, office, storage and logistics within a single building footprint. Cargo and logistics businesses require modern, high specification buildings, ranging up to and beyond 10,000 sq. m, with strong demand in the 7,000 – 9,000 sq. m size band. Modern buildings are usually single span and typically 12 – 15m to apex haunch. The focus on distribution activities means that new development consists of larger units which require large sites, and there is a shortage of suitable land. The proposals at Northumberland Close, being immediately adjacent to Heathrow Airport, and now included in the Heathrow Masterplan, would fall into the category to help deliver much needed growth in cargo and logistics.

Response

- 8.82 Whilst the applicant states there is a shortage of suitable sites for this type of development, no evidence has been submitted to demonstrate this (e.g. data on the commercial property market). They provide a rent figure of £15.50 per sq. ft. at Heathrow with prime yields at 4.0%. However, a price premium on sites close to Heathrow does not indicate there is a shortage of available capacity. Moreover, no information has been provided to support the size of this particular development. Consequently, it is considered that little weight should be given towards this particular consideration.

- iv) ***The importance of Heathrow Airport to:***
a) the international/world stage,

b) the UK economy and

c) the South East and London economy.

- 8.83 On the international/world stage, the applicant's Very Special Circumstances Statement states that Heathrow is Britain's largest port by value for exports with countries outside the EU and Switzerland, responsible for over 30% of exports to these markets. With fears of Brexit threatening disruption of imports and exports, particularly through sea ports, future investment is vital to ensure both Heathrow and the UK remain on a competitive footing. Outside the need to insure against Brexit, expansion of Heathrow is seen as a chance to double the cargo capacity. The proposals at Northumberland Close would help to meet future 'world stage' needs.
- 8.84 The applicant states that the UK economy is critically dependant on air freight. Discussions on Brexit have brought into sharp focus the UK's reliance on imports and the focus on the current pressure on both ports and a limited number of operators which the country is reliant on to deliver essential food, goods and services. The UK ambition is for £1 trillion exports by 2020 with Heathrow cargo playing a key part in export distribution. Heathrow, its need to expand and grow cargo as well as passenger facilities, can be seen to help facilitate growth across the UK.
- 8.85 With regard to London and the South East, the applicant acknowledges that Spelthorne Borough is located outside Greater London, but suggests it is influenced by the capital and in turn, London influences the wider south east. The Greater London Authority and the wider London/South East area needs to make enhanced provision for employment land at strategic locations to continue to drive the economy, and to mitigate against the loss of other employment land to alternative uses, especially the pressure from residential development.

Response

- 8.86 It is recognised that Heathrow is important on the world stage, and makes a significant contribution to the UK economy. However, these statements made by the applicant are general in nature and there is no direct connection between them and the unique circumstances of the site at Northumberland Close. With regard to the comments about Brexit, it is not at all clear if air traffic will increase as a result of Brexit, even if customs and immigration controls are changed. It is therefore considered that little weight should be given to this particular consideration put forward by the applicant.

v) The strategic co-location of the site with Heathrow

- 8.87 The applicant's Very Special Circumstances Statement refers to the strategic co-location of the application site with Heathrow, and notably the 'Cargo Village', which is situated immediately to the north of the site and the cargo facilities immediately to the east of the site. This unique locational characteristic of the site, and the role which this land can play in meeting the needs of a nationally important growth ambition, present very special circumstances concerning its position relative to both the airport and Cargo Village which justifies its development.

Response

8.88 It is noted that the application site is located very close to the boundary of Heathrow Airport and is almost directly opposite the Heathrow 'Cargo Village' on the other side of the Perimeter Road. The proposal would fit in with that setting and the existing warehouse development to the east of the site. However, there is little information provided by the applicant regarding why this particular site should be preferred for development, compared to other nearby sites in the Green Belt, or even sites in the urban area. There is no consideration of the characteristics that make this particular site so appealing compared to other sites in the area. Furthermore, there is no mention of the proposed occupants of the new warehouse development and no evidence to show why this location is important to them. It is therefore considered that limited weight should be afforded to this consideration.

vi) The contribution of the site to Employment Land Objectives in Spelthorne.

8.89 The applicant refers to the Spelthorne Local Economic Assessment 2016 (LEA), and the Spelthorne Employment Land Needs Assessment 2018 (ELNA). Both of these documents were published by Spelthorne Council.

8.90 The applicant's Very Special Circumstances Statement refers to the LEA report stating that the decision to expand Heathrow Airport will have a positive effect on jobs and investment and the Council must be in a position to capitalise. The applicant also refers to the report where it states that a significant proportion of Heathrow's workforce come from Spelthorne. A relatively large proportion of people working in the transport and storage sector live in Spelthorne. There is a particular concentration of air freight businesses in the Borough. As such, Spelthorne Council formally supports the further expansion of the airport, subject to environmental impacts being satisfactorily dealt with.

8.91 With regard to the ELNA, the applicant refers to the report where it states that over the plan period (up to 2035) it is estimated that just under 14,000 sq m of B8 Warehousing and Storage will be required in the Borough. The applicant's Very Special Circumstances Statement states that central to this is the need to take into account the future of Heathrow and cargo/logistics operation around the Airport's perimeter at Stanwell. The ELNA identifies potential sites to meet future needs, which includes the land at Northumberland Close (referred to as Site Reference NS7 in the ELNA).

Response

8.92 The Spelthorne Local Economic Assessment (LEA) was published by the Council in 2016. The purpose of the LEA was to set out a 'picture' of what the economy of Spelthorne is like. It recognises that Spelthorne's economy is strengthened by its proximity to Heathrow Airport. The Council's Employment Land Needs Assessment 2018 (ELNA) assesses the future demand and need for different types of employment land in the Borough up to the end of the proposed new Local Plan period of 2035. It considers how

much more land is needed and where this should best be located to accommodate the demand. It anticipates that just under 14,000 sq m of B8 Warehousing and Storage will be required. It is relevant to note that the ELNA anticipates that just under 21,000 sq m of B2 Industrial floorspace will no longer be required, but due to the location and nature of the floorspace it is unlikely all of the former B2 floorspace could be used for B8 (and B1). The report refers to the future expansion proposals for Heathrow Airport, and includes details of sites (including the application site) potentially suitable for airport related development. It states that the application site could be used for warehouses to support Heathrow's expanded cargo operation. Indeed, the report considers the suitability of the application site for warehousing if the draft Heathrow expansion plans were to go ahead.

- 8.93 The Spelthorne Economic Strategy was updated in May 2018. It builds upon the first 12 months of the 2017-2022 Economic Strategy and continues to focus on prioritising the key needs for business to settle, grow and thrive. Through this strategy, the aims are to realise Spelthorne's ambitions and release its potential as a leading economy within Surrey and the wider sub-region.
- 8.94 The strategy states that it *"has been produced at a time when the local, national and international economies are all taking stock and preparing for the future with regards to the impact of significant events and decisions such as the Governments preferred location of Heathrow for the UK's additional runway, southern rail access to Heathrow, plans around business rates retention and setting, and of course Brexit"*.
- 8.95 The Heathrow Airport expansion proposals are still at a relatively early stage. The proposal to allocate the land at Northumberland Close for airport related warehousing is also preliminary and could change as the Heathrow Masterplan proposals become more formal in the future. As mentioned earlier, the Development Consent Order application has not been submitted. The ELNA's identified need for a further 14,000 sq m for warehousing and storage up to 2035 is relatively small (the floorspace of the current planning application is more than half this figure) and could potentially be achieved without releasing Green Belt land. It is relevant to note that the applicant does not explain how much employment this particular development will create, nor if the jobs can be accommodated by people living in Spelthorne Borough, or fit the local labour market. For these reasons it is considered that only slight weight should be given in favour of this particular consideration.

v) The potential to remove the site from the Green Belt

- 8.96 The applicant's Very Special Circumstances Statement states that the Council's proposal to review the Green Belt (i.e. its Green Belt Assessment) and the assessment of the land where the application site is located as 'weakly performing' against Green Belt criteria should be a material consideration in any planning application. The applicant therefore considers that emerging policies that will come forward with the new Local Plan are likely to result in the land being removed from the Green Belt and allocated for employment use.

Response

- 8.97 It is recognised that the site together with the wider Green Belt area in this part of Stanwell has been considered to be 'performing weakly' in the Council's Green Belt Assessment Stage 1 report 2018. The purpose of the Green Belt Assessment is to provide evidence of how different areas perform against the Green Belt purposes set out in paragraph 134 of the NPPF. This evidence will then be taken into account by the Council alongside other evidence in preparing its Local Plan. It is important to note that the Green Belt Assessment, in itself, does not determine whether Green Belt land should be released or explore the potential suitability of areas of Green Belt for development.
- 8.98 Whilst assessed as being 'weakly performing', the site is nevertheless currently designated as Green Belt land and the weight of the local and national Green Belt policies should be applied in the same way. At this stage there is no evidence to indicate that the site will be released from the Green Belt in the future. The Council is in the early stages of preparing their new Local Plan and no potential land designations have been published. Not even the Council's consultation on their Preferred Options on potential site allocations (Regulation 18) has been published. Consequently, it is considered that no weight should be given to the applicant's consideration that the site could potentially be removed from the Green Belt.

Conclusion

- 8.99 The development constitutes inappropriate development in the Green Belt and this, in itself, weighs heavily against the merits of the scheme. The development will result in a significant reduction in the openness of the Green Belt and this adds substantial weight against the proposal. Furthermore, the development conflicts with two of the five purposes of Green Belts in paragraph 134 of the NPPF, which adds substantial weight against the merits of the scheme. The warehouse development will cause additional harm in terms of highway safety, overbearing impact on neighbouring properties, unacceptable noise and disturbance, and harm to air quality. It is considered that the considerations put forward by the applicant in favour of the proposal have limited or little weight (individually or cumulatively) and they do not clearly outweigh the substantial harm the proposal will cause to the Green Belt, neighbouring residential properties, highway safety and air quality. Consequently, it is not considered that very special circumstances exist.
- 8.100 Accordingly, the application recommended for refusal.

9. Recommendation

9.1 REFUSE for the following reasons:-

1. The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having an urban character, will diminish the openness of

the Green Belt and conflict with the purposes of including land within it. In particular, it would not comply with the Green Belt purposes: to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2019.

2. The proposed development in terms of its design, scale and location is considered to have a harmful overbearing impact on the amenity of neighbouring residential properties, contrary to Policy EN1 of the Core Strategy and Policies DPD 2009.
3. The noise and general disturbance associated with the proposed warehouse and distribution/logistics development will have an unacceptable impact on the amenity of neighbouring residential properties, contrary to Policy EN11 of the Core Strategy and Policies DPD 2009.
4. It has not been demonstrated that the proposed level of parking provision is adequate to accommodate the demand generated by the proposal. This has the potential to result in parking taking place on highway in the vicinity of the development in a location that could prejudice highway safety and capacity, contrary to the objectives of the National Planning Policy Framework 2019, and Policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies DPD 2009.
5. The proposed development would, if permitted, lead to a significant increase in HGV movements over an access which has unsuitable geometry to accommodate the safe passage of that volume of HGVs, prejudicial to the safety of all highway users and contrary to the objectives of the National Planning Policy Framework 2019, and Policy CC2 of Spelthorne Borough Council's Core Strategy and Policies DPD 2009.
6. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed warehouse and distribution/logistics development will not have a harmful impact on air quality in the area. The proposal could therefore potentially cause harm to the health of nearby residents, contrary to Policy EN3 of the Core Strategy and Policies DPD 2009.

Decision Making: Working in a Positive and Proactive Manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 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.